PLANNING COMMISSION

MEETING SUMMARY
Thursday, March 01, 2012
City of Sammamish Council Chambers

COMMISSIONERS PRESENT
Joe Lipsinky
Kathy Richardson
Jeff Wasserman
Mike Collins
Michael Luxenberg
Mahbubul Islam
Ryan Kohlmann

CALL TO ORDER
Chair Lipsinksy called the meeting of Sammamish Planning Commission to order at 6:01.pm.

APPROVAL OF AGENDA – Approved

APPROVAL OF MINUTES – 02/02 Approved 7:0

STAFF PRESENT
Kamuron Gurol, Community Development Director
Susan Cezar, Community Development Deputy Director
Rob Garwood, Senior Planner
Evan Maxim, Senior Planner
Mona Davis, Senior Planner
Kathy Curry, Wetland Biologist
Emily Arteche, Senior Planner
Debbie Beadle, Community Development Secretary

REVIEW OF WORK PROGRAM CALENDAR

Kamuron Gurol reviewed the Work Program Calendar with the Commission, the following points were discussed:

- Environmentally Critical Areas (ECA) will be the primary topic for discussion for meetings into Fall 2012. The full calendar covering all topics scheduled for discussion is available on the city website. An updated ECA schedule will be provided at each meeting.

- A joint Planning Commission / City Council meeting is scheduled 05/08/2012 where the Planning Commission will present an update on Environmentally Critical Areas to the City Council.

DIRECTORS REPORT FROM CC

Kamuron Gurol Community Development Director advised that the City Council Study Session on 03/13/2012 will include the hand-off of the Home Occupation/Home Industries recommended ordinance changes.

Chair Lipinsky will present the hand-off memorandum to the City Council, answer questions and provide background information from the Planning Commission meetings on this topic.

PC BYLAWS DOCUMENT

The bylaws document was discussed with staff and the Commission.

Edits to certain paragraphs within the current document were discussed and reviewed and the following proposed amendments to Article VI and Article XIII were discussed:

ARTICLE VI: PUBLIC INVOLVEMENT

The Planning Commission's role is to advise the City Council on growth management issues, land use policies and development regulations. High quality public input needed to help inform the Commission's analysis and recommendations. The Commission's goals for public involvement are to:

- *Undertake a fair, meaningful and effective outreach to affected parties for each work item, with opportunities for all interested parties to participate in a comfortable setting*
- *Use a consistent and adaptable process that allocates limited time efficiently and encourages input that is relevant, clear and specific*

The Commission uses a variety of required and optional mechanisms to achieve these goals, including:

- *Public comment opportunities at each Commission meeting*
- *Formal public hearings with advertised notice*
- *Round tables and other interactive mechanisms to promote dialog*
- *Outreach to stakeholder and interest groups*
- *Material in the monthly city newsletter and on the city website*
- *Survey(s) when appropriate and affordable*
- *Postcard mailings and GovDelivery mechanisms*
- *Field trips*
- *Review of peer city, state agency and Tribal comments*

- *Each work item may need some or many of these mechanisms, and the public involvement plan can be adapted as needed*

For comments from any party at a Commission meeting, the following rules will be employed and administered by the Chair with assistance from the staff:

- *___ minutes for individual comments*
- *___ minutes for representatives from a recognized group*
- *The Chair will ask the commenter to summarize once the time limit is reached*
- *Commenters are also encouraged to provide written materials*

~~ARTICLE VI: PUBLIC COMMENT AND PUBLIC HEARINGS~~

~~*Hearings conducted by the Planning Commission will conform to relevant provisions of State Law such as the Open Public Meetings Act.*~~

~~*The Chair may set reasonable time limits for the length of testimony. Once testimony is complete, the Chair shall close the hearing and begin deliberations.*~~

Discussion on the reasonable time limits requirements for the bylaws commenced with the Commission. Each Commissioner explained their preference for the length of testimony.

It was agreed that

- *7 minutes for individual comments*
- *7 minutes for representatives from a recognized group*

Motion Raised: To adopt the by-laws document proposed with additional amendments as discussed **Approved 4:3**

ARTICLE XIII: Defining Success

The Planning Commission has identified the following standards for use in determining success:

1. *The public process should be transparent and fair, and outreach should use a variety of media types so that all interested parties have the chance to participate.*

2. *All participants should have a chance to offer comments and suggestions, and public meetings should be conducted in a productive and efficient manner.*

3. *The Planning Commission's submission to the City Council should contain a statement of findings and facts, a summary of viewpoints received by the Commission during the public comment process, and a set of recommendations along with the reasoning behind those recommendations.*

4. *The Commission's process and products should be sufficient such that the City Council is able to take action on the recommendation without the need for substantial further research or fact-finding work.*

Motion Raised: To adopt the by-laws document proposed as amended: **Approved 7:0**

Additional work on the by-laws document is scheduled for Fall 2012.

SUCCESS STATEMENT

The Planning Commission has been tasked with generating a recommendation to the City Council regarding updates to the ECA regulations.

The Planning Commission has identified the following standards for use in determining success:

The Success Statement would be amended to read as follows:-

1. The process should be transparent and fair
2. Public outreach will occur frequently and using a variety of media types so that interested parties have the chance to participate.
3. All participants will have a chance to comment on the proposed regulations in a productive and efficient manner.
4. Public meetings are conducted in a manner consistent with the "Participation and Conduct Statement".
5. The focus of the update shall primarily be those items identified on the list of "Known Topics".
6. The update will meet state law requirements, including utilizing Best Available Science to inform the review
7. The Planning Commission's submission to the City Council contains a statement of facts
8. pertinent to the ECA update, a summary of viewpoints received by the commission during the public comment process, and a set of recommendations along with the reasoning behind those recommendations.
9. Every attempt will be made to meet timeframes and the Council approved schedule.
10. The Commission's process and products should be sufficient such that the City Council is able to take action on the recommendation without the need for substantial further research or fact-finding work.

Motion Raised: To adopt the proposed Success Statement as amended: **Approved 7:0**

OLD BUSINESS
ENVIROMENTALLY CRITICAL AREAS

- **Staff Presentation**

Evan Maxim Senior Planner commenced presentation as follows:-

Agenda for Tonight

- High Level" Overview of Critical Areas
- City Project Review
- Implications for Property Owners

- Best Available Science
- You may have heard…

High Level" Definitions and Overview

What are environmentally critical areas?

- The state Growth Management Act requires cities and counties to designate and protect:
  - Wetlands
  - Fish and wildlife habitat conservation areas, which include:
    - Streams
    - Lakes and Ponds
    - Wildlife Corridors

- The state Growth Management Act requires cities and counties to designate and protect:
  - Aquifer recharge areas
  - Geologically hazardous areas
    - Erosion
    - Seismic
    - Landslide
    - Erosion Hazard Near Sensitive Water Bodies
  - Frequently flooded areas

Wetlands - Defined

- "Wetland" means areas that are inundated and saturated with water often enough and long enough to support vegetation typically adapted for life in saturated soil conditions. Wetlands may include depressions that collect surface water, marshy edges of streams and lakes, or other areas that support wetland vegetation.

- In short, for an area to be a wetland:
  - the soil is wet such that it is typically anaerobic (oxygen deprived), and
  - the vegetation that naturally grows, is suited to anaerobic soil conditions

- Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, such as ditches, stormwater facilities, or landscaping ponds

3 Photograph Slides giving examples

Fish and Wildlife Habitat Conservation areas - Defined

- "Fish and wildlife habitat conservation areas" means those areas essential for the preservation of critical habitat used by endangered, threatened, and sensitive species. This includes:
  - Streams, lakes, & naturally occurring ponds

- State natural area preserves, waters of the state, & natural resource conservation areas
- Wildlife habitat corridors for connections between habitats

Streams - Defined

- "Streams" means those areas in the City where surface water produces a defined channel or bed
- Streams do not include ditches, storm water runoff conveyance (pipes), or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams that existed prior to the construction of the artificial watercourses

3 Photograph Slides giving examples

(Geologically Hazardous Areas) Landslide Hazard Area – Definition

- Landslide Hazard Areas generally are:
  - Areas with a slope of 40 percent or steeper & with a vertical relief of 10 or more feet; or
  - Areas greater than 15% slope with groundwater seepage, specific soil conditions, indications of past movements, or that are at risk of stream incision

2 Photograph Slides giving examples

- Erosion hazards generally consist of areas where the soil type, sometimes in combination with slope, makes the area susceptible to erosion when disturbed

Erosion Hazard Near Sensitive Water Body Overlay – Definition

- The Erosion Hazard Near Sensitive Water Body Overlay (EHNSWB) is a designation that includes two specific areas:
  - The "No-Disturbance Area"; and
  - Areas within the overlay that drain to the No-Disturbance Area

Erosion Hazard Near Sensitive Water Body Overlay

- The No-Disturbance Area is defined by boundaries:
  - The upslope boundary lies at the first obvious break in slope (>15% slope) from the upland plateau over onto the steep valley walls
  - The downslope boundary is the extent of those areas designated as erosion or landslide hazard areas

2 Photograph Slides giving examples

Landslide Hazard Area Map shown

Buffers

- "Buffer" means a designated area contiguous to a steep slope or landslide hazard area, a habitat conservation area, stream or wetland.
- Landslide buffers are intended to protect slope stability, attenuation of surface water flows and landslide hazards,
- Other buffers are intended to protect the habitat, stream or wetland & be an integral part of the habitat, stream or wetland ecosystem.

Frequently Flooded Areas - Defined

- "Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year & those lands that provide important flood storage, conveyance, and attenuation functions.
- Generally this includes the 100-year flood plain along the shore of Lake Sammamish

Critical Aquifer Recharge Areas - Defined

- "Critical aquifer recharge areas" means those areas in the City of Sammamish with a critical recharging effect on aquifers used for potable water. CARAs have geologic conditions that create a high potential for contamination of groundwater or contribute significantly to the replenishment of groundwater.

Shorelines & Environmentally Critical Areas

- Environmentally Critical Areas (ECA) within the shoreline jurisdiction are regulated by the Shoreline Master Program
- ECA outside of Shoreline jurisdiction by the ECA regulations under review
- In order for an updated ECA code to apply within shoreline jurisdiction a shoreline master program amendment would be required

Project Review

How would most people know if they had one?

- Maps of known critical areas are available at City Hall and on the Internet
- Visible on-site (e.g. slopes with a rise of 10 feet in a distance of 25 feet)
- Recently developed property has a Notice on Title
- A critical areas study has been conducted by the owner

Project Review and Critical Areas

- The City actively engages property owners regarding environmental critical areas when:
    - The property owner applies for a permit and initiates contact with the City
    - The City is notified of work being done without permits

Project Review (1 of 3)

Pre-Application Stage for Permits

- Most people looking to apply for a permit, will either contact the City directly, or have a consultant contact the City
- The City staff will provide advice based upon a specific site. This advice is generally based upon a variety of sources (e.g. maps, previous projects, etc) available to City staff.
- A pre-application conference may be scheduled
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Project Review (2 of 3)

- At the time of permit application, a permit applicant is required to disclose all known critical areas on the site & within vicinity.
- Following permit application, the City evaluates available information to determine if ECA's are likely on site.
- Additional information may be required from the applicant if ECA's are likely present on site.

Project Review (3 of 3)

- During project review the City conducts a peer review of environmentally critical area information.
- Peer review confirms location and type of the critical area. It also confirms whether or not the proposal is consistent with adopted regulations.

Project Review - Disputes

- Wetland and stream determinations may be appealed as part of the project review
- Partner with Department of Ecology for free peer review of disputed wetland determinations, and Department of Fish and Wildlife for disputed stream findings.

Implications for Property Owners

Constrained Sites

- Generally wetlands, streams, landslide hazard areas and associated buffers cannot be developed with buildings or landscaping.
- Limited improvements may be authorized on a case-by-case basis for sites with no unconstrained area outside of buffers or critical areas.

Large-scale critical areas

- Many environmentally critical areas extend across neighborhoods or areas of the City
- For example, to address drainage in landslide hazard areas may require a "tightline" drainage system across several downstream properties.

Off-site features, on-site impacts

- For example, wetland buffers may extend across property lines
- The no-disturbance area protected in the EHNSWB overlay is often downstream of the regulated property

Tools for Flexibility

- The Environmentally Critical Areas regulations provides for flexibility through a variety of tools:
    - Wetland and Stream buffer averaging
    - Buffer Reductions (wetland, stream, landslide hazard areas)
    - Partial and complete exemptions from regulation
    - Exemptions for wetlands below a minimum size

Best Available Science Requirement – Overview

- Washington State mandates an update of the Environmentally Critical Areas regulations at least once every 7 years.
- The proposed 2012 update is in response to the City Council request, and to address the "Known Topics" in the Environmentally Critical Areas regulations.
- The Growth Management Act also states that cities and counties must "include the **best available science** … to protect the functions and values of critical areas."

Best Available Science can include:

- Research
- Monitoring data
- Inventory data
- Survey data

BAS information should have the following characteristics:

- Peer review by other persons who are qualified scientific experts in that scientific discipline.
- Methods used to obtain the information are clearly stated and able to be replicated.
- Conclusions are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions.
- The data have been analyzed using appropriate statistical or quantitative methods.
- The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.
- The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

Best Available Science Sources

- City's sources and experience
  - Critical areas maps
  - Planning Policy documents (Beaver Lake Plan, Inglewood Basin, etc.)
  - Project experience and data
- Public process
- Local, state or federal natural resource agencies
  - Syntheses of science
  - WRIA recommendations
- State agency review

<u>You may have heard</u>

- "Isolated wetland" definition can't be met by any wetland in Sammamish…
- In fact, staff review has confirmed isolated wetlands on several recent projects (Wrobel, Ivy 12 subdivision, others)
- A ditch should not be regulated as a stream…
- The truth is, it depends
  - Sometimes a ditch is just a ditch
  - However, some ditches carry water that previously was in a stream channel
  - If the feature serves as habitat used by designated species (i.e. salmonids), then protection is mandated by the State as a FWHCA.
- And…it's sometimes tricky to know just by looking

2 Photograph Slides giving examples

- Where a street crosses a wetland or buffer (and "divides" the feature), it should define the boundary of the wetland and/or its associated buffer…
- This is already provided for in the code.
- And, wetlands can extend across the street.

A wetland divided unto itself? Photograph Slide

- Removal of noxious weeds of any quantity in an ECA requires a permit and vegetation plan approved by the City. Homeowners are not removing their noxious weeds because of the onerous regulation…
- Staff shares the concern, and is hoping to address this as part of this update. Staff currently provides assistance for interested homeowners, and wants to improve this approach.
- Current CAO is prohibiting development…
- Since adoption; the City has processed many hundreds of land use and building permits that required critical areas review. The City has also processed over 20 RUE's – all approved.

- Critical areas affect how development is designed, not whether development occurs. Critical areas can affect or limit the creation of new lots and plat design, but will not prevent a new home on an existing lot.

Questions & Answers

- Please focus questions on the material presented.
- The open house immediately following this presentation will provide for a broader range of questions and answers.

Public and Commissioner questions commenced following the presentation.

Public Comment

Geoffery Creighton, 21407 NE 6th Pl, Sammamish, WA 98074 (1)
Reid Brockway, 167 East Lake Sammamish Shore Lane NE, Sammamish, WA
Geoffrey Creighton, 21407 NE 6th Pl, Sammamish, WA 98074 (2)
Jim McCrawl, email provided - jim@tollrunner.org
Ben Harrison, 24954 SE 30th St, Sammamish, WA 98075
Barbara Raabe, 24121 NE 6th Pl, Sammamish, WA 98074
Steve Heiser, 24235 NE 7th Pl, Sammamish, WA 98074

Not present at meeting – handouts submitted
John Galvin, Richard Birgh

Recording of the meeting closed – Open House Commenced

OPEN HOUSE

7:30pm -- Goals for the Open House

Chair Lipinsky advised the Goals for the Open House as follows:-

- We hope to create an open, welcoming and informative environment
- Staff are available to answer easy, factual or site-specific questions or get contact info to respond later
- If you have a policy issue or concern, something you want the Commission to review or change, we need you to please write it down
    - On comment sheets, easels or white boards
    - Commissioners and staff will help to ensure all issues are documented
- Roles for the Commissioners in the open house
    - We will circulate, listen and may ask clarifying questions
    - We won't engage in debate nor can we make commitments to specific outcomes
    - We will try to help ensure that the written record from the meeting contains a clear list of issues and concerns

- The material we gather will help ensure that our process is responsive to the public's interests

Maps on Display

- Wetland Land Use Management Maps
- Landslide Hazards
- Critical Aquifer Recharge Area
- Where do you live?

Easels outlining the above topics were set around the room, with staff assisting each station to answer questions/concerns. Citizens were requested to write their concerns on the boards provided and staff would review their public comment.

Staff and the Planning Commissioners circulated throughout the room from 7:30 until 8:40 pm.

An Environmentally Critical Areas Comment Box was also provided to encourage comment to be given on any topic related comments for staff review.

ADJOURN

Meeting adjourned at 8:35 p.m.
Chair: Joe Lipinsky Secretary: Debbie Beadle
(Video Audio record 03/01/20102 refers.)

Roberts Rules of Order Applies: [RONR (10TH ed.), p. 451, 1. 25-28]