

MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 06/09/2011

The meeting was called to order @ 6:30 PM, Thursday, June 9, 2011, in the North Conference Room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Scott Thomasson, Chairman
Dave Kaplan, Mayor Pro Tem
Dan Sherman

City Staff

Tony Piasecki, City Manager
Lorri Ericson, Asst. City Manager
Grant Fredricks, Director PB&PW
Loren Reinhold, Environment/Utilities Engr.
Robert Ruth, Manager Development Svcs.
Laura Techico, Planner
Linda Wright – Admin Asst.

AGENDA:

1. Approve minutes of March 10, 2011
2. Redondo Culvert Replacement Update
3. FEMA Floodplain Regulations

MEETING:

1. Motion made and seconded to approve minutes from March 10, 2011, without exception.
2. Redondo Culvert Replacement Update:

Loren passed out a map indicating City drainage and private drainage from condos. He went over the status of the repairs. He indicated additional areas on private property that could have an impact on the City's drainage and new repairs if the condo Home Owners Association (HOA) fails to upgrade their system which drains into ours. It's complicated due to the fact their pipe runs under their pool and parking lot and it will be costly to fix – estimate almost 1/3 of the \$300,000 to \$375,000 it will take to fix the entire system in that area. Discussed the possibility of rerouting our pipe eliminating the need to be on private property (had previously been done before annexation from King County). If not done in near future, another storm could blow out their system and then cause final damage to our old system plus affect the new repairs made. Committee recommends that it be done next year vs waiting to eliminate the risk of too many winter storms.

- Loren was asked to sit down with City Attorney and go over the various options, i.e. lien on condo property should they choose not to participate. What other leverage is available i.e. write letter explaining what we have found, their required repair remedy and consequences of the HOA doesn't proceed.
- Loren also requested to write up detail of incidents, options, repairs, alternatives, etc. in the event it comes to a legal issue. Will need the background.

3. FEMA Floodplain Regulations

Robert Ruth passed out a discussion paper relating to the National Marine Fisheries Service (NMFS) issuing a Biological Opinion (BiOp) requiring changes in National Flood Insurance Program (NFIP) and implementing the requirements of the Federal Emergency Management Agency (FEMA) to meet the Endangered Species Act (ESA). FEMA is requiring all cities within the Puget Sound watershed to comply with ESA provisions if the cities want to continue to be part of the NFIP.

Primary issue is NFIP compliance relating to preservation of habitat for endangered species within the 100 year plain. With few exceptions, if Des Moines continues to regulate development in a way that discourages new development in or close to floodplain, these requirements wouldn't be an issue. Staff has seen little development within floodplain areas identified on FEMA maps.

- Committee wants staff to bring forward maps w/overlay of Shoreline Management, Critical Areas, etc. so all are on one map.

- Also they were adamant that they want FEMA to come and walk sites to see that their flood maps are erroneous – FEMA needs to prove they are right vs the City having to prove it.

City's options:

1. Adopt FEMA's model ordinance that contains regulations that meets ESA
2. Prepare our own ordinance that attempts to meet ecological objectives of the BiOp/ESA. Would have to be approved by FEMA. The City ordinance would have to preclude all development in the floodway and other areas or otherwise regulate development as specified in the BiOp by NMFS.
3. Do Nothing. Under this scenario FEMA would require City to demonstrate compliance with ecological objectives outlined in the BiOp on a "project-by-project" basis before approving a project in the floodplain. In turn, the City would then require developers who propose projects in the floodplains to submit supplemental environmental work which addresses issues outlined in the BiOp to be consistent with the ESA.

Staff Recommendation: is Option #3.

This would prevent Federal agencies getting their fingerprints on DMMC for regulatory purposes and maintain more local control vs Option 1. Option 2 is a possibility; however, most of the agencies using this Option have massive floodplains with development and business districts within the floodplains unlike Des Moines. Because Des Moines processes very few floodplain permits and undertaking environmental work on as-needed basis project-by-project seems the more likely way to go. If this is the way Council would choose then staff would prepare a Resolution for Council to consider that would declare our intent to review development with floodplains for ESA compliance. The Resolution would be forwarded to FEMA to communicate the City's compliance with the ESA requirements and maintain our eligibility under the NFIP. Areas affected mostly would be Transportation Trail, SWM projects and Business Park development.

- Committee members directed Staff to the "do nothing" approach which by default requires the City to evaluate projects individually as they are proposed within the floodplain. The committee further directed staff to work with FEMA to have them update floodplain maps in a manner that is more indicative of actual and correct floodplain conditions. The maps were highly suspect and in many cases believed to be inaccurate in delineating the 100 year flood plains.

4. NOT ON THE AGENDA:

- It was noted that Normandy Park had installed their new piping along 1st Avenue. Our ditch grate (the undersized) grate will be upgraded and the pipes cleaned this summer and our system will be checked to make sure that it is working properly. This is result of joint meeting with Normandy Park who wanted Des Moines to contribute and we declined.
- Loren asked about participating with other cities on a citizen survey as to how the City is doing with their surface water and NPDES permit, education awareness, etc. For 100 surveys and follow up analysis, it would cost \$4000 and would satisfy one of the requirements of the NPDES permit. Committee declined the request. They suggested that we use our own City Currents publication to cover more citizens.

Adjourned @ 7:26 PM

Submitted by: Linda Wright, Administrative Assistant