



PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, November 7, 2018
Mercer Island City Hall

CALL TO ORDER & ROLL CALL

6:00 PM

MINUTES

October 17, 2018

APPEARANCES

6:05 PM

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

- Speak audibly into the podium microphone
- State your name and address for the record
- Limit your comments to three minutes

*The Commission may limit the number of speakers and modify the time allotted.
Total time for appearances: 15 minutes*

REGULAR BUSINESS

6:15 PM

Agenda Item #1: ZTR18-002 Critical Areas Code Amendment

Review of policy options for amending Geologically Hazardous Areas and Critical Aquifer Recharge Areas sections of critical areas code.

OTHER BUSINESS

Interim Director's report

Planned Absences for Future Meetings

Next Regularly Scheduled Meeting: November 21, 2018 at 6:00PM

ADJOURN

PLANNING COMMISSIONERS

Carolyn Boatsman

Tiffin Goodman, Vice-Chair

Daniel Hubbell, Chair

Jennifer Mechem

Lucia Pirzio-Biroli

Craig Reynolds

Ted Weinberg

PHONE: 206-275-7729

WEB: www.mercergov.org

AGENDA TIMES ARE APPROXIMATE

CITY COUNCIL CHAMBERS - MERCER ISLAND CITY HALL
9611 SE 36TH STREET; MERCER ISLAND, WA 98040



PLANNING COMMISSION MEETING MINUTES OCTOBER 17, 2018

CALL TO ORDER

The Planning Commission was called to order by Chair Daniel Hubbell at 6:06pm in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL

Chair Daniel Hubbell, Vice Chair Tiffin Goodman, Commissioners Carolyn Boatsman, Jennifer Mechem, Lucia Pirzio-Biroli, Craig Reynolds, and Ted Weinberg were present.

Evan Maxim, Interim Development Services Director, Andrea Larson, Senior Administrative Assistant, Lauren Anderson, Assistant Planner, Nicole Gaudette, Senior Planner, Andrew Leon, Planner, Robin Proebsting, Senior Planner and Bio Park, Assistant City Attorney, were present.

MINUTES

The Commission reviewed the minutes from the August 29, 2018 meeting.

It was moved by Boatsman; seconded by Mechem to:

Approve the August 29, 2018, September 5, 2018, and October 3, 2018 minutes.

Passed 6-0-1

APPEARANCES

There were no public appearances.

REGULAR BUSINESS

Agenda Item #1: ZTR18-002 Critical Areas Code Amendment

Andrew Leon, Planner, gave a presentation on the introduction and overview of proposed cleanup amendments to the Mercer Island City Code, intended to clarify and create internally consistent regulations.

The Commission discussed the proposed amendments.

Agenda Item #2: ZTR18-002 Critical Areas Code Amendment

Robin Proebsting, Senior planner, provided a brief presentation on the Critical Areas Code Amendment.

Dave McCormack, Aspect Consulting, gave a presentation on the Best Available Science (BAS) report related to geohazard areas and answered the Commission's questions.

Erick Miller, Aspect Consulting, gave a brief presentation on Critical Aquifer Recharge Areas and

answered the Commissions questions.

The Commission took a break until 8:24 pm.

Agenda Item #3: 2019 Comprehensive Plan Amendment Docket

Evan Maxim, Interim Director, gave a brief presentation on the 2019 Comprehensive Plan amendment docket recommendation to the City Council.

The Commission indicated that they would like to add the Transportation element with a limited multi-model amendment to the Comprehensive Plan Amendment Docket.

It was moved by Pirzio-Biroli; seconded by Reynolds to:

Recommend to the City Council adoption on the 2019 Comprehensive Plan amendment final docket, as described in the staff recommended draft resolution, and as amended to include a Transportation element regarding multi-model transportation

It was moved Boatsman; seconded by Weinberg to:

Amended the previous motion to include a 5th docket item that is an urban forestry plan.

Failed 3-4.

Motion to amend failed.

The Commission directed staff to include an urban forestry plan in docket item #2 related to environmental protections.

Passed 7-0.

The main motion passed.

OTHER BUSINESS

Evan Maxim, Interim DSG Director, gave a report on the community meeting at the MICEC regarding Community Facilities on October 11, 2018.

PLANNED ABSENCES

Commissioner Reynolds will be absent at the November 7, 2018 meeting. Commissioner Weinberg will be absent on December 5, 11 and 13, 2018.

NEXT MEETING

The next Planning Commission meeting will be on November 7, 2018 at 6:00 pm at Mercer Island City Hall.

ADJOURNMENT

The meeting was adjourned at 9:27 pm.



DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605

TO: Planning Commission

FROM: Robin Proebsting, Senior Planner

DATE: November 1, 2018

RE: Critical Areas Code and Shoreline Master Program Updates (ZTR18-002): Policy Guidance on Geologically Hazardous Areas and Critical Aquifer Recharge Areas

Summary

At its November 7, 2018 meeting, the Planning Commission will discuss and provide guidance on updates to the City's critical areas code on the topics of Geologically Hazardous Areas and Critical Aquifer Recharge Areas (CARAs), using a format similar to that used to review the previous set of critical areas topics earlier this year. Items identified in the Gap Analysis Matrix prepared by the project consultant have been divided into two categories: 1) "Major Issues", where there is a significant gap between the existing City code and the recommendations of the best available science, which will result in a more significant amendment to the regulations; and 2) "Minor Issues" which are primarily items that either will cause minimal change in code, or are expected to be non-controversial.

Background

The City's consultant for review of Geologically Hazardous Areas and CARAs, Aspect Consulting, created a list of items in the Gap Analysis Matrix, included in the October 17, 2018 PC packet, to be considered for amendments to the critical areas regulations. Items were included on this list because they were areas inconsistent with the latest science, or because there were opportunities to better meet legislative requirements for the designation of critical areas. Similar to the format used at the Commission's August 15th meeting, staff has divided the list into two parts: 1) "Major issues" and 2) "minor issues". At its upcoming meeting, staff will review the major issues list with the Planning Commission in order to get the Commission's policy direction. The Planning Commission should evaluate the draft evaluation and:

1. Confirm that the evaluation is completed correctly, or provide direction to the staff regarding corrections;
2. Identify additional policy options, if necessary, that require additional analysis; and,
3. Provide final direction to the staff regarding the policy direction that should be reflected in the draft amendments.

Staff does not anticipate reviewing the minor issues list with the Planning Commission, unless there is

consensus by the Planning Commission that an item on the Minor Issues list should be a “Major Issue” warranting additional policy analysis.

Please note that the ratings reflected within the policy analysis represent a **qualitative** assessment of the facts identified in the analysis. The Planning Commission should confirm that this qualitative assessment of the facts is accurate and identify any other facts that affect the analysis.

Finally, please note that if the facts are correct and the qualitative assessment is correct, the Planning Commission may still wish to evaluate other options that reduce negative outcomes or enhance positive outcomes. Please provide direction to staff on November 7th as needed.

Next Steps

Prior to the November 7, 2018, please let me know:

1. If there are policy options for Major Issues different from the BAS-recommendation that a Commissioner would like to see evaluated;
2. If there are items on the Minor Issues list that you think should be elevated to Major Issues and merit full Planning Commission discussion.

Please feel free to contact me at robin.proebsting@mercergov.org or 206-275-7717.

Attachments:

1. Major Issues, excerpted from Gap Analysis Matrix, Planning Commission Review Draft, prepared by Aspect Consulting, dated October 11, 2018
B. Supporting policy analysis
2. Minor issues, excerpted from Gap Analysis Matrix, Planning Commission Review Draft, prepared by Aspect Consulting, dated October 11, 2018
3. Evaluation forms for Major Issues, dated November 1, 2018

City of Mercer Island
Critical Areas Ordinance (CAO) Update
Gap Analysis Matrix prepared by Aspect Consulting
Major Issues List

Existing CAO Provision MICC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
19.07.060 Geologic Hazard Areas						
19.07.060 B Buffers	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	There are no standard buffers or setbacks provided for any geologic hazard areas per code, but setbacks are included in Mercer Island Landslide Hazard Map	Delineation of elevated landslide hazard areas per Grimm 2018, and erosion hazard area by Troost and Wisher, 2009. Include 25-foot setback for steep slopes up to 50 feet high and shallow landslide hazard areas, and 75-foot setback for slopes over 50 feet high and for deep-seated landslide hazard areas. Reduction or increase by geotechnical/geological professional, but not less than 10-foot setback for erosion hazard areas and shallow landslide hazard areas, and 50 feet for deep landslide hazard areas. See BAS Report for details on recommended updates for landslide hazard area development standards.	State Guidance (Berryman & Henigar, 2000; CTED, 2007) Troost and Wisher 2009 Landslide Hazard Assessment and Map Grimm, 2018 City of Bainbridge Island Code, City of Medina Code		
	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections					
	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Development standards for seismic hazard areas should be updated to address hazard associated with Holocene fault ruptures, even though none are currently mapped on Mercer Island.	No active faults have been identified or mapped with precision appropriate for site-specific hazards evaluation or designation within an inventory map. Aspect recommends standard be provided to require that applicants check the U.S. Geological Survey Quaternary Faults and Folds Database to check for new information regarding active faults (https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=db287853794f4555b8e93e42290e9716). If Holocene active (younger than 11,600 years before present) fault rupture surfaces are identified in hazards maps or from other studies, provide 50-foot minimum setback from rupture traces, or implement other structural or geotechnical strategies so that life safety risks are mitigated.	State Guidance (Berryman & Henigar, 2000; CTED, 2007) Seattle BAS 5.1.3 Regional Seismicity – Evidence for larger events in the Seattle Fault zone over the past 16,000 years Bainbridge 16.20.190 Definitions #71 Seismic Hazard Areas Medina 20.50.200.B.3 Seismic Hazard Areas U.S. Geological Survey Quaternary Faults and Folds Database: https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=db2		

Existing CAO Provision MICC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
				87853794f4555b8e93e42290e9716		
NEW SECTION - Critical Aquifer Recharge Areas						
N/A – No existing provisions	<div><div><input type="checkbox"/> Consistent w/ BAS</div><div><input checked="" type="checkbox"/> Inconsistent w/ BAS</div><div><input type="checkbox"/> Opportunity for improved BAS consistency</div></div> <div><div><input type="checkbox"/> Clarity / Ease of use</div><div><input type="checkbox"/> Consistency of code sections</div></div>	Critical aquifer recharge areas (CARAs) are not designated or protected in the current CAO.	<p>Add section that designate and protect CARAs, pursuant to the GMA and its implementing regulations. Please see detailed recommendations for CARA provisions in the BAS Report.</p> <p>For CARA recommendation (in BAS Report) encouraging stormwater infiltration associated with stormwater infiltration restrictions per Ecology SWMWW where infiltration is not considered feasible in the following areas:</p> <ul style="list-style-type: none">Where land for bioretention is within area designated as an erosion hazard, or landslide hazard.Within 50 feet from the top of slopes that are greater than 20 percent and over 10 feet of vertical relief.	<p>Ecology 2005; Ecology guidance for protection of wellheads.</p> <p>Ecology, 2014 Stormwater Management Manual for Western Washington</p>		

City of Mercer Island
Critical Areas Ordinance (CAO) Update
Gap Analysis Matrix prepared by Aspect Consulting
Minor Issues List

Existing CAO Provision MICC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
19.07.060 Geologic Hazard Areas						
19.07.060 A Designation Definitions of Geologic Hazard Areas, Landslide Hazard Areas, Steep Slopes, Erosion Hazard Areas, and Seismic Hazard Areas included in MICC 19.16.010	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	<p>Designation of Geologic Hazard Areas, and assessments by Troost and Wisher (2009) providing detailed inventory of potential hazard areas across the Island, are generally consistent with BAS.</p> <p>Landslide hazard area assessment does not integrate recent additional LiDAR data from 2018 Grimm study, or new BAS protocols for landslide mapping and landslide hazard area delineation.</p> <p>Landslide hazard area designation criteria relies on definition of “Steep Slope”, which excludes artificially created slopes and rockeries, which is too broad and could include many slopes that do not meet modern code stability requirements.</p> <p>Definition and designation criteria for erosion hazard areas are inconsistent with Troost and Wisher 2009 data and methods.</p>	<p>Update landslide hazard assessment (inventory mapping) to integrated additional data from W. Grimm study (2018). <i>See BAS Report for details.</i></p> <p>Update “Steep Slope” definition to only exclude “engineered slopes and rockeries”, and potentially areas of competent consolidated rock.</p> <p>Update assessments and designation criteria / definitions to provide consistency with Troost and Wisher (2009) methods for erosion hazard areas.</p>	<p>W. Grimm, 2018</p> <p>Burns and Mickelson, 2016</p> <p>Burns et al., 2012</p> <p>Slaughter et al., 2017</p> <p>Seattle Code 25.09.090.B.2.b.</p> <p>Medina Code 20.50.200.B</p> <p>Troost and Wisher, 2009</p>		
19.07.060 C Geotechnical Review	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	<p>Current code structure provides uniform standards across all geologic hazard areas, with no recognition of varying hazards and associated level of risk .</p>	<p>Expand code section to provide general Geotechnical Review requirements, as well as requirements specific to each geohazard type (landslide, erosion, and seismic). See BAS report Key Issues for specific recommendations.</p>	<p>State Guidance (Berryman & Henigar, 2000; CTED, 2007)</p> <p>Bainbridge, Medina, Edmonds, and other neighboring jurisdiction approaches.</p>		

Existing CAO Provision MICC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
19.07.060 D Site Development	<div><div><input type="checkbox"/> Consistent w/ BAS</div><div><input type="checkbox"/> Inconsistent w/ BAS</div><div><input checked="" type="checkbox"/> Opportunity for improved BAS consistency</div></div> <div><div><input type="checkbox"/> Clarity / Ease of use</div><div><input type="checkbox"/> Consistency of code sections</div></div>	As with Subsection C, Site Development Standards are generally provided uniformly for all geologic hazard areas.	Expand code section to provide general Site Development requirements applicable to all geological hazard areas, as well as requirements specific to each geohazard type (landslide, erosion, and seismic). See BAS report Key Issues for specific recommendations.	State Guidance (Berryman & Henigar, 2000; CTED, 2007) Bainbridge, Medina, Edmonds, and other neighboring jurisdiction approaches.		

Major Issue #1: Geologic Hazard Area Buffers

		BAS-recommended approach: Apply no-build buffers	Alternate Policy Option 1: Allow development in buffers if geotechnical analysis determines to be safe	
Gatekeeper Questions	Best available science Does the proposed policy follow the best available science? If not, have the risks of departing been identified and mitigated?	Yes	Yes	"No" answer alternatives do not advance to evaluation under decision-making factors
	Comprehensive Plan Is the comprehensive plan consistent, inconsistent, or silent on the proposed standard?	Yes, LU 18.1, 18.3, 18.5, LU 18.6	Yes, LU 18.1, 18.3, 8.5, LU 18.6	"No" answer alternatives do not advance to evaluation under decision-making factors "Null" answer alternatives may prompt a comprehensive plan update
	Case law Is the proposed standard consistent with case law?	Yes	Yes	"No" answer alternatives do not advance to evaluation under decision-making factors
Decision-making factors	Property owner interest How will the proposed standard affect: ... flexibility for development? ... individual economic return?	N * Development would be prohibited on some properties, prompting the need for use of Reasonable Use Exceptions	n * Geotechnical studies would be required in more cases, as the buffer would expand the area in which the critical areas code would apply, increasing permit review time and expense for individual property owners.	Decision-making factors may be rated on a scale of strong positive to strong negative denoted by the following: * "P" = Strongly positive effect * "p" = Weak positive effect * "O" = Neutral effect * "n" = Weak negative effect * "N" = Strong negative effect Code Options receiving a "N" rating on any decision-making factor are either: 1) modified to no longer receive a "N"; or 2) removed from consideration for the Planning Commission-recommended code.
	Community interest How will the proposed standard affect: ... future growth targets? ... community safety from natural hazards? ... social interaction?	p * Preventing development in unstable areas would improve community safety from natural hazards	p * By requiring geotechnical studies in more cases, more proposed development projects would be reviewed for safety, improving community safety from natural hazards	
	Environmental interest How will the proposed standard affect: ... local environmental quality and ecosystem function? ... regional environmental quality and ecosystem function?	p * Preventing development in unstable areas would improve water reducing erosion potential, improving water quality in wetlands, watercourses and Lake Washington	p * By requiring geotechnical studies in more cases, more development projects would be reviewed for erosion potential, contributing to the improved environmental quality of local wetlands and watercourses and Lake Washington	
	Administration To what extent is the standard: clear? ... objective? ... simple?	O * Standard would be no more difficult to administer than current standard	O * Standard would be no more difficult to administer than current standard	

Major Issue #2 Require setbacks from active faults

BAS-recommended approach

Gatekeeper Questions	Best available science Does the proposed policy follow the best available science? If not, have the risks of departing been identified and mitigated?	Yes	"No" answer alternatives do not advance to evaluation under decision-making factors "No" answer alternatives do not advance to evaluation under decision-making factors "Null" answer alternatives may prompt a comprehensive plan update "No" answer alternatives do not advance to evaluation under decision-making factors
	Comprehensive Plan Is the comprehensive plan consistent, inconsistent, or silent on the proposed standard?	Yes, LU 18.1, 18.3	
	Case law Is the proposed standard consistent with case law?	Yes	
Decision-making factors	Property owner interest How will the proposed standard affect: ... flexibility for development? ... individual economic return?	n * Screening properties for the presence of a fault would increase time and cost to property owners proposing development * Properties found to be within the setback from a fault would incur additional expense by adding mitigation for the seismic risk	Decision-making factors may be rated on a scale of strong positive to strong negative denoted by the following: * "P" = Strongly positive effect * "p" = Weak positive effect * "O" = Neutral effect * "n" = Weak negative effect * "N" = Strong negative effect Code Options receiving a "N" rating on any decision-making factor are either: 1) modified to no longer receive a "N"; or 2) removed from consideration for the Planning Commission-recommended code.
	Community interest How will the proposed standard affect: ... future growth targets? ... community safety from natural hazards? ... social interaction?	p * By requiring screening of properties where new development is proposed, development that occurs in these areas will be safer for the community	
	Environmental interest How will the proposed standard affect: ... local environmental quality and ecosystem function? ... regional environmental quality and ecosystem function?	O * Mitigating seismic risk is not anticipated to have effect on environmental quality	
	Administration To what extent is the standard: clear? ... objective? ... simple?	n * Adding another review item would increase staff review time	

Major Issue #3: Add CARA standards to the code

BAS-recommended approach

Gatekeeper Questions	Best available science Does the proposed policy follow the best available science? If not, have the risks of departing been identified and mitigated?	Yes	"No" answer alternatives do not advance to evaluation under decision-making factors "No" answer alternatives do not advance to evaluation under decision-making factors "Null" answer alternatives may prompt a comprehensive plan update "No" answer alternatives do not advance to evaluation under decision-making factors
	Comprehensive Plan Is the comprehensive plan consistent, inconsistent, or silent on the proposed standard?	Yes, 18.5	
	Case law Is the proposed standard consistent with case law?	Yes	
Decision-making factors	Property owner interest How will the proposed standard affect: ... flexibility for development? ... individual economic return?	n * In areas designated as CARAs, the allowed land uses would be limited, reducing property owner flexibility	Decision-making factors may be rated on a scale of strong positive to strong negative denoted by the following: * "P" = Strongly positive effect * "p" = Weak positive effect * "O" = Neutral effect * "n" = Weak negative effect * "N" = Strong negative effect Code Options receiving a "N" rating on any decision-making factor are either: 1) modified to no longer receive a "N"; or 2) removed from consideration for the Planning Commission-recommended code.
	Community interest How will the proposed standard affect: ... future growth targets? ... community safety from natural hazards? ... social interaction?	p * By requiring restricting potentially polluting land uses in aquifer recharge areas, the community will benefit from cleaner drinking water.	
	Environmental interest How will the proposed standard affect: ... local environmental quality and ecosystem function? ... regional environmental quality and ecosystem function?	p * By requiring restricting potentially polluting land uses in aquifer recharge areas, water quality will be at lower risk of contamination.	
	Administration To what extent is the standard: clear? ... objective? ... simple?	O * Additional review will be required with the new standards * Given that the geographic area where the standards apply is clear, and the applicable standards are clear, administration is not anticipated to add a significant amount of time to review.	