

PLANNING COMMISSION MEETING MINUTES

Monday, June 11, 2018

6:00 PM

Planning Commission Members Present: Valerie Hoy-Rhodehamel, Karen Ashley, Chris Ford, Matthew Knudsen, Shawn Van Pelt

Excused Absence: None

Staff Present: Ben Shumaker

Community Members Present: Bernard Versari, Rick May, Mary Repar

Guest: Sam Kolb, Washington Department of Fish and Wildlife

Call to Order: 6:00 p.m.

Preliminary Matters

1. Chair Selected Public Comment Option #2

2. Minutes May 14th & 29th Meeting Minutes

On the May 14th meeting minutes, **Versari** shared that he was quoted incorrectly. He asked for the sentence, “He stated that the hard copies were available for pickup on Friday this month but, again, the bylaws require by Thursday” to be stricken from the record.

MOTION: **FORD** moved to accept the minutes for May 14th with the correction. **ASHLEY** seconded. No objection. Approved unanimously.

On the May 29th meeting minutes, **Versari** highlighted discussion toward the end of the meeting and asked for additional comment to be included. During the discussion of Habitat Conservation Areas within the Critical Areas Ordinance, which included Shumaker’s assessment of the projects he looked at, Versari had made the point that only two projects led to a critical buffer change without mitigation to the buffer.

MOTION: **VAN PELT** moved to accept the minutes for May 29th with the addition. **FORD** seconded. No objection. Approved unanimously.

3. Public Comment Period

None

New Business

4. None

Old Business

5. Critical Areas Ordinance Fish & Wildlife Habitat Conservation Areas, Programmatic Consistency

Shumaker highlighted the following sections of the memo with consensus or discussion to follow.

Shumaker noted that Exhibit B is more or less the final product of the definitions added due to comments over the past few meetings as well as from the public comment period. **VAN PELT** asked if the best science piece from Jefferson County was going to be part of the final document and **Shumaker** explained that it was not the intent but there is cross section on overall page 32.

Exhibit C and D had no changes.

Exhibit E highlighted changes as anticipated in regards to the limitation on frequency of tree trimming. The current draft Shoreline Management Program (SMP) states that the Critical Areas Administrator can say whether a report is needed as a new option. Input from the Department of Ecology led to the addition of the provision for fire safety under expedited review. **HOY-RHODEHAMEL** asked if an arborist is required and **Shumaker** confirmed no. **May** asked for clarity around what permits need to look like and **Shumaker** explained that those that are requesting permits should make sure they can give the information in whatever way they are comfortable with, whether that be writing out a summary or providing a drawing with details included.

Overall page 42, under Third-Party Review, there is now “either/or” language included on who pays for third party reviews and the city can chose to share the cost. **Repar** asked whether this a matter to be discussed with the city attorney and whether cost sharing is allowed or not based on how the decisions is made. **Repar** added that it could be unclear how City Council would handle such a decision and it would have to go through them. **KNUDSEN** suggested adding language explaining that there is a right to appeal to the Board of Adjustment. **HOY-RHODEHAMEL** asked how often people go through third party review and **Shumaker** explained that it has happened once. There was a consensus to move forward with the case-by-case cost sharing.

Exhibit G indicates minor changes to the review process as previously discussed.

Exhibit H highlights changes as outcome from the May meeting. Additional changes were made throughout the document to align with where it was also discussed in other areas of the report, such as Wetlands and Off Site.

Exhibit I had no changes since May.

Overall page 46, Mitigation Sequencing has been changed to be consistent with the language in the SMP and the policy remains the same.

Exhibit K was changed to be more flexible. The “shalls” became “shoulds” and the qualified professional can make decisions on what's most appropriate.

Exhibit L had a typo corrected.

Exhibit M, Bonds, includes language that hasn't changed since the 2008 ordinance. The “other security” within statements such as “bonds or others security” was explained with an escrow account example. Discussion continued around the issue with bonds and the requirement for a borrower to have more than the cost of the project available to acquire one. Although the bond is one option available, there was discussion around other options being more reasonable. As **May** noted, the language “amount deemed acceptable to the city” means the city can take a cost and put it into a separate bank account and pull it out as needed. **VAN PELT** added that whether to put up cash or to put up a bond is still a draw. **Shumaker** clarified that it is a bond for uncompleted mitigation and it is a bond for maintenance and insuring mitigation worked. Further, **Shumaker** noted language which demonstrates application to both completing the project before final approval and the city holds money for continued maintenance as well as penalties for not completing the project before final approval. A bond, or other security, is still required even with the money off to the side. **Shumaker** also noted overall page 59 which it explains that the qualified professional in mitigation planning needs to provide a cost estimate, which will help the applicant in knowing how much money needs to be put aside. The applicant’s qualified professional will also be responsible for the monitoring. **Shumaker** added that if loan financing is involved then city permit conditions become eligible costs to draw loan funds toward. **HOY-RHODEHAMEL** stated that the way the titles were written, it appears that some steps require bond only even though the other options are listed out within the description. She suggested changing the title to “Bonds, Financial Security” so that the section doesn’t look like just bonds. **Shumaker** suggested changing financial security in the section title and also in the A, B, C, etc. as well as the language throughout to replace “bonds” with “bonds or other funds”.

Exhibit P, Violation penalty was agreed on at the May meeting to be less specific but is otherwise the same.

Exhibit Q, The Commission discussed the habitat buffer table for riparian areas and how it applies to endangered species, this could include owls, for instance, and not just salmon. **FORD** noted that some species of salmon are endangered while others are not and this is always changing. **Shumaker** noted that for specific fish species it is in the water work and not the stream buffer. **Kolb** added that it wouldn’t be hard to argue that there is a relationship between riparian species inland and endangered species in the water and the need for buffers for both. **Shumaker** explained that there is a list of things that should occur with priority habitats and species documents and that the language in this section is meant to be general enough to evolve over time with the qualified professional determining what is best. **Kolb** explained that there are recommendations vested through best available science but it’s different for every species. **Shumaker** added that the habitat report has a list of sources used for information on mitigation planning so that will be used and then the city will call Fish and Wildlife. Table note 4 on page 56 to be changed from “unrelated to stabilization function” to “do not provide significant bank stabilization functions”.

For Exhibit R, many things were moved around to be consistent with the wetland section, including the mitigation plan was moved up as requested and the table was deleted that didn’t have a source available. The bar was raised with buffer averaging but it now makes it more flexible. **Shumaker** noted page 46 which identifies that every proposal gets reviewed and seeks to avoid and minimize impact so this avoid and minimize process should already be completed

before going to buffer averaging. The functionally isolated buffer changed to match wetlands with words on policy and is now more flexible and there is additional flexibility through the onsite mitigation already described through the enhancement explanation. The definition of “feasible”, which is already in the SMP, will be added to this report as well. The reduction through enhancement is reduced to 70% instead of reduced up to 30% to be consistent with other language. On overall page 57, offsite mitigation changes to be more flexible with the location, previously stated as urban only now it states a preference of urban. **Shumaker** explained that this change is based on a source of best available science. **Shumaker** also noted that mitigation projects haven’t been successful, on a city or state level, because there hasn’t been ongoing monitoring or a contingency plan. **HOY-RHODEHAMEL** noted that, on page 57, those who maintain buffers do so at no advantage and those who degrade get a benefit. **Shumaker** and **Kolb** noted the buffer reduction and buffer averaging. **KNUDSEN** suggested those who maintained, but don’t get a reduction, could receive a different advantage such as a tax benefit therefore encouraging a positive example. **May** questioned how this would be done and who would monitor it. **HOY-RHODEHAMEL** stated that she wanted the point to be heard but did not have an answer at this time and it was okay to move on. **Kolb** explained that buffer averaging is when, for instance, there is a cut in 25 feet in one area then bumped out 25 feet in another area. **HOY-RHODEHAMEL** suggested allowing enhancements in areas that aren’t degraded and **Kolb** suggested changing “degraded conditions” to “appropriate mitigation or enhancement”. **Shumaker** also suggested adding something about the ratio of preservation to offsite mitigation so that one could sell that area. **Shumaker** explained mitigation banking as, for instance, having a section of stream that the city has an enhancement plan then someone can pay for the impact on their property in order to improve it somewhere else. This is paying for someone else to mitigate off site. **HOY-RHODEHAMEL** noted that at a ratio of 2.5 it’s doesn’t seem likely that many people will take us up on this offer. Overall page 58, buffer standards table is generally from the SMP and deals with hard barrier habitat areas in enhanced state that you can’t do anything with and it also allows for more flexibility. **Versari** noted the hazard tree language stating similar species replacement and suggested additional flexibility on type of tree. **Kolb** added that language should be added about native species replacements. The additional text with the habitat mitigation section reflects what's in the wetlands code.

HOY-RHODEHAMEL noted page 59, part f highlights bond estimate and suggested same addition of language such as “bonds or other funds” that was discussed in review of the bond section. **Shumaker** to look at it and add if appropriate.

At this time, the Planning Commission reached consensus to move document forward to City Council, after Shumaker makes the changes discussed. Next steps include SEPA in the paper next week and, after additional comments from state and federal departments, it will be ready to bring back to Commission or move forward to City Council.

Discussion

6. Staff & Commission Reports SMP Public Comments, Sewer Value Planning, City Council looking at the Road Diet

The SMP public comments still left to address were also discussed as a part of tonight's discussion. **Shumaker** clarified that the SMP cannot be adopted until the Critical Area

Ordinance is adopted. There is work still to do on finishing the public and DOE comments and the update on the responsiveness summary to keep in the record. Last time the Commission reviewed these comments, they stopped on 53 and now the list goes to 63, based on the comments from the DOE and one from a property owner. The property owner was the one with boundary line adjustment and the Commission applied residential to the whole property and he saw staff recommendation to be natural or residential and thought natural was picked.

The city needs 12 million dollars toward a new sewer treatment plant and 10 million in collection system raises rates from \$30 in 2016 to \$115 dollars by 2021. The sewer plant is currently over rated capacity and is unable to treat the over rating means being over in affluent. We need to do improvements to reduce waste or improve ability to treat it. The city is currently working with the largest business users and the work continues with BOD testing. **Repar** added that other choices have been presented to the city during a recent value planning meeting and there will be a report written in three weeks from the Center of Sustainable Infrastructure to help consider what is most cost effective. The funding strategy is to bring in as much outside money as possible and the CERB Plan, the DOE Design Grant are money secured that won't have to come from the citizens. We are also looking into an EDA Emergency grant. The project timeline is in a domino effect which could lead to construction by 2020-2021. Compared to last year's sewer plan that was more concrete, the value planning steps back and looks into more options. **Repar** added that this process seemed to make industries feel more positive about the project and less finger pointing. **Shumaker** highlighted that Stevenson will be a case study on value planning. **Shumaker** noted that we are not the only community dealing with this issue and this planning approach may become a necessary step when faced with these issues. **Versari** asked for clarification around the expected rate increase and **Shumaker** explained that this year will be up 50% and next year another 25%. According to DOE our rates for sewer only will no longer be considered affordable when they exceed \$68. For USDA the amount is closer to \$49.

The City Council heard public comment on the road diet and the Commission's previous decision not to move forward but the Council would like to look at it in July. **Shumaker** asked if the Commission was interested in contributing. **KNUDSEN** stated that he is still holding to not touching it twice. **May** explained that the Council was going through a list of all the road projects and some citizens were upset about not getting to certain projects. Further, **May** explained that, in the interim, we're taking a lot of land to create roads and it's not necessary and needs flexibility.

Versari asked about the new trail to the waterfront. **Shumaker** explained that volunteer labor from PCTA and WTA finished it up and the to do list for the pathway now is to get the remaining gravel spread and vegetation chipped and possibly poison on the blackberries. Removing the guardrail is a long term plan as well as adding sidewalk with guardrail protection.

7. Thought of the Month

None

Adjournment 7:40 p.m. (1 hr 40 min)

Approved _____; Approved with revisions _____

Name

Date

Minutes by Claire Baylor