

MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 1/28/2010

The meeting was called to order @ 6:01 PM, Thursday, January 28, 2010, 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

Guests

Barbara Nightingale - WA Dept of Ecology
Alex Cohen- Adolfson (Consultant)

City Staff

Tony Piasecki - City Manager
Robert Ruth - Development Services Manager
Linda Wright - Admin Asst

Absent

Grant Fredricks, PB&PW Director (wife had surgery)

Meeting Agenda:

1. Elect Chairman: Committee member Dan Sherman nominated Scott Thomasson and Mayor Pro Tem seconded - Scott Thomasson - was elected as Chairman of the Environment Committee.
2. Approve Minutes of Previous Meetings December 10, 2009. **Approved by two previous members** (Kaplan and Thomasson) - *Committee member Sherman was not on this Committee at that time.*
3. Shoreline Master Program

Robert Ruth opened with introductions and stated the purpose of meeting was to get Committee approval to bring the SMP before full Council. Committee member Sherman indicated he had read minutes and brought himself up to speed.

By way of review, Mr. Ruth stated that on Dec. 10, the committee discussed the first 5 revised chapters with the Committee and proceeded to describe what that entailed. He continued to describe that that same process was planned for tonight except that the Committee would review the last 3 revised chapters (Chapters 6, 7, and 8).. Barbara Nightingale was introduced and Mr. Ruth stated that she had been incredibly helpful in assisting with editing our document. Her edits were done in a way that she thought would address the City's intent as well as be consistent with DOE requirements.

Mr. Ruth reiterated that both Mr. Cohen and Ms. Nightingale are in attendance at tonight's Committee meeting as technical resources. It was stated that the edits that are reviewed this evening with the Committee have been mutually agreed up by City Staff and DOE and there is a positive feeling about the direction in which the SMP review process is headed.

The following changes were highlighted for the Committee:

- Though Chapter 3 was reviewed at the last time Committee meeting, staff found some more policy oriented verbiage in Chapter 6 that was more appropriately placed in Chapter 3 policy chapter.
- Exceptions exist that would allow shoreline stabilization structures
- Chapter 8 - Definitions were reviewed and staff explained that 98% of the changes involved importing existing definitions in zoning code to SMP. It was explained that the old SMP had voids especially for special terms like what is used for critical areas. These are terms that are in the zoning code but not the SMP. It was also explained that the zoning Code has its own

outdated terms such as King County vs Des Moines Board vs City Council. Will but Staff indicated that these corrections have been made and are reflected in the SMP draft. –

- Chapter 6 permitted uses. Staff identified the use tables and explained that it was structured so that some terms are used interchangeably such as boating facilities and marinas.
- Staff called to the Committee's attention the fact that the building height in SMP is different than in zoning code. It was explained that this problem predated the Redondo annexation and it was not the intent to have 2 different methodologies to measure building height. It was verified through DOE that the City's use of the average finished grade methodology was acceptable. Geologically unstable on Page 111 was identified as a new definition. Staff felt that it was adequately defined and added value. Chairman Thomasson requested that key terms such as banks and bluffs which are used in this definition be reviewed for proper context as these terms are special terms that are defined elsewhere.
- No other terms were identified as potentially problematic.
- Chapter 7: Administrative Procedures. Staff explained that edits within Chapter 7 are primarily formatting and there are no substantive changes involving policy considerations.
- Committee members questioned the dollar value for substantial development exemptions and where did it come from. Mr. Ruth explained that this was changed from our last code due to inflationary reasons and believed the basis for this was in the WAC. The Committee asked that additional language be provided so that the dollar value is automatically adjusted for inflation.
- Chapter 6 Staff began review of Chapter 6 by identifying that the use Tables have been separated from the Shoreline Modification Tables for ease of use.
- Staff explained that some use terminology was necessary for the use tables such as Boating Facilities / Marina's Private/Public/ Commercial Water / Non Water Related / Furthermore, staff explained that some edits required reconciling to how uses were regulated before under our previous SMP.
- The issue of Transportation uses was raised and staff explained that this use was retained because of the possibility of a passenger only ferry may still materialize in the aquatic environment. Chairman Thomasson asked about how the Argosy boats would be classified – as a transportation or commercial use. Ms. Nightingale replied that it would be a commercial use; which is provided for under the proposed SMP.
- Shoreline Modifications Table-- Staff identified the different categories for stabilization: beach restoration, breakwaters, bulkheads, beach restoration, jetties within this Table. Committee members questioned the term "Revetment". Staff explained that a new definition for revetment was provided in Chapter 8 and that it is basically rip rap on slope surface to prevent erosion, but is not vertical. Committee members also identified the fact that Dredging was a conditional item. Concern about ongoing maintenance in the marina and the City's ability to maintain the marina was raised. It was clarified that this type of activity would be allowed, but that it would require conditional review, not outright permitted without the state reviews or input. It was determined that this was an appropriate level of regulation given that work would be occurring in the intertidal area provided that the City would not be unduly limited in maintenance of an existing facility like the marina. Similar sentiments were expressed about the maintenance of the Redondo boat ramp

It was determined that another meeting to discuss the final portions of Chapter 6 was necessary before presentation to full Council.– Mr. Ruth indicated that he will schedule a future meeting time scheduled.

Adjourned @ 6:29 PM

Respectfully submitted by: Linda Wright, Admin Asst.