

SEQUIM PLANNING COMMISSION

Transit Center
190 West Cedar Street
Sequim, WA 98382
Tuesday, January 18, 2011

6:00 P.M. Regular Meeting

REGULAR MEETING:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:

Protze, Richmond and Sterhan were present. Wendt was excused; Gardiner was absent.

Acting Chair Richmond called the meeting to order at 6:00 p.m.

Staff Present: Interim Planning Director Joe Irvin; Legal Intern Kristina Nelson-Gross; City Attorney Craig Ritchie and Deputy City Clerk Bobbie Usselman.

The recording equipment was not working. There is no audio recording available for this meeting.

APPROVAL OF MINUTES: January 4, 2011

MOTION by Sterhan to approve the minutes of January 2, 2011; second by Protze. Unanimous.

ITEMS FROM THE PUBLIC NOT ALREADY ON THE AGENDA

IV. OLD BUSINESS:

- A. Critical Area Ordinance
 - (1) Staff Report on Public Outreach

Irvin indicated we have put together an extensive public outreach strategy. He gave an overview of future outreach dates and requirements of areas to be protected.

Nelson-Gross reviewed the results of the public outreach. We are looking for ideas to incorporate the concerns to function as a City and maintain our legal mandates. We have met with the North Peninsula Builders Association, Sequim Association of Realtors, Sequim Chamber of Commerce and the public. Most people were concerned with wetlands and increasing buffers. The Dept. of Ecology increases the buffers substantially compared to what is in the code. For the higher quality wetlands, the Ecology guidance almost reduces the buffers and makes it more manageable. Another major area of concern is the current ordinance of category 4 of less than 10,000 sf are exempt, and

2,500 sf for category 2 and 3. We are not sure where the wetlands exist. There were studies done in the past by Westech to look at major wetlands but they were more than 10,000 sf. Other issues were increasing mitigation ratios. She outlined the different ratios and the Dept. of Ecology's recommendations.

Critical aquifer recharge areas were discussed in the past adopting the 2005 Stormwater manual. Some issues are the low impact development (LID) techniques depending upon the soil content. Another issue is monitoring and enforcing the manual's provisions. Another concern is increasing buffers to streams.

Irvin indicated many of these issues were brought up by those in the audience and asked for other public comment.

Protze asked about a builder moving wetlands and rebuilding them. Gross said there are some requirements we can have such as bonds, etc. Protze has concerns about this happening in areas where wetlands won't work. Gross said if we decide to keep that, we can make sure there is a live wetland there. We have also looked at mitigation banking or wetland banking. That means if they can't build a wetland on their property they can buy into another area.

Public Comment:

Michael Smith, 285 Dungeness Meadows, Exec. Dir. Of the Sequim Senior Center stated the Senior Center purchased property on Washington Harbor Loop. Four or five days prior to bidding on the property a wetland area was discovered to be 7,905' that sits in the best view corridor for the building. The regulatory agency is the City of Sequim; it states that no buffer would be required under the code at that time. If you regulate it there is not room to get around it on either side. A 25' buffer is an area 2.5 times what is being protected. It is a Class IV wetland with no animals. It looks like a level field where water could gather. He asks that the City not go with guidelines that would cause this to be regulated to interfere with their property.

Gross said the City is required to use best available science. We are allowed to look at other growth management goals and mandates. We must give special consideration to conservation or protective methods of fish from the saltwater that go up the rivers to spawn. Cities are encouraged to adopt critical area classifications. The GMA wants us to make appropriate guidelines and regulations. She outlined recent case law.

(2) Washington State Dept. of Ecology Presentation
(Rick Mraz – Wetland Specialist)

Rick Mraz of the Department of Ecology was introduced and gave a presentation called "Protecting Wetland Resources: Ecology's Guidance for Small Cities." [NOTE: Because there is no audio for this meeting, his PowerPoint presentation is attached to these minutes.]

Mraz indicated we have made recommendations to help the City produce a good ordinance, however, you do not have to follow these guidelines.

Wetlands provide functions and values. They store water during high flows and recharge the aquifer during low flows. Wetlands can sequester sediments, nutrients and toxics. Wetlands also provide wildlife habitat. Wetland values include floodwater storage, reduction in erosion, water quality improvement wildlife habitat, green space, recreation and aesthetics.

The GMA requires local governments to protect existing wetland functions and values. Updating a CAO provides an opportunity to include current scientific understanding of wetland functions. GMA has requirements to include best available science for critical areas protection.

Ecology's guidance provides one path: defensible, reasonable, consistent with federal, state and local ordinances. It has been developed with local input. It is misunderstood by many.

He outlined the different guidance documents Ecology uses. The material is available on Ecology's website.

Elements of the regulatory strategy for protecting wetland functions used in CAO is to identify wetlands using the GMA definition and create inventories of wetland; and protect wetland functions which requires mitigation sequencing avoid, minimize, mitigate; use buffers to protect wetlands and mitigation for wetland fill impacts. Ratios they recommend are based on prior failures to insure mitigation is successful.

The wetland rating system was designed to differentiate wetlands based on their sensitivity to disturbance; their rarity, our ability to replace them and functions they provide. They are based on 3 groups: habitat functions, water quality functions and hydrologic functions.

Pictures of different wetland types were shown and described. Category 4 wetlands – wet meadows - are the easiest affected.

The Small Cities Guidance was developed because small cities have limited staff and resources to develop and implement wetland standards. He outlined the brochure. It talks about regulated activities, exemptions and allowed uses in wetlands, and buffers.

Mraz stated the buffers outlined in SMC 18.70 cannot be improved upon. He identified different buffers for different purposes. The studies were done across the country. He discussed balancing act of buffers and the risks.

He stated in looking at wetland science, buffers are based upon the type of wetland, the nature of the development proposed next to it, and what is the existing condition of the wetland. He reviewed Sequim's CAO to Ecology's recommendations.

Ecology has numerous mitigation resources for use by small cities.

Mraz charted the wetland mitigation ratios. These are flexible on a case-by-case basis.

He identified how wetland mitigation banks work.

Ritchie commented on mitigation banking and enhancement. Mraz said you will find enhancements in the mitigation document and Volume 1. Mraz said the Credit/Debit Method for enhancement is available on Ecology website. It takes the rating system and refines it. There is not a table that quantifies reasonable use because there are so many variables.

V. **NEW BUSINESS:** None.

VI. ITEMS FROM COMMISSIONERS/COMMITTEE REPORTS

DIRECTOR'S REPORT

There is a joint meeting with City Council on January 31 from 5-6 p.m. The purpose is to have an open discussion on priorities the Planning Commission should have and what Council's priorities are for 2011.

At the second meeting in February we will have elections for Vice Chair.

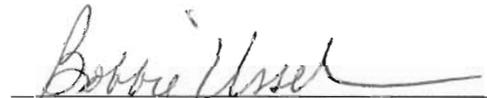
VIII. GOOD OF THE ORDER

IX. ADJOURNMENT:

MOTION by Protze to adjourn; second by Sterhan. Unanimous.

Meeting adjourned at 7:29 p.m.

Respectfully submitted,



Bobbie Usselman, CMC
Deputy City Clerk



Barbara Richmond
Acting Chair

Next regular meeting is scheduled for Tuesday, February 1, 2011.