REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES December 14, 2006

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:30 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember White.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina (left meeting at 9:59 p.m.), Carmen Scott and Susan White (left meeting at 9:59 p.m.). Absent: Councilmember Dan Sherman. Also in attendance were City Manager Tony Piasecki, Acting City Attorney Richard Brown, Development Services Manager Robert Ruth, Land Use Planner I Jason Sullivan, Land Use Planner II Denise Lathrop, and City Clerk Denis Staab.

> **MOTION** was made by Councilmember White, seconded by Councilmember Pina and passed unanimously, to excuse Councilmember Sherman.

POTENTIAL POWER OUTAGE

> City Manager Piasecki expressed concern about tonight's high wind prediction with a public hearing set for tonight should the power go out. He advised that due to re-notice requirements time could be lost.
>
> **MOTION** was made by Councilmember White, seconded by Councilmember Pina, in the event that the Council meeting is cut short due to loss of power, the public hearing to consider Draft Resolution No. 06-260 - Preliminary Plat Mediterranean Heights, will be automatically continued to the meeting of January 4, 2007. Motion passed unanimously.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Public Safety & Transportation Committee

> Councilmember Kaplan reported the Committee met earlier tonight to discuss the 16th Avenue South Project. He noted there is a bid to be awarded on the Consent Calendar tonight and the Committee recommends acceptance. Discussion was also held on possible re-visioning of the entrance to the Beach Park and the Marina, as it relates to Cliff Avenue, and what impacts may be expected, and what options are available, after the trail is completed sometime in the next two years.

National League of Cities Conference in Reno

> Councilmember White stated she attended the Conference last week, along with Mayor Sheckler. She felt the Conference was very informative with good mobile workshops including what was called a "retrack project" which was Reno's biggest project in its history, where they placed the railroad under the City rather than through the City.

Municipal Facilities Committee

> Mayor Pro Tem Thomasson reported at the latest meeting, the Committee met with representatives of Tillicum Village to discuss lease alternatives for the Beach Park. More information will be presented to the Committee at its next meeting.

PRESIDING OFFICER'S REPORT

National League of Cities Conference in Reno

Mayor Sheckler reported attending a number of different workshops, but was most impressed with one on how to conduct an outstanding meeting. He informed Council he will be obtaining an condensed reference guide for Councilmembers to use.

ADMINISTRATION REPORTS

Consent Item - 16th Avenue South Project Bid Award

City Manager Piasecki informed Council of good news regarding the project that the bid came in about half a million dollars under our engineer's estimate. It appears that the City may not have to take any loans from reserve funds. He also noted that because this Project was awarded Transportation Improvement Board Grant Funds several years ago, the City is eligible for an additional allotment simply because of inflation, in amount around $380,000. He noted they have already come up with another $125,000 towards the $380,000. He advised this will help the Arterial CIP for next year.

E-Mail From City's Lobbyist, Dale Learn

City Manager Piasecki noted he forwarded an e-mail from Mr. Learn reporting the unusual step Congress is taking for the rest of the 2006-2007 fiscal year, which is essentially that they are not going to pass a budget. He advised that typically the Federal Government passes around 13 appropriation bills that altogether make the Federal Budget. In the meantime they will pass what is called continuing resolutions to allow the government to continue functioning. He reported that there will be no earmarks for the 2006-2007 federal budget, which means the City will not be receiving the $500,000 that Senator Patty Murry had obtained for the Des Moines Creek Trail. It is hoped by Mr. Learn that this amount will be included in the 2007-2008 budget.

Upon questioning by Councilmember White, City Manager Piasecki advised that he will have a list of the project requests for the State Budget at the January 4th Council meeting, along with the City's governmental positions and policies.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of November 16, 2006.

2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #106862 through #107073 & electronic fund transfers in the total amount of $1,887,171.19

Payroll fund transfers in the total amount of $317,755.71

3A. ~~Motion is to award the construction contract for the 16th Avenue South Improvement Project in the amount of $5,782,955.60 to Scarsella Brothers Inc. and to authorize the City Manager to sign the contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 15% of the contract amount for Schedule A and 10% for Schedule B as authorized in the Interlocal agreement with~~

~~the Midway Sewer District, October 11, 2006~~; [ED NOTE: Removed by Mayor Pro Tem Thomasson] and

3B. Motion is to supplement the April 30, 2001 design contract with KPG for professional engineering services for the 16th Avenue South Improvement Project to include construction engineering and inspection services in the supplemental amount of $917,812.43 bringing the total contract to $1,351,795.00 and authorize the City Manager or his designee to approve changes orders up to an amount of 10% of the supplemented amount, and to invoice the Midway Sewer District for 20% of the construction engineering and inspection costs.

4. ~~Motion is to approve contract #D36551D between the City and King County for the purpose of accepting a grant in the amount of $50,000 for renovations to the Des Moines Beach Park historic buildings and authorize the City Manager to sign the agreement substantially in the form as submitted~~. [ED NOTE: Removed by Mayor Pro Tem Thomasson.]

5. Motion is to approve the agreement with Puget Sound Energy for the purchase of a street lighting system at Wooton Park in the amount of $29,840.79 and authorize the City Manager to sign the agreement substantially in the form as submitted.

6. ~~Motion is to approve the addendum/amendment to the lease between the City and CSR Marine South Inc. for operation of the Boat Repair Yard at the Des Moines Marina~~. [ED NOTE: Removed by Councilmember Pina.]

7. Motion is to approve the agreements (A-E) for the purchase of the Class Recreation Software registration system with Active Network, in the amount of $33,577.50, plus sales tax and authorize the City Manager to sign the contracts substantially in the form as submitted.

MOTION was made by Councilmember White, seconded by Councilmember Kaplan, to approve the Consent Calendar as amended. Motion passed unanimously.

REMOVED CONSENT ITEMS

Item #6 - Boat Repair Yard Lease

MOTION was made by Councilmember Pina to change the language to the Lease Addendum/Amendment, Item #1 on the first page, to insert the language "for a maximum of 3 months" between 'parties' and 'pending' and approve the addendum/amendment to the Lease with CSR Marine South, for the operation of the Boat Repair Yard. Motion was seconded by Mayor Pro Tem Thomasson.

City Manager Piasecki commented that 90 days is more than enough time to finish the new lease with CSR as it is very close to being finished and should be to Council by mid-January.

VOTE: Motion passed unanimously.

Item 3.A - 16th Avenue S Improvement Project Construction Contract

Mayor Pro Tem Thomasson noted that typically there is a 10% contingency. He noted the 15% contingency would allow the City Manager and staff $700,000 to $800,000 worth of authority without checking back with Council. He questioned why a higher contingency and noted he would actually prefer 5% contingency and have staff come to Council to explain if more funds are needed.

Transportation Engineer Brewer advised that 15% was the same amount used for the Pacific Highway South Project.

City Manager Piasecki stated that this is a 'tricky' project, with a couple of large retaining walls that may require extra engineering work. With a larger project such as this, an extra contingency allows the City to be a little more nimble. He advised that staff told the Public Safety & Transportation Committee that at every upcoming meeting of the Committee, a project update will be given and will inform them of any change orders and why they are necessary that eat into the 15% contingency. He also noted that a 5% contingency on a project of this size would be too small and not allow any flexibility.

Mayor Pro Tem Thomasson advised he could accept the 15% contingency if staff will provide Council with a quarterly report.

Mayor Sheckler noted that historically the contingency is set at 10% and anything above that raises a question in his mind.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to award the construction contract for the 16th Avenue South Improvement Project in the amount of $5,782,955.60 to Scarsella Brothers Inc. and to authorize the City Manager to sign the contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the contract amount for Schedule A, subject to regular reporting to Council, and 10% for Schedule B as authorized in the Interlocal agreement with the Midway Sewer District, October 11, 2006. Motion passed unanimously.

City Manager Piasecki informed Council that should we start going through the 10% quickly, he will be back before Council because he does not want to slow this project down.

Item #4 - Accept $50,000 Grant from King County for Des Moines Beach Park Renovations

Mayor Pro Tem Thomasson noted that he had concerns with all the "strings" attached to this contract and items that had to be completed by 2008.

Parks and Recreation Director Thorell informed Council that King County's offer of a $50,000 grant for Historic Buildings was to be used for one or more of the buildings at the Beach Park. She noted the new exhibit to the contract received today, allow for performing renovations to the Des Moines Beach Park Historic Buildings and the time frame was extended to the end of 2008. She noted this exhibit does include numerous typos, but she proposed the City enter into the agreement, but before the City Manager signs it she will contact King County staff to correct the typos.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan to authorize the City Manager to sign the contract with King County accepting $50,000 for renovations to Des Moines Beach Park Historic Buildings, subject to his satisfaction as to the terms of the agreement. Motion passed unanimously.

PUBLIC HEARING

Draft Resolution No. 06-260 - Preliminary Plat Mediterranean Heights

Mayor Sheckler introduced the subject and questioned whether anyone had signed up to speak. City Clerk stated no one had. He then asked the audience if there was anyone who wished to speak and there was no response. He called on Administration to describe the matter.

Development Services Manager Ruth informed Council that staff has been working with the builder/developer John Ayar for about 5 years concerning site improvements related to this subdivision located in the Redondo area. He noted the development is already 90% complete, with road systems, utility and storm system installed. He advised that Mr. Ayar is requesting a few changes to the plat that was approved by Council in 2001, which has resulted in the need to re-process the plat with tonight's Public Hearing. The main change is a request to replace the Park Tract within the subdivision with a single family building lot, and to pay the Park in-lieu fees, in place of providing park space within the development. He noted Council has been supplied with two plans; the Old Plan being the subdivision design that was reviewed and approved by Council in 2001, and the New Plan which is being proposed tonight. He advised that staff has reviewed the new plan and determined it is consistent with both the City's zoning standards and the subdivision code. He proceeded to review, with the use of a visual plat map, the following changes to the Plat:

1. A new single family residence has been construction & is depicted within proposed lot 5.
2. Lot 5 on the new plan was widened by 5' because of the impact a sewer easement has on the building envelope. Lot lines and area from Lots 6-8 were incrementally adjusted to shift area to Lot 5.
3. The new plan has been updated to reflect the construction of a retaining wall at the rear property lines of proposed Lots 5-9 and a secondary landscape planter wall parallel to this retaining wall.
4. Partial use of a portion of the previously disturbed wetland buffer for drainage and open space tracts are now reflected in the new plan.
5. The easterly drainage tract has been enlarged to allow for grading transitions and reshaping of the pond.
6. The park tract on the old plan has been removed and replaced with an additional residential building lot - Lot 12.
7. Additional land area (approx. 1800 sq. ft) has been shifted into proposed Lot 12 on the new plan.
8. The lot lines for the access tract (Tract D) and Lots 1f-4 have been incrementally adjusted to shift to the south and west to provide the additional area to the new proposed Lot 12.
9. A drainage easement straddling Lots 8 and 9 has been more clearly depicted.
10. A sewer easement within Lot 5 has been more clearly depicted. A companion off site easement immediately adjoining the on site easement immediately adjoining the on site sewer easement is also identified, but not fully executed.
11. The common utility easement adjacent to the internal roadway has been more clearly depicted.
12. The existence of temporary and permanent access easements to serve an adjoining property owner has been clarified.
13. The notes, conditions and covenants, and restrictions section have been significantly expanded under the new plan and provide greater description and clarity than the old plat.

In conclusion, Development Services Manager Ruth noted the most significant change is the park tract and Mr. Ayar is asking for Council's approval. He stated that staff is requesting Council approve Draft Resolution No. 06-260.

Upon questioning, Development Services Manager Ruth commented that Tract E is a small left-over parcel that the applicant wishes to use a pea-patch or garden area to be used exclusively by residents of the Sub-division. Councilmember Scott felt it would be best to have this land added to Lot 12.

Mayor Pro Tem Thomasson was of the opinion that Tract E should be designated as a wetland buffer. He also questioned how the dollar amount for the Park-in-lieu fees was arrived at. In regards to the drainage improvements, he questioned if they have been built to the new regulations.

Development Services Manager Ruth confirmed that the drainage improvements do meet the new regulation standards, and have been reviewed by City's SWM Engineer.

In regards to wetland buffers, Development Services Manager Ruth noted that previously Lot 12 was designated as a Park tract that would have been developed for passive recreation purposes, and extend it out into the previously disturbed buffer area. He advised that the wetland is ranked as a significant wetland deserving of a 100' buffer. He noted however, through no fault of the applicant, there was an existing driveway and improvements through the buffer which had removed a lot of what a buffer is suppose to do.

Development Services Manager Ruth informed Council that the dollar amount of the Park-in-lieu fees was based upon the purchase price of the property and adding an escalator for each of the 5 years since purchase, and applying our park standard for both lot value and improvements, which came out to $5,250. Mayor Pro Tem Thomasson pointed out this is for undeveloped land cost and the Code calls for using developed land costs.

Development Services Manager Ruth noted Council could choose to have the Park fee based on an appraisal at the time of final plat.

Upon questioning by Mayor Pro Tem Thomasson as to why earlier a Park was a good idea and now it is not, Parks and Recreation Director Thorell advised that through the Master Planning process, it has been determined that parks are to be a half acre or larger. Also there was concern over the amount of maintenance that goes with small pocket parks. In this particular case there were concerns over the size and location, as it appeared to be more like maintaining an entry way into a subdivision, instead of a public park facility. Also there were no sidewalks or other amenities leading to it.

Councilmember White stated she would like to ask why this process has taken five years. Mayor Sheckler advised he would allow testimony from the audience as long as speakers realized they would need to take an oath.

<u>John Ayar</u>, applicant, was sworn in by Mayor Sheckler.

Mr. Ayar informed Council he had concerns that a park on site, would raise safety and security issues. He noted that there are people living illegally in the wooded area and there has been arrests for someone stripping wires on his property to sell. He advised that he will be building nice homes, which will add to the City's tax base.

City Manager Piasecki noted that shortly after Council approved the Plat in 2001 for 11 lots, Mr. Ayar determined he wanted 12 building sites and was told he could apply for a Plant modification, which turned out he could not. So he was told he could build what was approved, appeal it, or apply for another preliminary plat. Since that time he has been busy with site improvements and a wall installation, until he finally applied for a new preliminary plat which is where we are tonight.

Mayor Pro Tem Thomason requested more details on the Park in lieu fees, and whether the wetland has been analyzed which would impact his thoughts on the garden area where people may bring fertilizer, etc. that could negatively impact the wetlands.

8:50 p.m. Mayor Sheckler declared a 10 minute break.

Development Services Manager Ruth noted the Park-in-lieu fee contained in 17.36.150 of DMMC states: "The applicant may voluntarily agree to make an in-lieu payment to the City which shall be deposited into the City Park Fund. The in-lieu amount for dedication shall be equal to 5% of the market value of lots within the subdivision. The in-lieu amount for improvements shall be the current maximum improvement cost for sq. ft. for 5% of the total lot area, exclusive of rights-of-way in tracts within the subdivision. Market value shall be established by a real estate appraisal submitted by the applicant. If the land is dedicated, but not improved, only the fee in-lieu of shall be required. The in-lieu cash payment shall be used for the acquisition and development of parks determined necessary as a consequence of the proposed development subdivision or plat. Such payment shall be managed, utilized or refunded in accordance with Chapter 18.02 RCW."

Upon questioning, Development Services Manager Ruth stated the Park in-lieu fee was not determined by a real estate appraisal. The amount listed in staff's report was based on purchase price of the property in 2001, with an inflation factor for the five years to 2006 at 5% against the total number of lots in the subdivision.

City Manager Piasecki noted the park fee is normally submitted at the time of submittal for a Final Plat, therefore a condition can be added to this preliminary plat that says "at the time of filing for the Final Plat the applicant shall supply the appraisal as noted and an appropriate in-lieu fee based upon the formula in the Code.

In regards to the buffer, Development Services Manager Ruth advised it has been determined this would be a type 2 wetland rating. However, those code are not in place at this time since it was vested at the time of application. Current codes states that the City can consider utilization of a portion of a buffer that has been previously disturbed, however the City is not obligated to do so. He noted that if Council determines Tract E would be better used as a buffer, Mr. Ayar has indicated he would accept that decision.

Councilmember Scott suggested taking part of Tract E to make Lot 12 a little deeper, and keep the rest as access so when the whole wetland and buffer are fully planned, if there were to be a walking trail there would be access from this Plat. Development Services Manager Ruth replied this could be done, but staff does not recommend that.

City Manager Piasecki noted Council could have Tract E merge with Tract X to become part of an enhanced buffer. As other properties to the east and southeast develop, and the City wanted to develop a trail network, Tract X will be dedicated to the City and the City could then patch in to a trial system. Development Services Manager Ruth noted we would have to modify who the beneficiary is for the path, because right now it is limited exclusively to the owners of the 12 lots.

Mr. Ayar informed Council he would oppose using the property for a public trail due to safety and security concerns. He would prefer Tract E remain as a garden area and he suggested it could be labeled an "organic" garden.

Mayor Sheckler declared the Public Hearing CLOSED.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to adopt Draft Resolution No. 06-260, as amended to incorporate Tract E into Tract X and that the Park Fee be based on an appraisal per Code at time of final Plan. Further Findings of Fact will be modified to accommodate amendments. Motion passed unanimously.

OLD BUSINESS

Draft Resolution No. 06-224 - Approving Blueberry Lane Preliminary Plat

Land Use Planner I Sullivan noted revisions have been incorporated to meet Councils recommendations.

MOTION was made by Councilmember Kaplan, seconded by Councilmember White, to approve Draft Resolution No. 06-224 approving the Blueberry Lane PUD subdivision.

Mayor Pro Tem Thomasson noted that on Page 5 of the draft Resolution, item 7, the words "a Statutory Warranty Deed including" should be inserted between "provide" and "a". (Council concurred.)

Mayor Pro Tem Thomasson requested that on Page 5, of the draft Resolution, item 11, be amended to ensure that the City will act as the attorney of fact for the future dedication. (Staff will ensure this is done.)

Mayor Pro Tem Thomasson expressed concern that the lots were too small, but no one from the neighborhood complained during the process, and therefore he will vote for approval.

VOTE ON MOTION: Motion passed unanimously.

Agenda Revision

Mayor Sheckler announced he will take New Business Item 1 next.

NEW BUSINESS

Draft Ordinance No. 06-253 - City's Fair Employment Policies - 1st Reading

City Manager Piasecki advised that the draft ordinance was prepared at Council's direction at the November 9th Council meeting to provide employment benefits to domestic partners of City employees in a same gendered relationship. He noted the draft ordinance uses the Association of Washington Cities Benefit Trust (AWC) definition of domestic partner. He also pointed out an alternative, should Council wish, would be to extend these types of benefits to opposite gendered domestic partners in addition to same gendered.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott to suspend Council Rule 26(b) in order to enact Draft Ordinance No. 06-253 on a first reading. Motion passed 5 to 1 with Mayor Pro Tem Thomasson opposed.

Councilmember Pina advised that he has no problem providing benefits to unmarried people who have lived together for awhile and are dependent on each other, opposite sex or same sex. However, he is totally opposed to the idea of it being strictly for same sex.

Assistant City Attorney Brown advised that if the benefits are limited to same sex partners, then there is an argument that you are discriminating. He felt that the AWC addresses this and raises the issues. Upon questioning by Councilmember White, he noted the way the draft is written it only addresses same sex partners.

City Manager Piasecki advised that the document in Council's packet from AWC is clearly saying it is up to the City to decide who they are giving benefits to. He advised that the criteria used by AWC is how you go about determining if someone is in a domestic partnership.

Councilmember Pina stated he would like a requirement that the domestic partnership must be in place for at least one year before benefits would be offered.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott, to enact draft Ordinance No. 06-253 relating to the City's fair employment policies and providing for domestic partner benefits.

A FRIENDLY Amendment was made by Councilmember Kaplan, seconded by Councilmember Scott and accepted, to amend Sec. 1, Reimbursement - 2nd sentence, to add the words "and opposite gender" after 'same gender' before 'and'.

MOTION was made by Councilmember Pina, seconded by Councilmember Scott, to amend Section 2 - Eligibility, to add to the last sentence "provided that the domestic partnership has been in existence for at least one year."

Councilmember Kaplan questioned why we need to add more standards when AWC has already given us a set of standards. He wondered if someone got married tomorrow, will they have to wait a year before their spouse gets benefits. He felt the draft ordinance is trying to treat all employees the same in the terms of the benefits they received. He does not feel it is necessary to apply a time line.

Mayor Sheckler also felt applying a time line is not fair, although he agrees with applying the benefits across the board.

VOTE ON AMENDMENT: Failed 3 to 3 with Councilmember Kaplan and Mayor Sheckler opposed, and Mayor Pro Tem Thomasson abstaining.

Mayor Pro Tem Thomasson noted through employee negotiations, Council has been trying to hold the costs down on benefits and make employees pay for more of a share of spouse and dependent health care. He advised Council is considering this outside of negotiations and is wondering how this will factor in to the total cost of compensation. He felt this is in effect a gift of public funds and he cannot support this issue.

Councilmember Kaplan stated this boils down to how the City treats employees and how people are not treated equally under the law by government in terms of recognition of their relationships. He felt there are employees in committed relationships that deserve the same benefits and protection, the same as the rest of the employees. He does not feel this is a gift of funds, but a decision in the way we treat employees and how they are compensated. He felt all City employees should be treated equally and fairly in terms of their families and he feels the draft ordinance accomplishes that. He felt this will apply to perhaps 3 employees and therefore is not a big budget hit.

Councilmember White stated she would be more comfortable if we took more time to see how other cities are handling this problem.

Councilmember Scott stated that AWC provided criteria that is very clearly stated and does bear weight. She felt all employees should receive the same benefits. She would have preferred the one year wait, but overall feels the draft ordinance is fair.

9:50 p.m. Mayor Sheckler announced a five break before he will call for the vote on this issue.

A Friendly amendment was made and accepted by Councilmember Kaplan, and Councilmember Scott, to amend the ordinance to add the requirement that the applicant must have been in a relationship for one year. (ED NOTE: Section 2, Eligibility as noted earlier.)

VOTE ON MAIN MOTION: Motion passed 5 to 1 with Mayor Pro Tem Thomasson opposed.

9:59 p.m. **MOTION** was made by Councilmember Pina, seconded by Councilmember White to adjourn. Motion failed unanimously. Councilmembers Pina and White left the meeting.

Critical Areas Ordinance Update

Land Use Planner II Lathrop thanked the Council's Environment Committee and the Planning Agency for their support in review of the critical areas update. She introduced Scott Maharry of Grette Associates, the City's consultant who has done the work on the inventory and provided good technical support. She proceeded to brief Council on the following:

Process Overview

- July 2005: Best Available Science Review
- June-Sept. 2006: Critical Areas Inventory
- June 2006: State Agency Presentations
- June-Nov. 2006: Planning Agency Review (5 meetings)
- June-Dec. 2006: Council Environment Committee Review
- Ongoing: Public Involvement

Findings from Critical Area Inventory

- Verified/potential critical areas: 59 wetlands, 10 streams and 31 Fish Wildlife Habitat

Wetlands:

- 0 Category I wetlands (most significant)
- 16 Category II wetlands (6 fully categorized)
- 39 Category III Wetlands (10 fully categorized)
- 4 Category IV wetlands (least significant)

Streams:
- 26 stream reaches identified and mapped
- Des Moines, Massey, McSorley, Woodmont, Redondo and Cold Creek considered Type F Streams (existing/possible salmonid presence)

Fish Wildlife Habitat:
- 19 features based on priority habitat and species data
- 12 features from marine areas within shoreline zone

Wetland Buffers
- DMMC 18.86.070(2) establishes buffer requirements for wetlands:
  - "Significant" wetlands, 100 foot buffer
  - "Important" wetlands - 35 foot buffer
- Current wetland buffer widths cannot meet Best Available Science (BAS)
  - Based on an outdated classification system
  - Below those recommended by Ecology derived through BAS
- Ecology's Alternative 3 for buffer widths would provide the City with the most flexibility:
  - Determined based on the wetland rating, intensity of land use impacts, and functions or sensitivity of wetland to disturbance
  - Includes criteria to increase, decrease & average buffers
  - Supported by BAS review, critical areas inventory, Planning Agency & Environment Committee reviews

Ecology Buffer Alternative 3
- Buffer Widths: Based on Wetland Category, Intensity of Land Use Impacts and Degree of Wetland Function or Special Characteristics

Land Use Planner II Lathrop continued reviewing material in Council's packet including Wetland Mitigation Ratios, Stream Buffers, Fish & Wildlife Habitat Conservation Areas, Development Standards for Geologically Hazardous Areas, and Critical Aquifer Recharge Areas, and concluded by reviewing the next steps.

Upon questioning, Land Use Planner II Lathrop advised it is her intent not to issue the SEPA until we are sure whether we will significantly change buffers or mitigation ratios.

Mayor Pro Tem Thomasson stated one of the issues he has raised during Environment Committee meetings is the discretion of staff or the guidelines we give them such as wetlands, and when do you allow them to be filled or not. He noted he has been encouraging staff to write much more explicit criteria, such as "fill would be allowed under these circumstances, but not under these", so it is not dependent on whose is in the position to make the judgment. Other issues he has brought up include:
- Many streams go through citizens backyards, and how establishing or increasing stream and wetland buffers effect existing developments that have been permitted use for decades. He noted he would not want regulations that prevented somebody from doing things on their property that they have been doing for 20 years or so.

Councilmember Kaplan noted the Committee also spoke about how having a buffer on a side of a roadway that does not impact a stream in any way, makes no sense, and the interaction between the buffers for all of the different elements in terms of the streams of wetlands and slopes.

Mr. Maharry advised Council that he is a biologist with Grette Associates. He noted that in terms of streams flowing through peoples yards, typically they are allowed to maintain their yards, but if they wish to install a garage or something, then the buffers would be triggered. It is meant to protect future development from impinging on the functions of the stream.

NEXT MEETING DATE

Mayor Sheckler wished everybody a happy holiday season and new year. He noted the next meeting will be a study session on January 4, 2007.

ADJOURNMENT

At 10:30 p.m. the meeting adjourned by time expiring.

Respectfully submitted,

Denis Staab
City Clerk