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EXHIBIT NO. 137

June 14, 2012

AMEC EHNSWB Report Comments

1. There needs to be a balanced approach in insuring Lake Sammamish is protected from increased sediment and chemicals resulting from erosion. Comment 123 from GFK consulting outlines a plan that will do this and should be carefully reviewed by the commission and staff. If a property owner within the overlay can demonstrate that there is little or no risk of erosion from the improvement or development of their property that will impact Lake Sammamish, they should be allowed to improve or develop their property.

2. Where is the science in the Report? Take a look at the references. BAS is defined as science that has been peer reviewed. I also took a look at the BAS used in 2005 and found that it was related to landslides, stream bed erosion or very general information. Nothing to indicate the need for the extreme measures dictated in the EHNSWB overlay. I hope you will take a look at it too. I believe this was an over-reaching policy decision that was made by the City of Sammamish, not one based upon BAS.

3. Report: "AMEC recommends including language stating that qualified consultants, civil engineers, or geologists licensed in the State of Washington, will field locate the extents of the No-Disturbance areas and that the results will be subject to City review and approval." (pg. 9) Unclear: Boundary or properties within boundary?

4. The report recommends redefining where the EHNSWB overlay begins; with a 15% grade (pg. 9). 15% is not a steep slope. The EHNSWB definition assumes steep slopes ("steep valley walls" from current language 21A.50.225.3.a and report pg. 4). BAS defines Steep slopes as a slope of 40% or more. The definition should also include soil types along with XX% slope. There should also be a specified distance and width in which the slope is over XX%.

5. A definition of where EHNSWB ends should be added. Current language: "The downslope boundary of the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas." Redefine as the point where the slope is XX% or less for a specified distance, erosive soils end or the extent of those areas designated as erosion or landslide hazard areas. It should also be related to the natural flow of water from the site.

6. Much of the current EHNSWB is not steep slopes and the water flow is not directed towards steep slopes. Shouldn't there be the ability to prove exemption within the no-disturbance area? What about slopes less than 40% that drain into a City stormwater system?

7. No-disturbance report language misleading "AMEC found this definition to be consistent with other municipalities' descriptions of erosion hazard areas" (pg. 8-9). ***There are no other no-disturbance areas in other statewide municipalities***. All other municipalities permit development in an erosion hazard area subject to generally accepted erosion control methods. This is a policy decision that has been made by the City of Sammamish, not one based upon BAS.

8. Report: "Generally, best available science for protecting sensitive resources requires buffers and offsets, and does not support increasing risk associated activities proximate to the resources. For these reasons we do not recommend changing the restrictions of SMC 21A.50.225(pg. 3)(pg. b)." (pg. 9) I did not find any BAS or references in the report that support this. In fact, the DOE has approved 6 technologies for general use for treatment of construction runoff.(pg. 3)

9. A new development that drains to the no-disturbance area must set aside 25 percent of the site as open-space and the imperviousness of the site is limited to 35 percent of the gross site area if they cannot 100% infiltrate. 100% infiltration is generally not possible with our glacial till and hardpan soils types. (Comment 132 Icicle Creek Engineers) Not necessary if drains directly into a City stormwater system.

10. There should also be the ability for the director to allow improvements and/or development if evidence is provided by approved experts that there would be little or no risk of erosion to Lake Sammamish.

11. Finally, I'd like to invite the commissioners to visit, or at least drive by, our general area to see first-hand how this area does not fit into the no-disturbance overlay.

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Public comment 6/14/2012

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I have given several public comments to the planning commission and the city council regarding our property that is located within the EHNSWB Overlay. This opportunity to revisit the code provides a critically important opportunity to consider the issues and impacts of regulations on all critical areas. The EHNSWB is particularly unique because its summarily deprives the property owner from doing anything with their property...no discussion..no appeal.

As a property owner and attorney, I feel compelled to remind everyone that the 5th Amendment of the constitution states that no citizen should be deprived of life, liberty AND property without due process and when property is taken for public use, compensation should be given.. This is very serious business. The EHNSWB Overlay basically takes away a property owner's land without an opportunity to object and defend through due process.

While it is certainly within the government's right to regulate property there are constitutional limits on that authority. The Washington State Attorney General's Advisory Opinion in 2006

discusses the need to avoid unconstitutional takings of property, including regulatory takings.

Without going into much detail, the advisory opinion discusses the need to balance the government's intended purpose in a regulation with the means used to accomplish it and the financial impact on the landowner.

Severe impacts, unclear government purposes and less intrinsic means for accomplishing the purpose can tip the scale in favor of a determination that a taking has occurred.

To create a No Disturbance Zone and enforce it simply because of its location on a map deprives each property owner of the right to address the regulation as it pertains to their specific property. This overlay contains many different types of property. In our case, we argue that our topography doesn't even warrant location within a no disturbance area. When we purchased the property 29 years ago, it was zoned an R4, it still is. The financial impact of this overlay on us is extreme. However, even property owners who are not considering development may object to being deprived of the right to modify their homestead without being able to address the purpose and means of the regulation.

BAS defines an erosive hazard area by soil types and slope. The purpose of the overlay is to protect the lake from sediment and chemicals, especially during development. A

property owner should be given the opportunity to challenge the relevance of the regulation to their property and demonstrate that there are less intrusive means of protecting the lake rather than summarily preventing them from doing anything. If a property owner is not given the opportunity to prove that they can meet the purpose of the regulation, then one might conclude that there is another purpose or agenda which might indicate that land is being taken for a public purpose, necessitating compensation.

The city has the opportunity and responsibility to address the overlay and integrate mechanisms that protect both the environment and the rights of each property owner. Both are important.

Thank you for taking the time and making the effort to tackle this very important issue.