

City of Ann Arbor Environmental Commission

October 22, 2015

Action Meeting

G.C. Larcom, Jr. Municipal Building, Council Chambers
301 E. Huron, Ann Arbor, MI

Call to Order:

7:03pm

Roll Call:

Present – 8

Wayne Appleyard, Chris Graham, Katherine Hollins, Susan Hutton, Benjamin Muth, Allison Skinner, Sabra Briere, and Bob Needham

Absent - 4

Mike Anglin, Jason Frenzel, Missy Stults, and Wendy Woods

Open vacant position on commission

Quorum present

Staff Present:

Matthew Naud

Approval of Agenda:

Motion to approve moved by Commissioner Muth and seconded by Commissioner Graham

Motion Approved on voice vote

Election of Chair and Vice-Chair

Motion to nominate Chris Graham as Vice-Chair by Commissione Hutton. Seconded by Commissioner Muth

Motion Approved on voice vote

Motion to nominate Susan Hutton as Chair by Commissioner Graham. Seconded by Commissioner Skinner

Motion Approved on voice vote

Approval of Minutes:

Action Meeting Minutes – August 27, 2015

Motion by Commissioner Hollins and seconded by Commissioner Graham.

Motion Approved on voice vote

Public Commentary:

Idling Ordinance Recommendation

Carol Knauss of the Ann Arbor Hands-On Museum spoke about the idling ordinance and asked for a variance for the two blocks of Ann Street that they use for loading and unloading school children visitors.

Commissioner Graham asked the speaker where the bus drivers park the buses while the children are at the museum.

Bobby Frank of 910 Spring Street spoke in favor of the idling ordinance. He spoke about City vehicles idling across the City. Other ways to reduce emissions: avoid extra stop signs being put in; and avoid speed bumps (instead use speed tables).

Staff Naud spoke about receiving emails from 2-3 residents who are in favor of idling ordinance but could not be at the meeting. [attach these emails to the minutes?]

Commissioner Graham asked if enforcement would be done by complaint. Staff Naud replied that Community Standards tickets would have to be able to stand up in court. Education may be the best path to changed behavior.

A discussion about school buses followed and a question was raised as to whether the schools still had an anti-idling policy. A discussion about whether the policy would apply to City vehicles, U of M, and the AATA followed.

Driveway Sealants Recommendation

Bobby Frank of 910 Spring Street stated that he had been a residential building inspector for many years, and that the coal tar sealant is a higher quality, longer-lasting product (despite its environmental impacts).

Rebecca Esselman of the Huron Valley Watershed Council spoke in favor of the recommendation and expressed support for “elegant solution” of asphalt-based sealant instead of coal tar-based sealant.

Unfinished Business:

None

New Business:

Discussion of Council Resolution on Natural Features Committee

Commissioner Briere spoke of how this item came to the Environmental Commission for comment and action. Commissioner Graham spoke of the history of the formation of the Natural Features Committee. He suggested that the Natural Features Committee develop a prioritized list of projects to work on. Stormwater concerns are intertwined with natural features, especially with increasing heavy storms. Environmental Commission is typically not involved in planning matters, however. Commissioner Briere asked Commissioner Graham about development of the Natural Features plan, and whether this issue should be moved from an ordinance into a plan. Commissioner Graham spoke about the Natural Features Master Plan from 10-15 years ago, and that he expects there will be more amendments to existing ordinances and plans. He

continued by discussing that the only stormwater law affecting single family residences is a requirement to build a rain garden should 200 sq ft of new impervious surfaces be built. Commissioner Briere explained that the Council passed a resolution asking the Natural Features Committee to take a look at the Natural Features Ordinance and make recommendations to the Environmental Commission about potential changes. According to Commissioner Graham, there are five committee members on the Natural Features Committee, and interest is increasing in this work. Staff Naud commented that the Natural Features section of the Master Plan is the oldest section of the Master Plan not to have been updated. Commissioner Briere recommended that the Commission review it for updating.

Commissioner Briere explained that most of the “easy to develop” property in the City has already been developed and that parcels coming before the Council now are more difficult to develop, mostly having to do with water and tree issues. For example, a provision of the current ordinance allows developers to remove wetlands and rebuild wetlands somewhere else. However, this isn’t best practice currently. Another example is to replace one mature tree with some number of young trees, but these are now known to be not equitable.

Commissioner Briere invited up the newest member of the Planning Commission, Shannan Gibb-Randall. There is very little in the ordinance that differentiated by quality. According to Commissioner Graham, an interpretation of mitigation plan is not spelled out in the ordinance. Planning Commissioner Gibb-Randall and Commissioner Graham discussed whether high-quality land features are being mitigated by other high-quality items, and whether a mitigation project like a woodland restoration would be allowed instead of a “tree inch for tree inch” method.

Commissioner Briere expressed a desire to see the purpose of what goes into a recommendation for staff to look at and not to be too proscriptive. Planning Commissioner Shannan Gibb-Randall suggested that there are resources out there to reference beyond the County’s water basin and infiltration rate method to focus on the work the plants do over time, and that decompression is important. Commissioner Briere responded to a question of whether wildlife habitat would be considered, by replying that, as an example, frogs and salamander habitat is rarely discussed by vitally important.

Commissioner Graham stated that the City is doing a good job of caring for the urban forest that is under City control but is not yet doing a good job caring for very valuable tree land on private land. He continued to say that by taking care of the wetlands and native forest fragments, the City will be meeting its Sustainability and Climate Plan goals. As a response to a question from Chair Hutton, Commissioner Graham asked for suggestions for new Natural Features Committee members, especially younger people, and that the Committee will report back to the Commission sometime over the winter with a “prioritized shopping list”.

Commissioner Briere made the motion, “I move that the Environmental Commission directs the Natural Features Committee to review the Natural Features Ordinance and related ordinances and bring recommendations back to this body for action by our February meeting.” Seconded
Motion Approved on voice vote.

Dark Sky Ordinance

Commissioner Briere reported that the Council passed the Dark Sky Resolution in 2009 to require City buildings of five stories or more to turn off lights during the critical phase between the beginning of September through the beginning of November. Council just renewed their commitment to the Dark Sky Resolution but Commissioner Briere does not believe that property

owners and managers of large buildings erected after 2009 know that they are supposed to comply with this law.

Wood burning Fires

Commissioner Briere stated that large particulates in wood smoke can cause problems to many people with respiratory diseases such as asthma. She spoke about whether the Commission has the right to regulate wood burning, especially re: wood used as fuel for home heating in people's backyards, fireplaces, and wood burning stoves. She asked that the Commission tackle this issue. Commissioner Graham opined that it wouldn't be "too difficult" to regulate wood burning heating sources by requiring pollution controls. However, he believes that the occasional open fire or fireplace fire would be much more difficult. Commissioner Briere reported that complaints about health effects pick up every September and October. Commissioner Graham asked about proscribed burns. Commissioner Hollins asked if data were available for how many homes use wood as a heating fuel. Commissioner Appleyard reported that the San Francisco Bay Area and Boulder, CO have both legislated wood burning by focusing on solutions that do not focus on saving energy but on protecting public health.

Staff Naud spoke about how concerns about wood smoke come up every year, some years more than others, and that the City used to have an air quality code but does not anymore. He questioned whether this issue would best be tackled by the County health department or a City ordinance and asked for a legal opinion for how much the City is allowed to regulate wood smoke legally. He further reported that his staff have knocked on people's doors to ask them not to burn garbage, and that he has even called upon the State Air Board staff to knock on doors for egregious instances. Commissioner Skinner asked for data about how many wood burning stoves and fireplaces there are in the City. Chair Hutton suggested adding this issue to the Commission's work plan. Staff Naud said that he would reach out to the environmental health people at the county. Commissioners agreed that wood smoke was more of a county problem than a City problem.

Report from Committees and Chair:

Energy Commission, Commissioner Appleyard

- Passed resolution to Council which will be sent to the state in support of maintaining the net metering law and the current portfolio renewable standards.
- Resolution to support relicensing of Fermi 2 nuclear plant did not pass the Energy Commission.
- Still working on sustainable funding and will be meeting again on that topic.

Planning Commission by Commissioner Briere

- No laws on the books to prevent someone from cutting down all the trees on their single family home personal property.
- Water Hill area is being built up for very large duplexes which is causing stormwater problems for adjacent neighbors.
- No way to compel developers to build to a higher standard than the State requires especially while focusing on building more affordable housing.
- Commissioner Graham spoke about need to balance City's desire for larger buildings that would bring in more tax revenues with environmental protections from keeping buildings small.
- Auxiliary dwelling units issue has been handed over to the county.

Report from Staff:

Staff Update by Naud. Naud responded to questions from commissioners.

- Organics Management Plan to Council in December/January.
- Biodigesters RFP will be reviewed soon
- Ecology Center/ CEC contracts amended for another year.
- Sustainability Associates start this month.
- Pilot study in SE parks in late November.
- DOE grant to do wind energy education through the Ann Arbor Hands On Museum.
- New brownfield project coming through Planning Commission soon.

Future Commission Items

- Chair Hutton asked for a presentation on organics management in December.

Items for Next Agenda:

None

Next Scheduled Meeting:

December 3, 2015

220 North Main Board Room

Public Commentary:

None

Adjournment:

Adjourned 9:02pm