

EXHIBIT NO. 141

Dear City of Sammamish,

As a developer and representative of Sammamish Parcel 1925069028 I would like to see the following comments included in the public comments section in review of the current Critical Areas Code. Due to the length of some of the comments I would request that the comments below which are preceded by a number be made viewable to both the public and city staff and it is understandable that some of the more detailed comments preceded by a letter below might only be made viewable to the city staff, planning commission, and necessary parties by request.

Thank You,

James Eastman

1. Landslide Hazards should not be classified as critical areas and treated as areas critical for preservation. If these areas are truly "hazards" why isn't there an option in the Critical Areas code allowing the elimination or modification of such a "hazard" so the "hazard" no longer exists? Why does the code force the preservation of hazards when reasonable elimination of such hazards is possible?
  
2. Because the Critical areas code forces the preservation of landslide hazard many home owners are forced into an RUE process which by nature of the RUE process calls for minimal disturbance to the landslide hazard which essentially preserves the landslide hazard area and also costs the landowner extreme amounts of money in engineering and building costs to deal with the landslide hazard.
  - A. For instance please consider a lot that is encumbered by a pile of dirt 20' high with over a 40% slope. Common sense would dictate that in developing such a lot the best way to build a house on this lot would be to remove the pile of dirt (land slide hazard) which would thereby create a flat spot to build on and would also and eliminate a dangerous hazard. According to the current Sammamish Critical Areas Code a landowner in such a situation would need to apply for an RUE which by nature calls for minimal disturbance to the dirt pile and thereby would force the landowner to spend large sums of money to engineer and build a house on the side of this pile of dirt thus leaving the hazard still intact and leaving the homeowner with a less desirable, more costly and potentially more hazardous building spot than if the code would allow the homeowner to do more than just the "minimum" amount of disturbance and remove the pile of dirt to build a home on a flat lot. Perhaps a landslide

hazard should not necessitate RUE's and that the code should allow BAS to providing landowners more options to eliminate landslide hazards?

3. Previous city responses to public comments regarding the RUE process have stated that at this time RUE's are not under review. The two are intertwined and should be considered together as the current Critical Areas Code poor application necessitate RUE's which are very costly, and can be very illogical and in many situations can be prevented. Please see how this has affected me below.
  - A. The lot I applied for an RUE under parcel number 1925069028 would make an excellent case study on how costly and unfair the RUE process can be. My lot is accessed by a private road which is the same private road that provides access to 3 other houses that were constructed shortly before and after my RUE was approved. Because the RUE process requires inputs from many different public agencies I was forced to address comments and provide design solutions to problems that my neighbors did not have to address which would also apply to them thereby costing me large sums of money and loss of buildable land. For instance Public works required a site distance study to be done on the access point of the already existing private road which I had to pay to have done but yet my neighbors who gain access of off the same private road and had their houses under construction before and after my RUE was approved, were not required to complete any such studies as the RUE review process required my lot to undergo a higher scrutiny of review. In addition to the site distance study the Fire Department and Public Works department asked that I provide a turnaround for a fire truck which was later negotiated down to a large driveway large enough for a fire truck to turnaround in. Why am I the only one being forced to provide this? Especially when the RUE process has already limited the amount of developable footprint to a bare "minimum" and now I am using this precious space to provide a turnaround point for a fire truck where my neighbors have plenty of flat developable land for such considerations but because they were permitted under a less rigorous process they don't have to worry about accommodating such demands. This is backwards. The way the critical areas process feeds into the RUE process is completely unfair and the effects of forcing someone into an RUE permit must be taken into account when modifying the Critical Areas Code.
4. The critical areas code should be changed to allow the subdivision of properties in erosion areas if best available science can support that the subdivision of such properties would not cause any additional erosion hazards. What best available science supports the way the code is currently written?
5. Many developments permitted shortly before the 2005 critical areas code implementation and built around 2005 or even as late as 2007 included the subdivision of properties now lying in erosion areas. Is there any data that suggest that the subdivision of these specific properties has caused further erosion and detriment to the water quality of Lake Sammamish during this time frame?

## **Public Works Comments**

- *Comment #1- This Applicant has requested that a sight distance analysis at the driveway entrance be waived by Public Works since adjacent building permits did not require a sight distance analysis. This RUE is a Type 2 land use permit. Type 2 land use permits shall comply with development standards that include sight distance analysis when accessing onto an arterial. The sight distance analysis will not be waived and is a requirement.*
- *Comment #2 The applicant has requested that private road improvements per PWS.15.110 be waived to reflect the scope of this project. Because of the impacts to environmentally critical areas and the condition of the existing asphalt access road being fair, Public Works will not require improvements to the access road for this RUE. However, a turnaround is required. Please revise plans to show a hammerhead turn around.*



