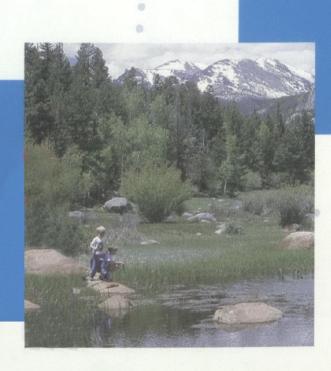


# **Smart Growth Strategies**

**PROTECTING** 

# WATER







Local Government Roles and Options for the Rocky Mountains and Northern Great Plains

#### ABOUT THE NATIONAL ASSOCIATION OF COUNTIES

Founded in 1935, the National Association of Counties (NACo), is the only national organization in the country that represents county governments. With headquarters on Capitol Hill in Washington, DC, NACO's primary mission is to ensure that the county government message is heard and understood in the White House and the halls of Congress. NACo's purpose and objectives are to:

- Serve as a liaison with other levels of government;
- Improve public understanding of counties;
- Act as a national advocate for counties; and,
- Help counties find innovative methods for meeting the challenges they face.

Through its research arm, the National Association of Counties Research Foundation, NACo provides county officials with a wealth of expertise and services in a broad range of subject areas, including job training, environmental programs, human services, welfare-to-work initiatives, housing, county governance, and community infrastructure.

For more information about the Association, or to request copies of this report, please contact:

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**PROTECTING** 

# WATER

Local Government

Roles and Options for the

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Repository Material Permanent Collection "Smart growth helps communities shape the future. With appropriate planning, local governments can make land use control and development decisions that will improve their communities' overall quality of life by protecting the best of their unique economic, political, social and environmental characteristics."

- Javier Gonzales, Commissioner, Santa Fe, NM and President of the National Association of Counties

# Do you know...

- how population growth and development affect water resources in the West?
- what responsibility and authority local governments have to protect water resources?
- which smart growth strategies can help local governments protect water resources?
- why local governments should encourage and collaborate with other jurisdictions and with private landowners to protect water resources?

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"Protecting the West's water should be the cornerstone for any western planning strategies. Our future depends upon it. We cannot afford to squander it through thoughtless development."

- Bill Murdock, Commissioner, Gallatin County, MT

# **Development Impacts Water Resources**

The Rocky Mountains and Northern Great Plains owe their economic well being to their stunning natural beauty and valuable natural resources that attract people and industry. In the past 10 years alone, the six-state region - Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming - has grown by over 1.3 million people (Figure 1). Colorado and Utah have added over 23 percent more people, mainly in cities and suburbs.

The region's arid environment means that water quality and availability are inextricably linked with open space, wetlands, rivers, and streams. Precipitation averages less than 20 inches annually. Rampant development threatens these natural features. The result is sprawl, pollution, erosion, and flooding. By managing growth to protect water resources, local governments can minimize the negative impacts of development, such as:

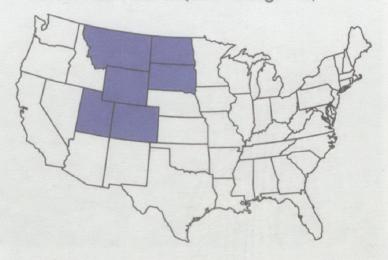
Environmental degradation. Development can destroy open space, wetlands, and wildlife habitats. Housing subdivisions, roads, highways, and shopping centers

consume space and increase impervious surfaces (e.g., rooftops, roads, parking lots, driveways, and sidewalks) contributing to erosion and flooding. Development that encroaches on flood plains destroys natural habitats, degrades water quality, and causes individual and commercial economic losses. Floods in the US cause over \$4.3 billion in damages annually, with local economies bearing much of that cost.

Water pollution. Non-point source pollution (pollution caused by run-off and flooding) causes about 60 percent of all water pollution in the US. Non-point source pollution is a particular threat in areas prone to water shortages. As development increases, so does the likelihood of non-point source pollution. The most common non-point source pollutants are sediment and nutrients. Poor construction practices can allow increased sediment loads to run-off construction sites. Sources of nutrients include excessive fertilizer use in residential, agricultural and recreational areas; golf course run-off into streams is a prime example. Development increases impervious surfaces (such as roads, parking lots and rooftops). Impervious surfaces prevent storm water from seeping into the ground or being absorbed by vegetation. When storm water becomes runoff, it picks up nutrients and sediment as it travels toward bodies of water.

Drinking water contamination. In addition to its negative impacts on surface water, development can affect the underground water sources that provide household water to half of all Americans and 95 percent of rural residents. Microbial contamination in drinking water causes a half million cases of illness annually. Poorly designed or inappropriately located septic tanks can contaminate water supplies.

Figure 1: Rocky Mountains and Northern Great Plains States (US EPA Region 8)



## **Terminology**

- Watershed an area that drains into a body of water, such as a river or lake. Almost all land is a part of a watershed. A basin is a very large watershed; the South Platte River Basin, for example, includes 27,300 square miles in three states. Most precipitation in a healthy watershed soaks into the ground, nourishes vegetation, recharges aquifers, and maintains surface water flows.
- Wetland an area with water at or near the surface of the soil for at least part of the year. Wetlands are known as "the kidneys of the watershed," because they store and process water to keep it safe and healthy throughout the watershed. Wetlands also control erosion, protect against flood and storm damage, reduce water treatment costs, increase groundwater availability, support fishing, sustain plant and animal diversity, and create recreation areas. Rocky Mountain wetlands include wet meadows, riparian areas (wet areas near rivers, ponds, or lakes), marshes, and prairie potholes, and are found in both rural and urban areas.
- Brownfield an abandoned, idled, or underutilized industrial and commercial property where expansion or redevelopment is complicated by real or perceived environmental contamination. Many are adjacent to waterways and well-served by transportation systems and other infrastructure, making them ripe for infill development that is a sound alternative to suburban sprawl. Brownfields restoration can also be

"Whenever development occurs, it changes the environment and the supply and quality of our water. Unless we manage development to minimize or avoid these changes, degradation of our water resources is inevitable."

- Gary Hanson Mayor, Sioux Falls, South Dakota



used to create, restore, and preserve green space - especially valuable in crowded urban and close-in suburban areas.

# **Local Governments Need to Protect Water Resources**

Water is a community asset that is critical to public health, economic stability, environmental quality, and quality of life. Sustainable communities protect their watersheds and conserve wetlands, flood plains, and other aquatic resources.

Clean, safe drinking water protects public health. New drinking water sources to meet growing demand may not be readily available; protecting existing water sources is a necessity.

Water supports a strong economy. Farmers, ranchers, and commercial activities need water to produce crops, livestock, and manufactured goods. Healthy ecosystems attract tourism and recreation dollars. Plus, maintaining clean water is almost always less expensive than cleaning up polluted water.

## \* Case In Point

# Brownfields Redevelopment: Sioux Falls, South Dakota

Sioux Falls has been working to redevelop a mixed commercial, industrial, and rail corridor adjacent to the Big Sioux River in the City's central business district. The corridor has been largely redeveloped as a recreational river greenway bordered by new commercial and office developments, and has become a source of civic pride. However, several large brownfields lie in a crucial location, physically dividing two areas that have been substantially revitalized. These sites have remained undeveloped because of the uncertainties of contamination and liability.

Impacts to water quality of the Big Sioux River from these brownfields sites have not been documented. However, the inherent nature of operations from the scrap metal recycling facility and other properties leads to negative impacts to the Big Sioux River from surface water run-off. The cleanup and reuse of these brownfields sites as a public park will reduce or eliminate any negative impacts these sites have on the river. The redevelopment will also enhance the aesthetic value of the riparian corridor and the value of surrounding properties.



Water contributes to the local tax base. Many communities have revitalized their old downtowns and attracted investment by reclaiming waterfront areas for commercial, residential, and recreational use.

Water helps attract and maintain population. Americans expect to turn on the faucet and drink the water. Safe, sufficient drinking water helps retain residents and visitors; poor water quality keeps people away.

Water resources protection yields environmental benefits. Safeguarding wetlands helps maintain biodiversity by protecting plant and wildlife habitats and also helps keep water supplies clean.

Water resources protection increases quality of life. Keeping flood plains in their natural state, for example, maintains open space for recreational uses as well as reducing flood damages.

# **Local Governments Have the Power to Protect Water Resources**

Most local governments have authority for the four essential components of water resources management:

■ Identifying, developing, and protecting sources of water supply;

■ Siting, building, operating, and maintaining public water supply and wastewater treatment facilities;

Directing how land is used; and

Coordinating multi-jurisdictional efforts within the watershed.

## \* Case In Point

#### Open Space Preservation: Larimer County, Colorado

Open space conservation is often the cheapest way to safeguard drinking water and achieve other environmental goals. In a variant of the Transfer of Development Rights (TDR) strategy (see page 7 for more on TDRs), Larimer County's Transfer of Density Units (TDU) program maintains open space in the Fossil Creek Reservoir area by enabling landowners to transfer development potential from one parcel of land to another. This helps preserve natural and environmental resources, agriculture, open space, scenic vistas, and recreational lands.

The TDU program steers future development toward areas designated for higher density by compensating landowners for preserving some or all of their land. The TDU seller agrees not to develop the land, and the TDU buyer purchases the right to build at a higher-than-normal density.

The County may grant "bonus" TDUs to landowners who agree to protect natural, environmental, or agricultural resources. When a landowner sells some or all of the property's development potential, the County places a land use covenant, such as a conservation easement, on the land to keep it in its natural condition or restrict it to fishing, hunting, or public access use.

Through the TDU program, the County has protected over 300 agricultural acres and 100 acres of open space and natural areas, including wetlands. A major goal is establishment of a development-free buffer around Fossil Creek Reservoir to protect the reservoir's non-potable water for irrigation.



## \* Case In Point

#### Collaborative Watershed Management: Bear River Watershed: Wyoming, Idaho and Utah

The Bear River's 7,600-square mile watershed in Wyoming, northern Utah, and southern Idaho faces multiple environmental problems: soil erosion, increased sediment and nutrient loadings, riparian vegetation removal, and stream channelization. Plus, the Bear River's use as a drinking water resource could be increased.

In partnership with state and federal agencies and industry and citizen groups, the three states established a watershed coordination committee to share information and coordinate efforts. They initiated a watershed restoration project on the Little Bear River portion of the watershed. This pilot, focused on non-point source run-off issues, visibly reduced pollution, which generated enthusiasm for the larger watershed project.





# **Local Governments' Smart Growth Checklist for Water Resources Protection**

Smart growth balances development with the protection of environmental and community resources. When communities plan for development based on local needs and priorities, they can accommodate growth while protecting water quality and water supply. Restoring inner cities and older suburbs, cleaning up and reusing abandoned brownfields, protecting open space and flood plains, and keeping development from encroaching on wetlands and prime agricultural lands are smart growth practices that can reduce the negative impacts of development.

Water is a regional as well as a local issue, and smart growth - like water itself - crosses jurisdictional lines. Effective water resources protection requires a comprehensive, inclusive watershed management approach based on collaborative action. In fact, water laws in the West make local governments legally responsible, in many cases, for the quality and quantity of water that flows downstream as well as for their local water supply.

To accommodate development while protecting water resources, local governments need to work with other jurisdictions, private landowners, and nonprofit agencies. Here are some smart growth ways to do that:

- Establish community goals for water resources in the watershed. Identify your watershed areas. Map your wetlands and other critical water resources. Analyze water quality and pollution sources. Set measurable, water-specific goals. Establish a broad vision for integrated resource management.
- Develop a comprehensive water resources protection plan to implement your vision. Include strategies to protect wetlands and drinking water and reduce non-point source pollution. Develop water quality plans at the watershed level across jurisdictional boundaries. Coordinate with land use and transportation plans to make water supply protection integral to those plans. Get sufficient public input to generate broad community support for the plan. Set priorities among competing interests. Take federal and state water quality requirements into consideration.
- Adopt policies to support your plan. Emphasize water protection practices that reduce the need for treatment. Policies can be both regulatory and non-regulatory. (See *Tools You Can Use*, later in this booklet, for examples). Identify nearby jurisdictions, private landowners, and other stakeholders to participate in the policy development and implementation process.

- Manage development to protect watershed health. Know the cumulative impacts of growth management decisions. Identify impacts of development on water quality and on the watershed as a whole. Protect environmentally sensitive areas, especially riparian areas and adjacent wetlands that are critical to watershed health. Work with watershed groups and other jurisdictions and agencies.
- Promote restoration. Eliminate or reduce existing impervious surfaces, promote habitat restoration, and target restoration efforts to areas critical to watershed health and integrity. Support brownfield redevelopment.
- Monitor and evaluate your progress. Establish baseline environmental indicators for each water goal to help monitor watershed health and relate trends to smart growth practices. Use the data to modify and refine your strategies as circumstances change.

# **Local Government Tools for Smart Growth**

Counties, towns and cities have many options for implementing their water resources and land use plans. While regulation is an important part of any strategy, many effective non-regulatory tools and a range of funding sources can also support your plans.

#### **Ordinances and Regulations**

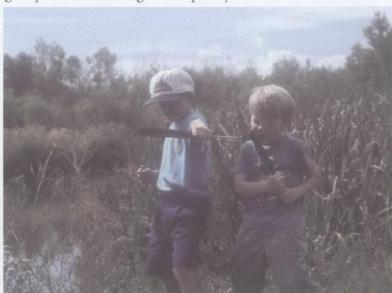
- Zoning: Establish urban growth boundaries, urban service areas, or other protective zoning ordinances. Steer development toward areas with adequate infrastructure. Focus development on areas with poor quality soils. Use basins or trenches to hold storm water and allow it to seep into the ground. Encourage the use of permeable pavement surfaces.
- Alternative zoning: Identify and protect critical natural areas (e.g., wetland areas within residential zones). Cluster development (e.g., require builders to cluster housing and leave areas for open space). Establish buffer and setback zones. Impose density standards. Offer transfer of development rights (TDRs), in which landowners forego development in threatened areas in exchange for higher density or other exceptions in non-sensitive areas.
- Subdivision requirements: Require specific standards for site design to protect water resources. For example specify on-site wastewater, constructed treatment wetlands, or septic systems as part of site design, require construction and vegetation buffers to control sedimentation and erosion, and establish dedicated areas for recreation and open space.

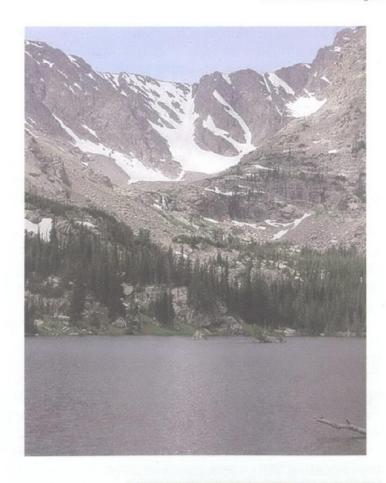


- Building codes: Limit the number of construction permits. Require phased development, grading and seeding, and, where possible, porous pavement. Discourage development on steep slopes.
- Storm water controls: Develop erosion and sedimentation ordinances, including structural and nonstructural management practices such as grass swales, infiltration basins, run-off ponds and constructed treatment wetlands, and nutrient loading standards.
- Run-off controls: Require golf courses and recreation areas to adhere to design, vegetation, fertilization, and watering standards. Establish requirements for agriculture, construction, logging, mining, and road maintenance to reduce contaminated run-off.
- Contaminant regulations: Restrict use and ensure safe handling and disposal of toxic materials.
- Source-specific pollution regulations: Require design standards, on-site inspections, underground fuel storage, well permits and closures, and sewage and septic tank permits that control pollution. In highly vulnerable areas, consider additional requirements on septic tanks to protect both shallow groundwater and surface water. Minimize power plant emissions that contribute to acid rain and global climate change.
- Impact fees: Require developers to pay for the impact of their projects on the community infrastructure (e.g., developer's fee for schools, sewers, roads).
- Invasive species: Non-native plants such as purple loosestrife and salt cedar are highly aggressive invaders of wetlands and streams that can destroy wildlife habitat and crowd out native vegetation. Learn to recognize these and other invasive plants and how to control them. A number of states and counties have ordinances prohibiting the sale of non-native plant species.
- Isolated wetlands: Isolated wetlands and other isolated bodies of water may not be protected by the Clean Water Act. Local governments, through zoning, easements, and resource conservation plans can fill in the gap and protect these valuable aquatic resources.

#### **Non-Regulatory Tools**

- Pollution prevention: Reduce pollution caused by road maintenance, salting, public works, and recreation facilities. For example, check equipment regularly to prevent fluid leaks. Provide safe disposal areas for automotive waste, leftover paint, and pesticides.
- Site restoration and protection: Protect and replant native vegetation along stream banks. Remove invasive weeds and grasses. Create vegetation buffers. Protect water quality and wildlife habitat in marshes and other wetlands.
- Open Lands: Purchase open space or provide landowners with tax benefits for retaining it. Use conservation easements (i.e. purchase development rights for environmentally sensitive land such as flood plains; where the individual owner retains title and keeps the land in production or in its natural state). Develop partnerships with land trusts to protect and maintain open space and other critical natural areas.
- Transportation planning: Coordinate with transportation planners and encourage them to increase public transportation and limit new roads. These steps will reduce the air pollution that affects surface water quality and the impervious cover that affects non-point source pollution and flooding.
- Water Conservation: Plant native trees and plants around public facilities to conserve water and reduce the need for fertilizer.
- Public education: Publicize the benefits of landscaping with native trees and plants, using vegetation buffers to reduce pesticide run-off, and stabilizing stream banks. Help individuals and organizations identify and report environmental hazards. Involve schools and community groups in monitoring water quality.





### \* Case In Point

#### Wetlands Acquisition by Public Land Trust: Littleton, Colorado

High above the South Platte River, surrounded by development, the Chambers Farm included 30 acres of rolling meadows, a stream, and a pond. Willows and wild birds thrived in the wetland area. When a developer optioned the historic 30-acre property for a 120-house subdivision, multiple stakeholders came together to raise the necessary \$2.54 million to save the historic property as a natural retreat for fast-growing Littleton.

First, the City of Littleton pledged its entire 1999 open space budget of \$1.5 million and took title to the land. The South Metro Land Conservancy, a local land trust, worked with the national Trust for Public Lands, the Chambers Farm Preservation Association, and others to raise donations from state lottery funds, local artists and merchants, foundations, and individual donors. Ultimately, the Littleton city council approved a compromise plan mixing athletic fields, trails, and natural open space to preserve the wetland as open space.

## \* Case In Point

#### Flood Plain Easements: Red River Basin, North Dakota

Nearly 300 landowners in North Dakota's Red River Basin helped restore natural flood plains while reducing the economic hardships and environmental impacts of frequent flooding. Rather than continue to farm land that frequently floods, farmers sold over 12,000 acres of flood plain easements to the Natural Resources Conservation Service through a program of the 1996 Farm Bill. As a result, landowners reduced risks to life and property while protecting the natural flood plain and its native plants. Many are even considering restoring their lands to pre-settlement or pre-agronomic conditions.

"Growth and development's effects on water quality occur over time, and often become apparent only when degradation has reached critical levels, requiring costly local government intervention. Land use regulations and master plans that provide for continual water quality monitoring and assessment in new developments, along with ways to address issues as they arise, are the foundation for smart growth."

- Lurline Underbrink-Curran County Manager, Grand County, Colorado



#### **Legislation and Public Funding Tools**

- The Clean Water Act (CWA) regulates surface waters to restore and maintain their chemical, physical, and biological integrity, and requires local governments to get permits for water treatment facilities. Section 404 of CWA sets standards for discharging dredged or fill material into wetlands and other waters.
- The Safe Drinking Water Act (SDWA) protects drinking water from contaminants and regulates local governments that provide water to the public. SDWA emphasizes comprehensive watershed management and requires states to help local governments determine current or future development impacts on local drinking water sources.
- Local governments can access CWA and SDWA state revolving funds. Because water resource protection issues cross jurisdictional lines and involve multiple stakeholders,

those revolving funds support intergovernmental and public/private partnerships.

- US EPA Region 8's brownfields program includes grants to States, Tribes, and local governments for the assessment of brownfields sites. EPA can also provide assessment services. Clean-up funds are available through the Brownfields Clean-up Revolving Loan Fund Program.
- Other federal and state funding tools: Learn about the Transportation Equity Act of the 21st Century (TEA-21) and USDA's National Resources Conservation Service. Apply for Watershed Assistance, Wetlands, and CWA Non-Point Source Pollution grants. Contact your state departments of Health, Environment, and Natural Resources for information and assistance.
- Local funding tools: Consider local options such as taxes, rates and surcharges, bonds, fees, and voluntary donation programs.

# Smart Growth, Water Resources Protection, and the Quality of Life

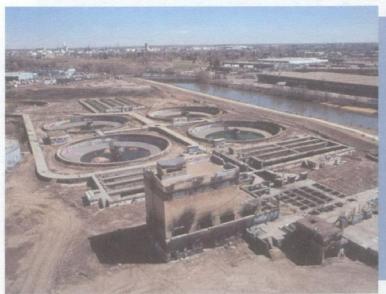
Smart growth strategies, in addition to protecting critical wetlands, riparian areas, flood plains, drinking water supplies and other water resources, can play a vital role in maintaining and/or restoring the quality of life in local communities. With increased stress and tension in today's society, many individuals find comfort and tranquility in visiting natural, undisturbed areas close to home. Smart growth strategies that protect water resources can also provided the undisturbed open spaces that are increasingly important to our quality of life.

### \* Case In Point

#### Brownfields Redevelopment, North Denver, Colorado

North Denver's 70-acre Northside wastewater treatment plant along the South Platte River was polluted by multiple contaminants. An extensive partnership led by the City and County of Denver redeveloped the abandoned sewage plant into a new 13-acre park, a wetland, a storm water detention pond, and a National Guard Armory. Approximately 22 acres will be sold for industrial park development, and 25 acres were purchased for the Heron Pond Natural Area.

The partnership included Denver, its South Platte Commission, the Globeville neighborhood, Urban Drainage and Flood Control, Adams County, three state agencies, and Great Outdoors Colorado. This award-winning brownfields redevelopment project, named "best use of a sewage plant" by Westword 2000 magazine, turned an eyesore into a green space that incorporates the industrial legacy of the site.



BEFORE



AFTER

# Water-Related Resources for Local Governments



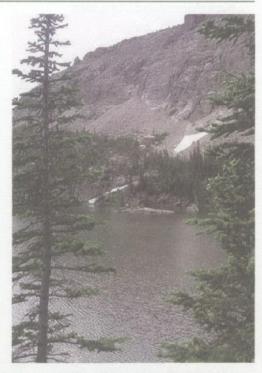
#### **NACo Publications**

- County Five Star Restoration Projects: Best Practices Guide
- Leadership in Watershed
  Management: The County Role
- Local Tools for Smart Growth: Practical Strategies and Techniques to Improve Our Communities
- Protecting Drinking Water: County Partnerships that Work
- Protecting Wetlands, Managing Watersheds: Local Government Case Studies
- Source Water Protection: A Guidebook for Local Governments
- Stormwater Management: Three Profiles of County-Based Initiatives

To order call 202-942-4256 or visit www.naco.org/programs/environment

#### **Internet Resources**

- Catalog of Federal Funding Sources for Watershed Protection: Second Edition (EPA), www.epa.gov/ owow/watershed/wacademy/ fund.html
- Center for Watershed Protection, www.cwp.org
- Eight Tools of Watershed Protection in Developing Areas (EPA Water shed Academy), www.epa.gov/ owow/watershed/wacademy/ acad2000/protection
- EPA Information on Low Impact Development, www.epa.gov/nps/ lidlit.html
- EPA Programs and Resources for Smart Growth, www.epa.gov/livability
- EPA Wetlands Division, www.epa.gov/owow/wetlands
- Financing Brownfield Cleanup and Redevelopment (Northeast-Midwest Institute), www.nemw.org/brownfin.htm
- Groundwater Foundation, www.groundwater.org
- Know Your Watershed, www.ctic.purdue.edu/KYW/
- Local Government Environmental Assistance Network, www.lgean.org
- Model Ordinances to Protect Local Resources (EPA), www.epa.gov/owow/nps/ordinance



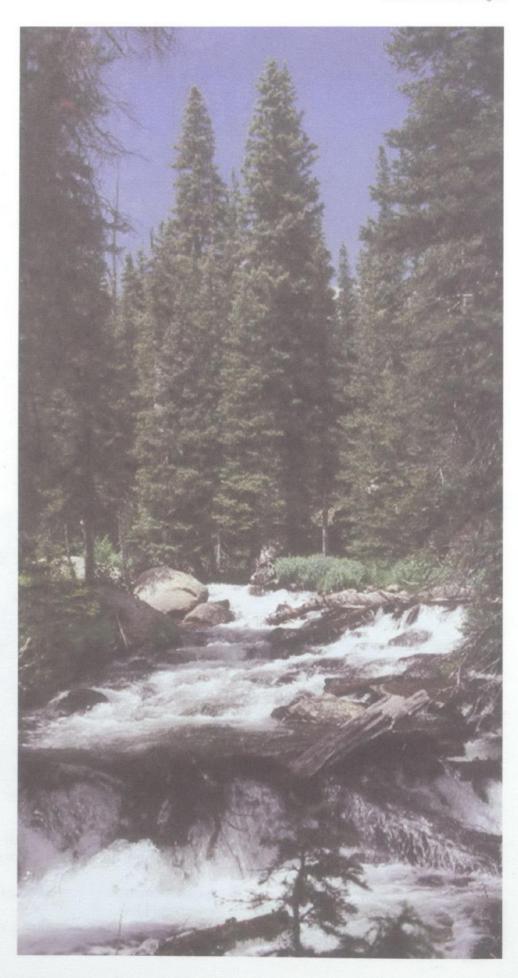
- Non-point Education for Municipal Officials, www.nemo.uconn.edu
- Potential Roles for Clean Water State Revolving Fund Programs in Smart Growth Initiatives, (EPA) www.epa.gov/owm/pdfs/smartgro.pdf
- Smart Growth and the Clean Water Act (Northeast-Midwest Institute), www.nemw.org/SGCleanWater.pdf
- Smart Growth Network, www.smartgrowth.org

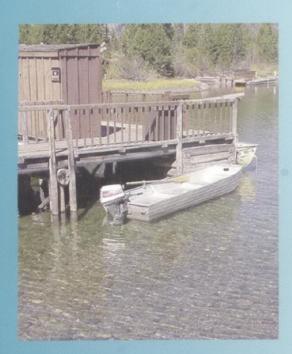
#### **Resource Centers**

- US EPA Office of Water Resource Center (202)260-7786; www.epa.gov/ogwdw/rescnter.html
- National Small Flows Clearinghouse, (800)624-8301 or www.nsfc.wvu.edu

#### **Case In Point Contacts**

- Larimer County, CO
  Larimer County Parks and Open Lands
  1800 S. County Road 31
  Loveland, CO 80537
  Phone: (970)679-4561
  Web site: www.co.larimer.co.us/
  parks/openlands/tdu.htm
- Littleton, CO
  Littleton Center
  2255 W. Berry Ave.
  Littleton, CO 80120
  Phone: (303)795-3700
  Web site: www.littletongov.org/index.htm
- Bear River Watershed
  Bear River Resource Conservation
  and Development (RC&D)
  1860 North 100 East
  North Logan, UT 84341
  Phone:(435)753-3871
  Web site: www.bearriverrcd.org/
- Red River Basin, ND
  Red River Basin Board
  119 5th St South, Box 66
  Moorhead, MN 56561-0066
  Phone: (218)291-0422
  Web site:
  www.redriverbasinboard.org/
- Morth Denver, CO
  Mayor's South Platte River Initiative
  Denver Parks and Recreation Dept.
  Phone: (303)964-2497
  Web site:
  www.denvergov.org/
  South\_Platte\_River/template21157.asp
- Sioux Falls, SD
  Sioux Falls Planning Department
  224 West 9th Street
  Sioux Falls, SD 57104
  Phone: (605)367-8888
  Web site: www.sioux-falls.org







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