

ENVIRONMENT COMMITTEE AGENDA

May 18, 2017 – North Conference Room

21630 11th Avenue South – Des Moines 98198

6:00P – 6:50P

1. Approval of the minutes of the 3.16.2017 meeting

2. CIP Project Updates (Informational Item – 10 min)

Staff will be providing a brief update on active SWM Capital Projects.

3. Poverty Bay Shellfish Downgrade Update (Discussion Item – 20 min)

This item is reserved for discussing any issues raised during King County's May 11 presentation to Council on the formation of a Shellfish Protection District.

4. Critical Areas Ordinance Amendments (Informational Item – 20 min)

Staff will provide an overview of recommended amendments to the CAO to facilitate using and interpreting the the Ecology publication "Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands."

DRAFT MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 3.16.2017

The meeting was called to order @ 5:45 PM, Thursday, March 16, 2016, in the North Conference room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Robert Back, Chair
Melissa Musser – Excused
Matt Pina

City Staff

Loren Reinhold, SWM Utility Manager
Brandon Carver, Engineering Svc Manager
Dan Brewer, Chief Operations Officer
Matt Hutchins, Asst City Attorney
Peggy Volin, Admin Asst II

AGENDA:

1. Approve minutes of the 1.19.2017 meeting
2. Barnes Creek Culvert Replacement Update
3. Municipal Storage Yard Stormwater BMP Improvement Plan
4. Public Works Yard Groundwater Remediation Update

MEETING:

1. Approve the minutes of the January 19, 2016 meeting: Unanimously approved.

SWM Utility Manager Loren Reinhold briefed the Committee on Midway Sewer's reported sewage overflows of 50,000 gallons within Saltwater Park and from 11th Avenue north of the Park and 256th Street on February 9 & 16. In addition, 660,000 gallons of waste was bypassed around the secondary treatment facilities at the Des Moines Creek Treatment Plant on February 9 due to extreme rainfall and high flows entering their plant.

2. Barnes Creek Culvert Replacement Update: SWM Utility Manager Loren Reinhold updated the Committee with a brief history of the Federal Court Injunction Related to Fish Passage that was issued in March 2013 that requires the state to significantly increase effort for removing state-owned culverts that block habitat for salmon and steelhead by 2030. The Barnes Creek Culvert is listed on the Injunction and is ranked in the top 1/3rd of the 800+ listed culverts but is not on WSDOT's 2017-19 biennium for replacement. The condition assessment that was done last year has been forwarded to WSDOT and their habitat team is re-evaluating the culvert's schedule given its poor condition. Staff will be meeting with WSDOT afterward to discuss the replacement schedule and potential partnership opportunities.
3. Municipal storage Yard Stormwater BMP Improvement Plan: Water Quality Specialist Tyler Beekley briefed the Committee on the proposed Scope of Work for preparing a facility plan for both the Public Works Service Center and the Public Works Maintenance

Shop sites. He gave a brief history of the Department of Ecology's site visit in December 2016 and summarized the progress report which included some before/after photos of both facilities. Staff will continue to move forward with this cleanup effort to bring both locations into compliance.

4. Public Works Yard Groundwater Remediation Update: SWM Utility Manager Loren Reinhold updated the Committee on the ongoing groundwater remediation occurring at the Public Works Maintenance Shop and provided and reviewed the consultant contract extension with AMEC for the continuation of the remediation for another two years. The proposal is scheduled for approval at the March 23 Council meeting.

Meeting adjourned at 6:55 pm

Minutes respectfully Submitted by: Peggy Volin, Admin Asst II

Memo

Date: May 10, 2017
To: Council Environment Committee
From: Denise Lathrop, AICP – Community Development Mgr.
RE: *CAO Amendments*

Purpose

The purpose of this agenda item is to provide the Council Environment Committee with an overview of recommended amendments to Title 16 and discuss how these changes affect the application of Des Moines' Environmentally Critical Area regulations (CAO) that are codified in Chapter 16.10 DMMC and its interface with the City's Shoreline Master Program (SMP) as well as Washington Department of Ecology publications *Washington State Wetland Rating System for Western Washington* (Ecology Publication No. 14-06-29, October 2014) and *Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication No. 05-06-008, October 2014).

Overview

In 2016, Des Moines completed a review and update of the CAO (Ordinance No. 1649, June 11, 2016). Amendments updated references to the state wetlands ratings manual and the wetlands delineation manual, habitat scores and wetland mitigation ratios to reflect changes in State Law and best available science.

Through recent CAO inquiries and project reviews, staff has identified several housekeeping amendments that will help clarify the CAO. First, the definition of "*intensity of land use*" was inadvertently removed as part of the DMMC reorganization that was completed in 2013 (Ordinance No. 1583). This definition is important in the application of the CAO and in determining appropriate buffer reductions and mitigation which is based on land use intensity. Staff recommends that the following definition be added back into DMMC 16.01.050 Definitions:

Intensity of land use. The following definitions of "land use intensity" serve as the basis for establishing wetland buffers and development standards as codified in Chapter 16.10 DMMC:

- (a) **High intensity land use.** "High intensity land use" means land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, and commercial and industrial land uses. The majority of land uses in Des Moines are considered "high intensity land use."
- (b) **Moderate intensity land use.** "Moderate intensity land use" means land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, active recreation.
- (c) **Low intensity land use.** "Low intensity land use" means land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space land uses.

Staff recommends that a reference to Appendix 8-C of *Wetlands in Washington State: Volume 2 – Protecting and Managing Wetlands* (Ecology Publication No. 05-06-008, October 2014) be added to DMMC 16.10.120 Wetlands – Development Standards. Appendix 8-C contains guidance on land use intensity, buffer widths, buffer reductions, compensatory mitigation and other measures for protecting wetlands that are linked to the *Washington State Wetland Rating System for Western Washington* (Ecology Publication No. 14-06-29, October 2014).

Additional clarification is needed between the CAO and SMP as it relates to the adjustment of standards and provisions for designated critical areas that are located within the shoreline jurisdiction. Specifically, the application of CAO provisions related to "Reasonable Use Exception", "Development Exception", "Buffer Reduction" and the threshold for determining if a Shoreline Variance is necessary. This would likely require a limited amendment to the SMP that could be completed in conjunction with the amendments being considered for the Wasson House.

If the Council Environment Committee concurs with these changes, staff will draft an ordinance/s for consideration by the whole City Council.