

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING
TUESDAY, APRIL 3, 2012, 7:00 PM
South Prairie Town Hall
121 NW Washington Street**

The following is a condensation of the proceedings and is not a verbatim transcript.

CALL TO ORDER:

Mayor Peggy Levesque called to order and presided over the Regular Council Meeting of April 3, 2012, at 7:00 PM.

ROLL CALL:

Council Members: Tony Caldwell, James Frank, Laura Heideman, Phillip Marshall and Stu Terry were present.

Also in attendance: Mart Kask, Town Planner; Sarah Lukas, Department of Ecology; Mike Reynolds, Legal Counsel for South Prairie Creek RV Park; Dwight Partin, Mary Roach, Gina Marshall, Dan Lawton, Barb Wigton, Ben Dahle, Austin Leming, Magna Bednarski, Karen Leming and Tommy Inglin, citizens; and Marla Nevill, Clerk/Treasurer.

FLAG SALUTE:

Mayor Peggy Levesque requested everyone stand for the "Pledge of Allegiance."

REVIEW AND APPROVAL OF AGENDA FOR APRIL 3, 2012:

- ❖ **Councilor Laura Heideman** moved to approve the Agenda for April 3, 2012. **Councilor Phillip Marshall** seconded the motion. **Motion carried unanimously.**

WORKSHOP – SHORELINE MASTER PROGRAM:

Mart Kask, Town Planner prepared a list of questions for Sarah Lukas that has risen regarding concerns with the "Urban Conservancy" designation in the Shoreline Master Program. (See Exhibit "A" attached). **Sarah Lukas**, Department of Ecology (DOE) stated the "Urban Conservancy" designation would cover all of the Town's designations and simplify the updating process. (See Exhibit "B" attached). **Mike Reynolds**, Legal Counsel for the South Prairie Creek RV Park, stated lending obstacles that could arise and challenges that property owners could face with the "Urban Conservancy" designation. He stated the objective of DOE is to protect our environment. He said the danger zone here is that once it's moved into that zone, would the legislature over regulate an already classified "Urban Conservancy?" Discussion followed. **Sarah Lukas** stated the Town Council would have authority over variances. **Mart Kask** said the Shoreline Permits are handled by the Town of South Prairie and then it goes to the Department of Ecology. **Mike Reynolds** said the final yea or nay is controlled by DOE. **Mart Kask** said it is up to the applicant to pursue if DOE disapproves or requires conditions to be met. He said all of the lots along the shoreline are short lots; so all buildings would require a Conditional Use Permit. They would have to hire experts to determine "net loss." He said under the existing Shoreline Master Program (SMP) only a 50' (fifty foot) buffer is required. Discussion followed. **Austin Leming** stated concerns about the creek cutting a path into their property. **Sarah Lukas** suggested a possible bank stabilization project. **Mary Roach** stated when a retaining wall was built; it started cutting into their property. **Mayor Peggy Levesque** asked if bank stabilization was allowed under the SMP. **Mart Kask** said it is allowed; but it is at the applicant's expense and it is difficult to obtain approval. **Sarah Lukas** said you have .77 of a mile of shoreline with 200' on either side of creek that falls within the shoreline jurisdiction. You have to follow the rules for this area. In order to add another designation, you have to add a whole other scheme. **Mart Kask** stated it is not that big of a deal to create a "Shoreline Residential" zone. He said it should have been done in the first place. **Mayor Peggy Levesque** asked if we could have three designations.

Sarah Lukas said absolutely. Discussion followed. Sarah Lukas said she would be okay with three designations. She said you should be more concerned with the Use and Modification Chapter. Discussion followed.

RECESS:

Mayor Peggy Levesque requested a brief recess from 8:18 – 8:25 PM.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF MARCH 6, 2012:

- ❖ Councilor James Frank moved to approve the Regular Council Meeting Minutes of March 6, 2012. Councilor Stu Terry seconded the motion. Motion carried unanimously.

APPROVAL OF RECESSED COUNCIL MEETING MINUTES OF MARCH 20, 2012:

- ❖ Councilor Laura Heideman moved to approve the Recessed Council Meeting Minutes of March 20, 2012. Councilor Phillip Marshall seconded the motion. Motion carried unanimously.

APPROVAL OF BILLS FOR MARCH 2012, IN THE AMOUNT OF \$52,167.35:

- ❖ Councilor Phillip Marshall moved to approve the bills for March 2012, in the amount of \$52,167.35 (fifty-two thousand one hundred sixty-seven dollars and thirty-five cents). Councilor James Frank seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS:

- 1) **Mart Kask – Code Enforcement Issues:** Mart Kask gave an update regarding the Code Enforcement Issues. He stated there is one outstanding issue and he will give an update at the May 1, 2012 Council Meeting. Discussion followed.

NEW BUSINESS:

- 1) **Mart Kask Memo RE: Proposed Pierce County Flood Control District Ordinance No 2011-95:**

Mart Kask gave an update on the Pierce County Flood Control District. He stated the levees along the Puyallup River are failing. He said the County is between a rock and a hard place and they need money to fix the levees. He said it is very unlikely that the Corp of Engineers would shore-up these levees. He said the Flood Control District is permitted by State Law, which generates funds to fix the levees. Pierce County created a new ordinance with the rate setting left up to the Board of Directors, which people have refuted because they do not trust them. Discussion followed. Mart Kask said since Pierce County has helped out the Town, he suggested that we maintain a neutral position in this matter. He said when a decision is made, there should be some compromise. He said we cannot make a good case to be exempt. Discussion followed. Mart Kask said no action is required at this time.

- 2) **Review Recommendation from Committee and Appointment of On-Call Engineering Firm:** Councilor Tony Caldwell said we received two proposals for on-call engineering. He said both firms were interviewed and references were checked. He said we were impressed with both of the engineering firms. (JKA and Jim Morgan) He said since there are no rules stating we are limited to only one engineering firm; it is the recommendation of the committee that we could bring JKA and Jim Morgan on board as on-call engineering firms for the Town. Discussion followed.
 - ❖ Councilor Phillip Marshall moved to bring JKA and Jim Morgan on board as on-call engineering firms for the Town of South Prairie. Councilor Laura Heideman seconded the motion. Motion carried unanimously.

3) Request to use Pasture south of the WWTP:

Councilor Laura Heideman requested that we check with the insurance before allowing this request. Discussion followed.

- ❖ **Councilor Tony Caldwell** moved to table this issue until May 1, 2012 Council Meeting. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

4) Authorize Mayor to Sign FEMA Grant Agreement for January 2012 Winter Storm:

- ❖ **Councilor Stu Terry** moved to authorize the Mayor to sign the FEMA Grant Agreement for the January 2012 Winter Storm. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

5) Set Workshop Date and Appoint Committee Members to Discuss Annexation with East Pierce Fire and Rescue:

Mayor Peggy Levesque said we met with Chief Thorson and we need to have a committee to negotiate the details. **Councilor Tony Caldwell** said Chief Thorson recommended we have a committee made up with both citizens and Council Members. He said the negotiations would not happen overnight. **Barb Wigton** suggested that we talk to other agencies such as Wilkeson and Milton.

Committee Members: James Frank, Laura Heideman Peggy Levesque and Tom Inglin. First meeting is scheduled for Tuesday, April 17, 2012, at the Town Hall.

6) American Ramp Company – Skate Park Grant Opportunities:

Councilor Stu Terry said he would head this up. **Mary Roach** said in Buckley, they have had to put up surveillance. Discussion followed.

CITIZENS' COMMENTS:

Barb Wigton said the Council has worked hard really hard on getting sidewalks installed; and she is concerned about vehicles parked on the sidewalks. She requested that we have the Pierce County Sheriff's Department enforce the "No Parking on Sidewalks." She said it is especially a problem on Rainier and SE Second Street. Discussion followed.

Gina Marshall asked who was responsible for fixing the pothole in the Post Office parking lot. Several people stated it was the responsibility of the Post Office not the Town. Discussion followed.

Barb Wigton asked when the Town would be fixing the grate on Emery at Third Street; and trimming the trees along Tubbs Road. **Councilor Tony Caldwell** said the grate would be fixed during the overlay project on Emery Avenue, SE Third Street and Tubbs Road later this year. He said the trees should be trimmed this coming Friday. Discussion followed.

Ben Dahle introduced himself stating he is a civil engineer and he is working with Jim Morgan. He said he is glad to be back. He said there might be an opportunity for connecting the sidewalks. There are also a lot of compliance issues pertaining to the stream. Discussion followed.

MAYOR'S REPORT:

Mayor Peggy Levesque said after 1½ years the Governor signed the Bill to get us out of trouble with the pension plan. Discussion followed.

PUBLIC WORKS' REPORT:

Councilor Tony Caldwell said the Transportation Improvement Board (TIB) Overlay Project for Emery Avenue South-Third Street SE-Tubbs Road has gone out to bid. Discussion followed. **Councilor Tony Caldwell** said the Bid Opening is scheduled for April 19, 2012.

Councilor Tony Caldwell said the trees on Tubbs Road would be trimmed and chipped. He said the chips would be shot into the woods. He said Pierce County would be out this Friday to trim the trees. Discussion followed.

Councilor Tony Caldwell said we would be going out to bid to replace the water tanks probably next month. Discussion followed.

CLERK'S REPORT:

Marla Nevill said we had the inspection from AWC and we are still waiting for the inspection forms from Roger Neal. **Councilor James Frank** gave a follow up report on the inspection of the playground equipment. **Councilor Stu Terry** said he would work on the sign inspections. **Mayor Peggy Levesque** asked about the sidewalk inspections. **Marla Nevill** said she is waiting for the inspection forms from Roger Neal, Association of Washington Cities Risk Management Service Agency (AWC RMSA). Discussion followed.

Marla Nevill said we received a request to change the utility billing date from the 10th of the month to the 15th of the month; and change the delinquency date from the 5th day of the month to the 10th day of the month. She explained that this would benefit those residents on Social Security and do not receive their checks until the second week of the month. Discussion followed.

- ❖ **Councilor Tony Caldwell** moved to direct the Town Attorney to draft an ordinance changing the billing date to the 15th of the month and changing the delinquency date to the 10th of the month. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

COUNCIL MEMBERS REPORT:

Councilor Laura Heideman said she reviewed the Draft Connection Charge Study from Parametrix and it was great. She said it just needs to be updated. Discussion followed. Council requested that Jim Morgan update the document.

Councilor Laura Heideman said the first Salmon Run meeting for the year is scheduled for May 8th. She said she would send out an email. Discussion followed.

Councilor Phillip Marshall asked if we could set up Town email accounts for the Council Members. Discussion followed. **Mayor Peggy Levesque** asked Marla to set up email accounts for the Council Members.

Barb Wigton thanked the Mayor and Council for the workshop to address concerns about the Shoreline Master Program. She said she would trust Mart 100%. **Councilor Tony Caldwell** said the document would not be approved until June. Discussion followed.

ADJOURNMENT:

- ❖ At 9:45 PM, **Councilor Tony Caldwell** moved to adjourn the Regular Council Meeting of April 3, 2012. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

Date Approved: May 1, 2012

WORKSHOP QUESTIONS
Shoreline Master Program Update
Town of South Prairie
3 April 2012
7:00 P.M. South Prairie Town Hall

1. While the current South Prairie Creek shoreline area (200 feet of each side of the Creek) is designated as "Shoreline Residential", why is Watershed Company recommending that the current designation be changed to "Urban Conservancy"?
2. The Ecology's Shoreline Master Program Handbook, Chapter 13, page 7, states that land zoned for Residential Uses and land use is currently predominantly residential, or developable land, the shoreline environment should be designated "Shoreline Residential". While the shoreline area of the South Prairie Creek is in residential use or open for residential development or is zoned residential, why is Watershed Company not following the Ecology's guidelines and is recommending that the South Prairie Creek shoreline environment be designated "Urban Conservancy"?
3. The Ecology's Shoreline Master Program Handbook, Chapter 13, page 7, states that land zoned for open space or has a high proportion of undevelopable land such as wetlands, steep slopes, or large parks, the shoreline environment should be designated "Urban Conservancy". While the shoreline area of the South Prairie Creek is predominantly in residential use or open for residential development and all of it is zoned residential, why is Watershed Company departing from the Ecology's guidelines and is recommending that land that is predominantly in residential use be designated "Urban Conservancy"?
4. Table 3.2 Shoreline Development Standards Matrix, page 18 of the Town of South Prairie Shoreline Master Program Working Draft states that shoreline buffers for all uses shall be 100 feet while the minimum residential building setback is 50 feet, the net result is that residential buildings can be built in shoreline buffers. The table needs some clarification.
5. Establishing shoreline buffers and setbacks needs some discussion.
 - a) What are the buffers and setbacks in a Shoreline Residential designation?
 - b) How are existing structures affected?
 - c) Can existing structures be expanded?
 - d) Are gardens and sheds in the buffer zone grandfathered?
 - e) Why not use existing setbacks and buffers?
 - f) Can a residential structure be sited on a shoreline lot that is sized 50 feet wide by 80 feet deep?

6. It appears that almost all residential improvements or shoreline lots needs a shoreline conditional use permit. The application process for filing a conditional use permit application is very technical and expensive and requires hiring highly skilled and costly technical experts. Does the Town, City or County have the ability to excuse the applicant from incurring excessive costs, or is there a provision that these costs will be refunded to the applicant when the conditional use permit is denied either by the local government or by the Department of Ecology?

South Prairie Town Council- April 3, 2012

Purpose: Discuss the proposed Shoreline Environmental Designations (or zones).

Issue: The town has shown concern over the proposed shoreline environmental designations. The current SMP has only one designation: Residential.

Under the new Guidelines this doesn't work. The simplest scheme under the new Guidelines can be two designations:

- Aquatic: for all areas in the river;
- Urban Conservancy: all upland areas

This is what is proposed, and I recommend this.

To accommodate the Residential Designation the Town would need to have three designations under the new Guidelines

- Aquatic: for all areas in the river;
- Urban Conservancy: for areas adjacent to the HWY, and the areas that are commercial and industrial;
- Residential: for areas that are zoned residential.

This is necessary because the residential designation cannot accommodate certain areas:

- HWY;
- Commercial;
- Institutional.

What would this change in the current draft?

- WAC 173-26-211(4)(a) describes the requirements for what each environmental designation must contain.
 - **Purpose Statement:** management objectives that distinguish it from the other designations;
 - **Classification Criteria:** describes what should fall under this classification;
 - **Management Policies:** Assist in the interpretation of the regulations and help evaluate consistency with the Comprehensive plan;
 - **Regulations:** bulk and dimensional standards unique from the other upland areas.
- **Threes Mapping Designations (zones)**
- **A third designation (column) added to the Matrix**

Other Reasons Why the Urban Conservancy Environment is more appropriate for the shoreline designation:

- Several variables are required to be considered when determining the designation for an upland environment:
 - **Current and planned land use:** residential, commercial, HWY, recreation, institutional—no water-dependent uses and the river is not commercially navigable;
 - **Biological and physical character of the shoreline:** several critical areas: floodplain, aquifer recharge area; geo-hazardous areas, primary habitat for ESA listed species—ecologically the river's ecological function is medium to high with opportunities for further protection and restoration.
 - **Goals in the comprehensive plan:** Limited planned growth and development.
 - **The criteria found in WAC 173-26-211(5):** Descriptions found in the Guidelines.
- Areas outside of the town, within Pierce County are designated Natural—this is the most protective of the environmental designations.

Other ideas that may accommodate the Town:

- Change the name from Urban Conservancy to something else:
 - 173-26-211(4)(c) allows for unique designations if the designations are consistent with the purpose and policies of this section.
 - Urban
 - South Prairie Shoreland
 - Shoreland