

## **Sultan Planning Board Meeting**

**April 3, 2007**

The meeting was called to order at 7:06 p.m. by Chairperson Latimore

Planning Board members Present: Sarah Davenport-Smith, Jeff Cofer, Kurt Latimore, George Schmidt, and Charles Van Pelt; staff present: Public Works Director Connie Dunn, and Planning Commission Secretary Tami Pevey.

### **Public Comment**

No comments

### **Changes to Agenda**

No changes

### **Committee Reports and Staff Presentations**

*Presentation Municipal Phase II Storm water Permit 101 (PB Davenport Smith)*

Planning Board member Davenport-Smith gave a general overview presentation of the Storm water Permit 101 process and included slide presentation copies in the agenda packet.

She explained Sultan is not yet under the Storm water permit 101 and stated she was giving the presentation to get Sultan better prepared for future requirements. During the presentation she explained MS4 permits are for smaller cities. There are three options to apply; can apply alone; can apply together with other cities to help cut the costs; or petition for coverage.

During the presentation she explained the following:

- S4F requirements and reviewed compliance with the standards & violations. She explained following the steps shields against third party lawsuits.
- S5 – Meeting requirements in S5, meeting requirements of whole storm water program
- IDDE minimum performance measures to comply; referred board members to manual for resource.

SWMP Documentation and reporting is a bonus for new cities not involved in the plan yet as Sultan will be able to look at other cities to see what the cost was to develop the program.

SWMP is large and may benefit city to work with other entities to reduce costs and amount of time involved. Routine monitoring not required yet, but may be required later.

Reviewed recommended activities and explained rate structure committee is a step in the right direction, coordinate and staff training preparation; local regulations and ordinances; develop inspection program; recordkeeping; conduct analysis to find out what is needed. Annual report 90 questions; record keeping and cost tracking not part of annual permit, but may be requested.

Storm water has been found to contribute to water quality programs; state and federal level given steps to mitigate effect on water quality.

Board member Van Pelt: Asked for further clarification on phase 2 versus phase 1?

Phase 1 for large MS4 – 100,000 people or more; examples such as Snohomish, King and Clark County.

Board member Van Pelt: Stated in construction they are not under the permit now and asked what applies to current construction.

The city has ordinances in place and they currently have to comply with Ecology requirements for construction storm water permit. She explained the DOE 2005 manual is used by the City of Sultan already.

Connie Dunn: Best management practices uses manual and it assists with parking lots and runoff possibilities; gave example of the Shell Station on the four lanes. Further explained when the city implemented LID 97-1 they were required to get a permit due to the work encompassing an area of 5 acres down to 1 acre. She advised board members that City Engineer Jon Stack is requiring an ecology permit for development more than 1 acre.

Board member Davenport-Smith explained cities are free to have more stringent requirements.

Connie Dunn stated that the City of Seattle is more stringent than DOE, and that Eastern Washington has its own permit process.

Board member Van Pelt inquired if the permitting process takes 5 years.

Board member Davenport – Smith state the permit itself is good for 5 years and that there are deadlines to be met within the permit. Cities are required to have the permit

in place by year 4 to 4 ½. She further stated that DOE is focusing this cycle on technical assistance since the process is so new to so many municipalities.

Connie Dunn: referred board members to annual report in the SWMP manual and explained 1<sup>st</sup> year annual report vs. 2<sup>nd</sup> year annual report.

Board member Davenport – Smith further explained primary permit fees and appendix 4 in SWMP manual is secondary permit fees. She stated a city annual report is due March 31<sup>st</sup> of the following year no matter how long or short a time period a city has been involved.

Board member Latimore – Confirmed that starting East on Highway 2 with Sultan the cities to Stevens Pass have no permits yet and clarified that is the only area left not required to have permit.

Board member Davenport – Smith explained Western Washington phase 2 permit cuts off at Divide and is farther than what Snohomish County does.

Board member Latimore – Questioned options for petition coverage and inquired if he could write ecology and say he felt Sultan should have a permit. Is that all it takes?

Board member Davenport – Smith explained that would be all it would take for ecology to ask why and stated a citizen would need to explain to ecology why they felt that way. There is a written petition addressing relevant factors laid out on the website. Ecology can request more information and has 180 days to review the petition. If Ecology decided yes, then DOE would issue an administrative order directing the city.

Latimore – Asked if AKART ( \_\_\_\_\_ ) is similar to best available science.

Board member Davenport – Smith stated other treatments may be available, but can stick to treatments required.

Board member Latimore – Asked what the Feb 17, 2007 date referred to.

Board member Davenport – Smith explained the general permit became effective on 2/17/07; any city under the permit after this may have different timelines and due dates but is given reasonable time.

Board member Latimore inquired if the SWMP permit is more like "I want to do something I need a permit" or an operating permit?

Board member Davenport – Smith confirmed yes, performing something and need a permit. Permit is reissued every 5 years to the city and it is basically a permit to discharge storm water into the Sultan or Skykomish River.

Board member Latimore stated Sultan doesn't have one and questioned if the city could just let it be for now.

Board member Davenport – Smith stated they could.

Board member Latimore asked why the City of Sultan doesn't have to comply by February 17th.

Board member Davenport – Smith explained Sultan wasn't chosen and thought it was due to the population density. 1000 people per square mile is the requirement and Sultan doesn't meet that yet so they are not deemed as a major contributor. There are also no major water quality problems with the Skykomish or Sultan River at this time, so there is nothing triggering DOE to request Sultan to permit. She is here to prepare the city for the future.

Board member Latimore referred to a construction project on a 2 acre site; currently the city or county would issue permits but questioned that in addition to that as of 2/17 citizens are applying directly to Ecology for Phase II construction permit?

Board member Davenport – Smith stated a construction permit is a different permit with different date, but yes, citizens would also have to apply with DOE's construction permit.

Board member Latimore asked if it was in addition to current requirements.

Board member Davenport – Smith stated it's not necessarily in addition to those requirements; it follows those requirements as it follows the storm water manual. It is an overlap with this permit and separate construction storm water permit. City will probably have to coordinate with developer and county/city in regards to inspections.

Board member Latimore inquired if the state does inspections too.

Board member Davenport – Smith stated no, but occasionally DOE inspects construction sites, but currently don't have enough man power, so it falls to the municipalities' responsibility.

Board member Latimore stated city ensures permit is obtained, but DOE required ensuring above and beyond best practice; Davenport Smith agreed.

Board member Latimore state there is no conversation in the construction world about this process. Asked for clarification of 180 day notice of intent.

Board member Davenport – Smith stated storm water management plan 180 days in effect; 180 days to respond to petition.

Board member Latimore confirmed a project in the UGA or county which is over an acre is governed under a storm water permit. The city could look at conditions of the permit to see if it is draining into the city. Board member Davenport – Smith in agreement.

Josie Fallgatter: Asked the timeline when Sultan would be required?

Board member Davenport – Smith stated 2012; another 5 years.

Board member Latimore – Asked if it would be a phase three permit.

Board member Davenport – Smith stated no, phase two now; explained phase 1 is large and medium MS4; phase 2 is small MS4.

Board member Latimore – Asked if the local jurisdiction funds the effort.

Board member Davenport – Smith explained there is 26.1 million in the governor's budget for help; 21.4 million for Western Washington; 14.1 million of that for infrastructure and low impact development grants. Several grants available for various steps in the process.

Connie Dunn stated Sultan had been denied twice in the past for grant requests.

Board member Davenport – Smith urged the city to ask again as times are changing and storm water is the focus right now.

Board member Van Pelt: Inquired if you go around and take sips of water to test.

Board member Davenport – Smith stated yes, samples to get lab results and if there is an issue DOE sends an inspector.

Board member Latimore asked if Sultan proceeds with storm water utility, then the city will not be required to have a permit so they are not required to meet all the standards.

Board member Davenport – Smith stated it is best to be prepared ahead of time so when the time comes to have the permit the city is prepared. Phasing storm water rate is recommended. Encourage cities to work with one another to cover what Sultan lacks.

Connie Dunn gave example working with other agencies to purchase sewer plant Vactor truck to off set the costs.

Board member Latimore stated it was a good presentation and thanked Board member Davenport – Smith.

#### **ACTION – APPROVAL**

### **Approval of 2/20/07 minutes**

Planning board member moved to accept the minutes of February 20, 2007.

Correction requested that George Van Pelt be changed to Charles Van Pelt on the third and fourth pages

Planning Board member Davenport – Smith moved to accept the minutes as amended; Planning board member Cofer seconded the motion; All in favor.

### **Approval of 3/20/07 minutes**

Planning Board member Davenport – Smith moved to accept the minutes as amended; Planning board member Van Pelt seconded the motion; All in favor.

### **DISCUSSION ITEMS**

Board member Davenport-Smith – discussed majority vote, but minority descent and asked if that does happen could the council be presented with the vote information; suggested members hold discussion. Stated the board may even go further and give periodic updates to the council to keep the flow of communication.

Board member Latimore – Stated he believes Community Development Director Rick Cisar presents to council and gives briefs.

Board member Davenport-Smith – explained does give a briefing, but just recommendation; not the details; Suggested may be easier for chair to provide that detail.

Board member Latimore – Agreed and stated he gave an update to the council a few months back.

Board member Davenport-Smith – inquired if it was helpful to the council and asked if the council liked that.

Board member Latimore –Believed so; City council may want to work that in more.

Connie Dunn, Public Works Director, explained Councilman Flower is asking for public hearings, ordinances, and recommendations; Council would know details why there was a split amongst members. Council members want more details and would like to know opposition and details.

Board member Davenport-Smith stated council could choose to side with the minority.

Connie Dunn, Public Works Director states yes, it could change a council vote to send it back to either resolve issues, change the whole thing, or agree with majority.

Board member Latimore asked if all recommendations go to council with the voting as the minutes read that way.

Connie Dunn, Public Works Director explained not necessarily; minutes don't always go to council. Issues are brought to them with planning board recommendations; not planning boards comments. Suggested don't want to end up with discontentment with board and council. Council would know board opposition to review and make better decision.

Board member Davenport-Smith said that votes would be more informed and make better council members.

Connie Dunn, Public Works Director, stated they could request minutes go to council.

Board member Latimore thought it was standard procedure as planning board is a committee under council.

Connie Dunn, Public Works Director suggested the board check into that as she was not sure.

Board member Latimore suggested when Community Development Director Rick Cisar returns at the next board meeting he recommends they continue the conversation. Not sure majority/minority piece and could become contention. Vote is what board decided and not sure how it would play out. Thinks council should know vote numbers and knowing how board voted, but thought it was already done.

Board member Cofer – Asked if it would detract from cohesiveness of the unit; Democratic vote, majority wins, end of discussion, or is it.

Board member Davenport Smith said she could see how it could bring up contention; or would it bring up anymore contention than is already there. Would it cause anymore contention to have it reported to council.

Board member Van Pelt stated it could send it back to subcommittee.

Board member Cofer – Questioned the scenarios, "they voted against me and I'm telling"; isn't that what it reduces it too.

Board member Davenport Smith didn't think so as a council member requested it; depends how it goes; assumes there is a process in standard operating procedure.

Board member Van Pelt asked they should review the rules again.

Board member Cofer stated if a member of council has questions about majority/minority, council has access to information whether it is in packet or not.

Board member Latimore suggested the board find out more information.

Board member Davenport-Smith did attend a council meeting and remembered Community Development Director Rick Cisar stating board recommended removing the word stream. Inquired if minutes were included to the council.

Connie Dunn, Public Works Director did not remember planning board minutes being in council packet.

Board member Latimore suggesting they ask Rick Cisar again; not excited about majority/minority.

### **PUBLIC COMMENT**

Josie Fallgatter – Compliment to Davenport-Smith for thorough presentation; Complimented Connie Dunn for her job at the open house for the comprehensive plan.

Went on to explain the discussion of presentation to council and confirmed request made by Councilman Flower a couple of years ago when planning board had contention and not all information making it to council. Stated things weren't getting to planning commission or council which caused problems approving an issue and things getting changed before got to council; follow thru didn't happen. Today things that the current board has been recommending when translated to council tends to make the board seem irrelevant. Suggested it can't hurt to give more information than less and it comes down to informing the council of how you arrived at your decisions.

Board member Van Pelt asked if council recognizes that there is distrust.

Josie Fallgatter stated yes and suggested to direct staff that the board wants minutes to go to council.

Board member Van Pelt, Schmidt, and Cofer all thanked Board member Davenport-Smith for her presentation.

Planning board member Cofer moved to adjourn the meeting at 8:30 p.m. Motion seconded by all board members simultaneously, motion carried.