

MEETING NOTES
Channel Migration Zone Citizen Advisory Committee
Wednesday, March 4th, 2009
6:30 – 8:30 p.m.
Pierce County Central Maintenance Facility
4812 196th St. E., Spanaway

CAC Members Present

Don Hawkins, Chair
Thomas Magnan
Hal Michael
Jeff Barney
Kathy Hatcher
Karen Willard
Ted Hill

Betty Zenkner
Mike Fenimore
Shelly Butterfield
Valerie Wilson
Jerry Harnish

Excused
Melissa Paulson, PC SWM

PC Staff and Speakers

Harold Smelt, PC SWM
Dennis Dixon, PC SWM

Also Present

Approximately 100 members of the general public

Introductions and Announcements

Other than notes from the previous meeting, no handouts were distributed. The large public turnout at today's meeting is in response to Tom's letter, which encouraged attendance at CMZ CAC meetings and which was mailed in late February. The letter was sent to the owners of those properties affected by the severe CMZ for the Puyallup, Carbon and White Rivers (adopted), as well as South Prairie Creek and the upper Nisqually River (proposed). Property owners in moderate or unmapped CMZs did not receive a letter. Since the letter was mailed, there has also been a wave of requests from property owners for information about how their parcels are impacted by the CMZ. Pierce County has responded to about 10 such requests so far. Because of the large turnout, Don and Harold gave a brief overview of the purpose of the CMZ CAC and encouraged members of the public to use the information request cards on the sign-in table to request maps for their properties.

Recent Updates

Shelly reported that Dan Haugsness is seeking an emergency determination on his request to remove gravel from the Puyallup River. She asked that the CAC review Dan's letter, as well as a draft bill that would allow counties to determine when gravel scalping is necessary*, and decide whether it would be appropriate for the group to make a recommendation to the County Council. Although a few members of the CAC voiced support for having further discussion about dredging, Don asked that the group finish up their discussion of development standards and regulations before taking on another big topic.

*HB 2007 has since been killed by the legislature.



Development Standards in Pierce County CMZs

Based on the terminology established at the last meeting, today's discussion focuses on what development standards should apply in the "potential" (formerly "severe" but located behind a levee) and "everything else" (formerly mapped as moderate or low CMZ) areas. This discussion was intended to complete the matrix started in February.

For new development in the "potential" CMZ, the CAC's recommendations included allowing all activities allowed in the "active" CMZ, as well as most other new development, with the exception of critical facilities. The group also recommended that consideration be given to whether density restrictions should apply (i.e., should hotels be sited in a "potential" CMZ?). The CAC recommended that no restrictions be placed on improvement and replacement of existing structures and for recreational development.

For those areas outside the "potential" CMZ (i.e., "everything else"), the CAC recommended that no restrictions be placed on any type of development. See page 3 of these notes for the completed matrix.

As part of this discussion, Don distributed a proposal stating that additional regulations beyond the "active" CMZ are not necessary if levees are "properly constructed and maintained." This proposal is related to the CAC's earlier discussion about mapping and structural permanency. The question of how to decide which levees are good enough to "hold the line" was not fully addressed during earlier meetings, but may be taken up again at a future date.

Public Comment

Several members of the public were interested in speaking to the group. In addition, several individuals submitted comments in writing. These comments included questions about how individual property usage and value would be impacted, suggestions for potential solutions to channel migration issues and explanations about what the root causes of the problem might be. Some people also expressed the desire to see Pierce County continue or increase their commitment to maintain the existing levee system. See page 3 of these notes for a more detailed account of the comments that were made.

Assignments

All Members: Continue to review materials and ask questions as needed

Don: Work with PC staff on development of next month's meeting agenda

PC Staff: 1) Distribute meeting materials (agendas, notes, etc.) prior to the next meeting date; 2) Work with Chair to develop agenda for April



Parking Lot for Future Meetings

No additional parking lot items added at this time.

Next Meeting

Wednesday, April 1st, 6:30-8:30 p.m. at the Central Maintenance Facility (*Objective: Complete discussion of regulations and make recommendations on notification.*)

DRAFT



CMZ CAC Suggested Discussion Framework: Regulation Standards in Pierce County CMZ Hazard Areas

How should development standards and regulations reflect differences in: 1) Type of development; and 2) CMZ hazard severity?

Development/CMZ Hazard	“Active” (Areas where no levee exists - Severe)	“Potential” (Previously severe areas behind levees - Moderate)	“Everything Else” (Areas currently mapped as Moderate or Low and that are not currently regulated)
<p>New Development – Vacant land with an intent to build; lots may be existing or subdividable; new structures on already-developed lots would also fall into this category (e.g., garages, tool sheds, etc.)</p>	<p><i>e.g., Not allowable</i> Not allowed? Agricultural & Recreational development should be allowed (some <i>is</i> currently allowed) Allow: - non-permanent structures - Water-related structures - Some filling</p>	<p><i>e.g., Allowable if conditions X, Y and Z are met</i> Include all “Active” activities, plus: New construction No critical facilities Consider density restrictions</p>	<p><i>e.g., Unrestricted</i> No restrictions</p>
<p>Improvement – Substantial improvements to existing structures include any remodels or modifications that increase the structure’s value by 50% or more over a five-year period; may or may not increase the footprint of the structure; designated Historic Places and correction of code violations are not included in this category (see Title 18E.20.070)</p>	<p>Allow: - 2nd story additions - Enlargement of footprint - Some filling Garages, carports and other non-residential structures should be allowed as improvement (vs. “new development”) Improvement of historic structures should be addressed through the variance process</p>	<p>No restrictions</p>	<p>No restrictions</p>
<p>Replacement – Repair, rebuilding or replacement of an existing structure after it has been damaged; Damage may be sustained by channel migration, flooding, or other causes (e.g., fire, earthquake, landslide, etc.)</p>	<p>Allow fill to the previous (pre-flood) grade if it washes away Replacement should be allowed if damage is due to fire or other non-water related event? Replacement of historic structures should be addressed through the variance process</p>	<p>No restrictions</p>	<p>No restrictions</p>



CMZ CAC March 4th Public Comments

Voiced Comment

- Requests for lists of CMZ mailings and substantially damaged properties (Answer: These sorts of requests would require a Public Disclosure Request through Pierce County)
- Concern that rivers should not illegally receive water and need to be dredged and fixed
- Kudos to committee for site specific notification and request that meetings be taped
- Some properties should be off the CMZ list because only a tiny part is affected
- Pierce County has a responsibility to continue to provide protection and maintain levees; the flood of 2006 was caused by global warming and the people causing the storms (e.g., use of combustion engines and clear cutting) should pay for improvements; one cost effective solution is to move trees in the river.
- Need to find a funding source for a levee on the Nisqually River
- Flooding is due to climate change – other people are creating our problems.
- Put this process on hold and just build levees with stimulus money
- If the CMZ designation means that a property (e.g., a lot in Nisqually Park with a well and septic system) can't be built on, that person should be compensated though eminent domain rules
- Concern about loss of property usage
- If my house is 15' higher than river, I should be able to build on it.
- The Jefferson County Court case against CMZ zones questions legality of “taking” and should be considered as part of this process.

Written Comment

- Launi Counterman – Nisqually Park – Recommendation: Let people assume responsibility for what they want to build with understanding evaluations to be maintained before build to after – Would sign FEMA waiver.
- Lowell and Sharon Hutchinson – My constitutional rights are being stepped on. I agree that the County needs to be accountable. I should be able to build on the property I pay taxes on. Floodway zone migration zone or not. If the river took out my property, what difference would it make if I had build say a garage on it? Devaluing my home is wrong! 25 years not 1 drop of water on my land. State supersedes County, County supersedes City – check the laws.
- Marvin Grover: Can I build on the back side of the house away from the river at my own expense.

