



## Land Use and Parks Committee

Minutes of  
May 26, 2016 Meeting

**Members present:** Rick Forschler (Chair), Peter Kwon, Pam Fernald  
**Other Council:** Mayor Michael Siefkes  
**Staff:** Acting City Manager Joseph Scorcio; Park & Recreation Director Lawrence Ellis; Public Works Director Will Appleton; Building Services Manager Gary Schenk; Planning Manager Steve Pilcher; Don Robinett, Stormwater Compliance Manager; Al Torrico, Senior Planner; Mike Scarey, Senior Planner

### 1. Call to Order

Chair Forschler called the meeting to order at 4:02 p.m.

### 2. Public Comment

Earl Gipson, SeaTac, provided comments in opposition to the proposed amendments to the SeaTac Municipal Code 15.700 regarding Critical Areas Regulations.

Kathy Boysen-Heiberg urged the Committee to consider only those changes to the Critical Areas Regulations that are necessary to be in compliance with State requirements.

### 3. Discussion of Ordinance Amending SMC 13.240 related to Sound Transmission Code standards

Councilmember Kwon inquired about the relationship between staff and the Port of Seattle regarding the development of these standards, indicating his concern with which agency is in the lead. He handed out maps obtained through the FAA website, indicating both 2013 and 2018 projected noise contours. He suggested the existing code language should be retained, as it appears there will be a larger impact zone in the future.

Building Services Manager Gary Schenk provided a map of the noise contour study which is the basis for the map contained in the proposed ordinance. He indicated that the Port of Seattle will continue to mitigate homes built prior to 1987, ensuring they meet the 45 dB interior noise standard.

After discussion, it was agreed the code should be amended to include language indicating the intent is for the regulations to attain a standard of 45 dB or less. With that change, this item can be on the next Council agenda (June 14) as an action item.

### 4. Proposal to allow the racing of Limited Hydro boats on Angle Lake

Lonnie Goulet of the Angle Lake Shore Club addressed the Committee. He stated that Fuzz Hill of the Club was also in attendance, as well as Jim Nilson and JW Meyers of the Seattle Outboard Association.

The proposal is to allow a one-time only trial of hydro races/regatta on Angle Lake, a weekend in September after Labor Day. The Angle Lake Shore Club is in support of the proposed event and has been contacting lakeshore homeowners to determine those in favor, opposed or indifferent. Mr. Goulet stated that of the 182 properties contacted, 156 responses have been received. 76.5% are in favor, 10.5% are indifferent, and only 13.5% oppose the concept.

J.W. Meyers explained the nature of the boats, noting there will be two sizes: 8.5 ft. and 14 ft. They are powered by outboard motors and generate wakes of 6 – 10 inches. The request is to close the long east-west section of the lake; the northern “leg” would remain open. The closure would occur over 2 consecutive days from 10:00 a.m. to 6:00 p.m. He stated they have been operating races on Silver Lake in Everett for decades. The boats launch from shore, feature above-water exhaust, include 2 gallon gas tanks and 2-cycle engines, reducing the potential of pollution. All fueling is done out of the water. No more than 8 boats would be in the water at any one time.

Fuzz Hill indicated the Shore Club sees this as a family event.

One individual spoke in opposition to the proposal, citing noise concerns and the closure of the lake to other uses.

Acting City Manager Joe Scorcio indicated there is no need for the committee to rush on making a decision, as this proposal as yet to be reviewed internally by staff.

The Committee agreed to consider this item further at a future meeting, after staff has studied the issues in greater detail.

##### **5. Discussion of an Ordinance amending SMC 15.700 related to Critical Areas**

Chair Forschler expressed concern with the number of issues to be addressed, including wellhead protection, the concept of “human induced impacts,” etc.

Mike Scarey, Senior Planner, outlined how staff had proposed to address some of the concerns raised at the Planning Commission public hearings, held on May 3<sup>rd</sup> and 17<sup>th</sup>. He handed out a memorandum that had been presented to the Commission. He reiterated the State deadline of June 30<sup>th</sup>, noting that staff at the Dept. of Commerce had advised that the City has already been granted an extension to this date.

Steve Pilcher, Planning Manager, relayed a conversation he and the City Attorney had with an individual at the Dept. of Commerce earlier in the day. That individual indicated that as long as the City is making progress and has a schedule for completing its work (preferably adopted by Council resolution), that the City would most likely not be in jeopardy in terms of remaining eligible for grant funds.

Joe Scorcio suggested the Council could adopt the changes in part, leaving more time to address those areas for which it had particular concerns.

Chair Forschler expressed concern that the regulations could impact economic development in the city. He asked that staff provide more information on the impact of State laws on local regulations and exactly what that means. He suggested the City petition for a change to the Washington Administrative Code.

Joe Scorcio clarified the difference between the RCWs (law) and WAC (administrative rules).

Earl Gipson inquired what is actually necessary to avoid being out of compliance with the Growth Management Act or if some of the code changes are needed to remain consistent with the City's own Comprehensive Plan.

Mike Scarey indicated that the draft changes were based upon checklists provided by the departments of Commerce and Ecology. These tools are provided to local governments to ensure they are compliant with State law.

The Committee decided this topic should be discussed further at an upcoming meeting, potentially on June 9<sup>th</sup>.

#### **6. Discussion of an Ordinance amending SMC 12.10.010 related to stormwater standards**

Chair Forschler expressed concern with all of the new stormwater requirements being imposed and asked what the timeline is for adoption.

Public Works Director Will Appleton stated that the new stormwater manual needs to go into effect by January 1, 2017. He indicated the next phase of stormwater regulation changes will be to meeting the Low Impact Development (LID) standards of the City's NPDES permit.

Chair Forschler stated his concern with the cost of some LID requirements, citing the increased cost of pervious concrete.

Stormwater Compliance Manager Don Robinett noted that the NPDES permit allow for alternative approaches. He also stated that the King County Stormwater Manual is more flexible than the Dept. of Ecology manual. He clarified where the legal basis for these rules originates.

Chair Forschler indicated a desire to discuss this matter further at a June 9<sup>th</sup> meeting. Discussion on how the City might take issue with these standards ensued.

It was noted that there had been an expressed desire for an attorney with Foster Pepper to come discuss the failed NPDES appeal at a possible joint Committee and Planning Commission meeting. Joe Scorcio noted that this would be more feasible at a June 23<sup>rd</sup> meeting.

Will Appleton indicated he will contact Foster Pepper concerning the possible cost to have them brief the City. He advocated having very specific questions to ask.

Don Robinett noted that the Dept. of Ecology is beginning to write the next NPDES Permit and that the City should be prepared to comment at the appropriate times.

#### **7. Meeting schedule**

It was agreed to establish the fourth Thursday of each month at 5:00 p.m. as the regular meeting time for this committee.

#### **8. Adjournment**

The meeting then adjourned at 5:51 p.m.