

Debbie Beadle

From: Evan Maxim
Sent: Monday, June 25, 2012 11:40 AM
To: Greg Krabbe
Cc: 'Brent Carson'; 'jim tosti'; Debbie Beadle
Subject: RE: Memo #4
Attachments: AMEC Sammamish ECA Update - Public Workshop Presentations - Landslide-Erosion-EHNSWB 2012-06-14.pdf

EXHIBIT NO. 147

Greg,

In the order asked below:

- The draft risk assessment material noted in item 4-15 will be presented for PC / Public review in early July. The PC and public will have a chance to review and comment on these documents. (The documents are ultimately intended to capture the PC's evaluation of the policy decisions).
- Attached is a copy of the presentation by AMEC. Unfortunately the consultants will not attend the open house for direct interaction; the city will pass along any comments that require a response from AMEC.
- I am not sure I understand your question. AMEC will be providing a follow up response to several of the questions asked in the written public testimony and the verbal public comments. These responses will be in a table distributed on June 28, 2012. Please also note that references were included in the BAS report. Could you clarify which recommendation you believe requires additional citations / documentation to support?

Regards,

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Greg Krabbe [<mailto:gkrabbe@comcast.net>]
Sent: Monday, June 25, 2012 9:28 AM
To: Evan Maxim
Cc: 'Brent Carson'; 'jim tosti'
Subject: Memo #4

Evan,

Looking at your Memo #4, it appears that staff is recommending review of the current No disturbance clause in the EHNSWB. This is good news.

I have a few questions:

- When will the risk assessment material noted in item 4-15 of Memo #4 be presented to the PC/ public and will the public have a chance to review and comment on this?

- It sounds like we will have a chance ask questions of AMEC regarding their presentation of last week on 6/28. Is this the case, and if so, can I get a copy (PDF) of the slides used in the presentation?
- Will AMEC be providing citations or other documentation to support the BAS conclusions reached in the EHNSWB report, and if so, when will that be made available?

Thanks again for your help in this matter.

Greg Krabbe
GFK Consulting Inc
425 347 2898

Debbie Beadle

From: Evan Maxim
Sent: Monday, June 25, 2012 11:21 AM
To: Debbie Beadle
Subject: FW: Question on administrative edits

Follow Up Flag: Follow up
Flag Status: Flagged

EXHIBIT NO. 148.

Public comment – please put on the web...

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Reid Brockway [mailto:waterat@comcast.net]
Sent: Sunday, June 24, 2012 9:40 PM
To: Evan Maxim
Cc: Susan Cezar; Debbie Beadle; Kamuron Guroi
Subject: Re: Question on administrative edits

Evan,

Thanks for providing further clarification. I appreciate your consideration of my testimony and your offer to provide me with an initial draft of Staff's administrative edits when it becomes available. And I am willing to do as you suggest – await that, then review those changes for coverage of my issues and submit a draft of further changes to the extent I feel they are needed. Hopefully those additional changes will be minimal, but if not, it is going to be a busy July for me.

At this time I would like to address your response to my example of a state or federal permit or approval being required to plant a non-native species in a stream buffer. Your explanation is encouraging, as it suggests that this may, indeed, fall into the category of an administrative change. That is, if the intent is that such permit or approval is only required for new development, i.e., on raw land, not for a resident changing their landscaping, it would not constitute a burden on the existing homeowner. **But the code does not so state.** I do not see where the code says 21A.50.340 does not address “existing development” as you contend. For that matter, it doesn't define “development”, so a staff member may construe landscaping as a form of development, and a literal interpretation of 21A.50.340 says a state or federal permit is

required to plant English roses (your example) in a stream buffer. Your telling me the intent of this section is informative, but I submit that the code needs to make that intent clear or a reviewer may well impose the letter of the code, as unreasonable as we both seem to agree that would be. This reliance on intent appears to be pervasive, and it is a substantive problem that needs to be corrected, in my opinion, in order to avoid abuses.

Evan, if you still feel I am missing something key that invalidates my interpretation in the case of this example, I would very much appreciate a further explanation. It seems to me we could do that by phone. I have roughly one-hour meetings at 10AM each day Monday, Tuesday, and Wednesday of this week, but am otherwise available. But we should set it up in advance to ensure I'm around.

Thanks,

Reid 425-868-7899

On 6/21/2012 2:57 PM, Evan Maxim wrote:

Reid,

I apologize for the delayed response; it's been a busy week.

Thank you for the clarification. I'll try to keep in order with your points raised below, however two thoughts did occur to me:

1. We could provide you with an initial draft of the administrative edits so you could determine where we overlap with your specific recommendations (comments would be welcome as part of that exchange);
2. I have been directed to draft regulations for these items. From an efficiency standpoint, I would suggest that comments / edits from you and others may be a better approach than having you draft a second set of text; and,
3. If after reviewing the city's draft regulations, I do not include all of the edits you would suggest, it might be relatively easy for you to craft specific edits for the PC's review during the public process in July and beyond.

"Administrative Edits" terminology. The term "administrative edits" is intended to reflect that the amendments reflected in memo #5 are related to the process / procedural provisions of the ECA regulations rather than to the development standards (i.e. the edits are related to how the code is administered by the city).

State / Federal permits & non-native plant introduction. Respectfully, I believe you have misunderstood the intent of this section. This section does not address existing development (grandfathered improvements or legally established non-conforming uses). This section speaks to the introduction of non-native plants within wetland / stream buffers, which is otherwise prohibited. In this case,

introduction of non-native plants is only authorized if a permit from a state or federal agency authorizes such introduction (e.g. a state permit such as an HPA mandates installation of non-native plants). This section does not speak to a modification to an existing development improvement, such as changing out your lawn for a number of English roses. Such an action would be subject to the provisions of SMC 21A.50.050, 21A.50.060, and SMC 21A.70.

Part of the goal of item 5-18 is to clarify the provisions of SMC 21A.50.050, 21A.50.060, 21A.70 and how they apply to the ECA regulations.

Testimony from 4/19. The basic idea I captured from your testimony in April is that the code is not clear regarding exemptions, what normal & routine maintenance is, etc. I hope to address the clarity as part of the amendments for 5-18.

I would be happy to continue this conversation as you feel the need. I have time on Tuesday morning of next week (6/26) or Thursday afternoon (6/28) if either date works for you. I plan on having the bulk of the draft regulations done by early July (hopefully before 7/12), so we could also talk then...?

Regards,

Evan Maxim
Senior Planner
City of Sammamish
425.295.0523

From: Reid Brockway [<mailto:waterat@comcast.net>]
Sent: Saturday, June 16, 2012 10:59 AM
To: Evan Maxim
Cc: Susan Cezar; Debbie Beadle; Kamuron Gurol
Subject: Re: Question on administrative edits

Evan,

Thanks for your quick reply. I'll try to respond to *your* question.

From the brief description of item 5-18 in the memo I am unclear as to the scope of the changes it is intended to entail. In particular, what "...clarify between the two chapters the protections afforded to legally established development or site improvements" would amount to is not stated. However the statement "No substantive change to these protections is proposed" implies to me that the scope of these changes would fall short of the changes I feel are necessary and have recommended in my testimony and discussion with Kamuron and Susan. Beyond that, the mere fact that 5-18 is among changes categorized as "administrative" contributes to my uncertainty.

As just one example, the requirement to obtain "a state or federal permit or approval" just to plant a non-native species in a stream buffer (21A.50.340 (3)) is

extreme and a burden on properties in established neighborhoods. I would consider the relaxation of that requirement, at least in the context of maintaining a yard, a substantive change. There are quite a few other changes of this nature that I feel are substantive and necessary. I would not expect that where 5-18 says to “clarify between” 21A.50 and 21A.70, it would necessarily address changes like this.

A key element of my recommendations is to use currently empty paragraph 21A.50.080 to consolidate and clarify those regulations that pertain to maintenance as opposed to development, and to eliminate the confusion that currently exists in what constitute the grandfathering provisions as pertain to stream (and other) buffers. What this would need to address is characterized in the appendix to my written testimony submitted to the 4/19/12 PC meeting that analyzes the situation with the current grandfathering provisions, as well as my 4/20/12 email to Kamuron in which I provided citations to the elements of the code on which my “dramatization” was based.

If after reading this you conclude that we have a disconnect as regards the scope of these so-called “administrative” changes, then I recommend we have some further discussion.

I am prepared to work with the city in drafting the changes that would address my issues (not just for grandfathering but also the other issues that “made the cut” for further consideration by the PC). I believe the quality of my writing should be evident from the SHO SMP document for which I was one of the two principal authors. However I am reluctant to do that independently unless I receive an answer to the question I posed at the last PC meeting as to whether the PC will accept draft changes from other than Staff.

OK, kind of a long-winded answer, I realize. Hopefully it clarifies the basis for my question regarding scope. I would very much appreciate an answer as to whether, after reading this and perhaps reviewing the two submittals I mention above, it is your intention that the scope of 5-18 will or will not encompass the kinds of changes I am proposing.

If you would prefer, I would be happy to talk to you and Kamuron about this. Generally I may be reached at my home phone, 425-868-7899. However I will likely be in Wenatchee part of this week, where I rely on somewhat variable cell service, so an email setting up a conversation would be a good idea.

Thanks,

Reid

On 6/15/2012 3:23 PM, Evan Maxim wrote:

Reid,

I had understood that your comments were intended to address existing development / grandfathering (as Reid describes below). Item 5-18 was intended to encompass these comments along with staff input.

5-18 does summarize the goal of the amendment (i.e. to clarify existing development grandfathering protections) without going into specific section numbers or items that would be clarified. Is that the source of your question or am I missing something here in terms of scope?

Regards,

Evan Maxim
Senior Planner
City of Sammamish
425.295.0523

From: Kamuron Gurol
Sent: Friday, June 15, 2012 10:56 AM
To: Evan Maxim
Cc: Susan Cezar; Debbie Beadle
Subject: FW: Question on administrative edits

From: Reid Brockway [<mailto:waterat@comcast.net>]
Sent: Friday, June 15, 2012 9:23 AM
To: Kamuron Gurol
Subject: Question on administrative edits

Kamuron,

The recently posted Staff Recommendation Memo #5 includes a fairly long list of administrative edits proposed for advancement. One of

these -- 5-18 -- is identified with public comment.

As you know, some of the recommendations I submitted in early May and that we discussed might be considered of the nature of administrative edits, such as adding definitions of "development" and "maintenance" and using presently empty paragraph 21.50.080 to clarify requirements for the latter, and solutions to problems with the grandfathering provisions as enumerated in the attachment to my testimony to the 4/19 PC meeting. (Ref. my testimony to the 5/3 PC)

Could you please tell me if the edits contained in the memo are the only ones Staff intends to promote, or if further edits will be forthcoming pertaining to my comments as characterized above.

As always, I would be happy to discuss matters like this with you. Feel free to call me at 868-7899.

Thanks,
Reid

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