



NAPAVINE CITY COUNCIL MINUTES  
SPECIAL MEETING

August 21, 2018 6:00 P.M.

Napavine City Hall, 407 Birch Ave SW, Napavine, WA

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**CALL TO ORDER:**

Mayor John Sayers called special city council meeting to order at 6:00 pm. and led flag salute.

**ROLL CALL:**

Council members present: Mayor John Sayers, Mike Wood Councilor #1, Larry Stafford Councilor #2, LaVerne Haslett Councilor #3, Shawn O'Neill Councilor #4, Jim Haslett Councilor #5.

City staff members present: Clerk-Treasurer Mary Wood, Public Works/Community Development Director Bryan Morris, Chief of Police Chris Salyers, City Attorney Jim Buzzard.

**OLD BUSINESS:**

Fill at Exit 72 Hamilton Walnut Shade (aka Graham) Property, (Swale)

- **City Attorney Jim Buzzard;**

In the interest of full disclosure City Attorney Jim Buzzard stated that prior to him becoming the Council for the City of Napavine he had represented Hamilton Walnut Shade and had given them legal advice on the property that would be discussed on the agenda; He asked if the Council or Hamilton Walnut Shade if they had any objections with him discussing the property and answering question before proceeding with meeting.

Councilor Shawn O'Neill and the remaining council had no objection with Attorney Jim Buzzard making comments or answering questions and Hamilton Walnut Shade also did not oppose of City Attorney Jim Buzzard commenting on the issue.

Attorney Buzzard advised there has been some disagreement as to if the City should go by the State Code or the Washington Administrative Code. As of right now the city does not have a critical areas or shoreline updated ordinance. The Lewis County Code would be what governs the critical areas and shoreline for the City of Napavine.

The City obtained a current survey from Gibbs & Olson and Ecological Land Services for their recommendations. The recommendation is an 80-foot buffer to the wetland.

The County code allows permits to a buffer depending on what category wetland it is. They have set backs depend on low intensity, moderate intensity and high intensity. The City could look at using the different set backs as to what the proposed uses are.

The process of determining whether the wetland is a Category 1, 2, 3, 4 they have a worksheet/questionnaire, what points the area receives determines what the category wetland area is. After further review of the survey Attorney Buzzard stated that the survey was flawed and that the City should have went off the prior survey.

To move forward now you have 3 options using the Lewis County Code

- 1) Apply for a permit now using the Lewis County Code buffers 50, 60, or 80 feet depending on your use.
- 2) Apply for a permit now seeking to go inside of those buffers and go through the SEPA process.
- 3) Apply for a permit requesting a variance based on whatever the situation is.

In the mean time the City needs to send this report back to the surveyors and tell them to fix their mistakes and come and explain it to us.

- **Community Development/Public Works Director Bryan Morris;**

It doesn't mean you cannot get a permit, you cannot go into the wetlands. You can fill up to the 80-foot buffer. You can do things inside the buffer such as landscaping or low impact, you just cannot go into the wetland. The buffer starts at the edge of the wetland.

The prior wetland study had the area listed as a category 2 wetland there were errors to the study and most recent wetland study was determined the area to be a category 3 wetland.

The buffer changed from 50 foot to 80 foot to the wetlands. The Shoreline has a 200-foot buffer.

The City can issue a permit with less than 500 Cubic yards with no SEPA required, over 500 cubic yards requires a permit and a SEPA based on the wetland study.

A SEPA goes to 13 different state agencies; the tribes, DOT, DOE, Shoreline, environmentalist etc.

- **Community Member and property owner, Jerry Graham;**  
Stated that he had a wetland study done in 2011 and it lists a 50-foot buffer. He also stated that they mitigated wetland from the area in question to their property on Kirkland road. Questions arose regarding if the mitigated wetland was the parcel in question or another parcel in the same area. Mr. Hamilton stated that the mitigation was done prior to the property being divided into smaller parcels. Jerry stated that he would agree to stay outside the 80-foot buffer for now.
- **Community Member and adjacent property owner, Representative Cody Baker Grandson of Virginia Breen's;**  
Stated that Mr. Hamilton has filled some of the area in the past and when it floods the slough and the river drains back onto his grandmother's property. His Grandmother is opposed to the city issuing a fill permit to the property owner of the swale area.
- **Community Member and adjacent property owner, Tammy Baker;**  
Stated in 1999 FEMA did a complete study after the 1997 flood where the road flooded and was closed for a week. Ms. Baker stated her concerns; if the area was to sustain another flood where would the water drain if the swale area were to be filled? It would impact other properties in the area. Ms. Baker also stated that she was opposed to the city issuing the fill permit.

#### **ADJOURNMENT**

<b>MOVED:</b>	Mike Wood	Motion: Approval to Adjourn
<b>SECONDED:</b>	Larry Stafford	
<i>Discussion: Meeting Adjourned at 7:31 pm</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

*These minutes are not verbatim. If so desired, a recording of this meeting is available online at <http://media.avcaptureall.com/index.html#/?search=agency:%20City%20of%20Napavine,%20WA> and can be heard.*

**Respectfully submitted,**

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Mary Wood, Clerk-Treasurer

John Sayers, Mayor

Councilor