

Planning Commission Preliminary Recommendation for Police & Court Facility
Major Adjustment to Site Plan Review and Conditional Use Permit
February 13, 2020

1. Revise Staff Report to add analysis of Conditional Use Permit decision criteria and how the proposed project satisfies those criteria.
2. Send project back to Design Review Board to provide detailed analysis describing all applicable design guidelines and how the project satisfies or does not satisfy each of those. Under BIMC 2.16.110.E (3)(b), the purpose of the PC review and recommendation meeting is to “review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.” To satisfy this purpose, the PC needs to know the applicable design guidelines and then determine whether the project is consistent with those guidelines.
3. Revise Staff Report to either remove the statement on pg. 5 of 29 (pg. 12 of the PC packet) that “The Design Review Board discussed the project’s consistency with the Comprehensive Plan” or provide a detailed analysis of the DRB discussion regarding Comprehensive Plan consistency.
4. The Staff Report states that the City is seeking an exemption to the Critical Areas Ordinance under BIMC Section 16.20.040.B(1) to allow the construction of a 484 sf two story addition on the west side to enclose an existing exterior stairway. This structure would be located inside a 200’ buffer established for a Class F fish bearing stream located on the adjacent property. Section 16.20.040.B(1) states “Activities within a portion of a wetland buffer or fish and wildlife conservation area buffer separated from the critical area by an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area are exempt from establishing the full required buffer width; provided, that impacts to the critical area do not increase.”

The Staff Report discussion focuses primarily on wetlands located within the 200’ buffer. The functions and values of a fish bearing stream are different from the functions and values of wetlands. At least some of the existing studies cited by the PCD Staff Memorandum dated February 13, 2020 regarding the Police & Court Facility – Critical Area Review were created before the stream was reclassified as Class F fish bearing and at least one of them is dated 2006.

To demonstrate that the project qualifies for the CAO exemption, the PC requests that the City provide (1) any critical areas analyses or reports that were created by a qualified professional (biologist) that demonstrate that the “existing permanent substantial development” functionally isolates the proposed 484 sf addition from the fish bearing stream and wetlands; and (2) any analyses that demonstrate the “existing permanent substantial development” eliminates or greatly reduces the impact of the proposed project on the critical area (fish bearing stream and wetlands).

The Staff Report describes the “existing permanent substantial development” as “a rock wall, existing lawn, and additional stormwater catch basins between the proposed addition on the southwest side of the existing building and the stream and wetland buffers. These features occur in an established mowed grassy area that creates a distinct topographical break between the building and the split rail fence located at the outer edge of the previously established buffer. The existing development in this area serves to separate the buffer from the proposed developed area.” Some or all of these features are located within the 200’ buffer for the Type F fish bearing stream. If the City determines that the CAO exemption applies because these features constitute “existing permanent substantial development” that “eliminate or greatly reduces the impact” to the critical areas, the PC requests a Director’s opinion or decision that other properties with similar features may also qualify for such an exemption, to ensure that similarly situated properties are treated consistently.