Debbie Beadle

From: meggee@comcast.net
Sent: Tuesday, September 04, 2012 11:15 PM
To: Debbie Beadle
Cc: David Gee; Megan gee
Subject: Alternatives to draft evaluation forms
Attachments: GEE REVIEW ECA EVALUATION FORMS 9-6.pptx

Follow Up Flag: Follow up
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Debbie,
Please forward this public comment to all members of the Planning commission and appropriate staff.
Thank you.

EXHIBIT NO. 196.

City of Sammamish Environmental Critical Area Review 2012

Alternatives to DRAFT Evaluation Forms 3-3, 3-7, 3-19

September 6, 2012

David and Megan Gee
22201 NE 28th Place
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DRAFT Evaluation Form: Item 3-3 Fee-in-Lieu Mitigation for Wetlands

Item Advanced to PC	Staff Draft Evaluation Form[8-31-12]
Staff Recommendation Memo #3 (Revised June 14, 2012): 3-3 Provide for a fee-in-lieu mitigation program for wetland impacts. The ECA regulations currently do not allow for fee-in-lieu mitigation except in circumstances where a Reasonable Use Exception or Public Agency / Utility Exception are approved. The consultant has suggested that a fee-in-lieu program should be adopted by the city for wetland mitigation. • **Staff comment:** Staff recommends *advancing* this recommendation to July. Very similar provisions were discussed May 3rd for stream mitigation. Further it appears that there are available options for a wetland fee-in-lieu program in the WRIA 8 watershed. • **PC Direction**: *Advance this proposed amendment. Evaluate functionality of program, including administration and costs. Evaluate a fee-in-lieu program in-City and in the watershed with a preference for in-City (two versions of code amendment, one with a preference, one without).* **July 6 Staff Memo**[ECA Process Major and Minor Items] • 3-3. Provide for a fee-in-lieu mitigation program for wetland impacts.	Provide for a fee-in-lieu mitigation program for wetland impacts.

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)

Environmental	n
• Decreased on-site protection of wetlands • Neutral protection of public assets and resources (e.g. streets, water quality) • Increased cumulative impacts to wetlands • Neutral potential to restore damaged wetland or buffer areas • Increased chance of damage to wetlands • Increased potential to damage high quality, unique wetlands • Neutral net loss of wetland functions and values The proposed amendment will create a case by case and site specific situation where the functions and values of the wetland will be fully evaluated and the impacts will be weighed both on site and off site in order to reach the most beneficial ecological decision. In some cases, the regulation may allow for an increased cumulative on-site impact which may create a net loss of wetland values and functions in Sammamish, and decreased protections overall.	

Implementation	n
• Neutrally clear regulations, neutral chance for unintended consequences • Decreased ability for consistent, efficient implementation by the staff • Neutral effect on likelihood of support/approval by other agencies • Neutral effective mitigation, increased monitoring and agency coordination Due to the increased variability of a fee-in-lieu regulation, it will be more difficult for city staff to track decisions over time and maintain a high level of consistency. The proposed regulation may also take more time as it will require inter-agency coordination.	

Property	Neutral
• Increased flexibility and options for property owner's use of property • Decreased predictability for permit applicants and neighbors • Increased recognition of site improvements and existing uses in standards • More expensive / more time The proposed regulation will offer flexibility for the applicant, but not necessarily predictability or a less expensive or efficient mitigation alternative. The regulation will require more study, increasing the level of review thereby impacting the amount of time it may take to reach a decision.	

Overall Effect
Negative

Environmental (p)

•Decreased on-site protection of wetlands
•Neutral protection of public assets and resources (e.g. streets, water quality)
•**DECREASED** cumulative impacts to wetlands
•Neutral potential to restore damaged wetland or buffer areas
~~•Increased chance of damage to wetlands~~**[DUPLICATE]**
•increased potential to damage high quality, unique wetlands
•**DECREASED** net loss of wetland functions and values

The proposed amendment will ~~create~~ **facilitate** a case by case and site specific ~~situation~~ **review** where the functions and values of the **low function/low value** wetland will be fully evaluated and the impacts will be weighed both on site and off site in order to reach the **most** beneficial ecological decision. ~~In some cases, the regulation may allow for an increased cumulative on-site impact which may create a net loss of wetland values and functions in Sammamish, and decreased protections overall.~~

Property POSITIVE

- Increased flexibility and options for property owner's use of property
- Decreased predictability for permit applicants and neighbors
- Increased recognition of site improvements and existing uses in standards
- More expensive / more time

The proposed regulation will offer flexibility for the applicant, but not necessarily predictability or a less expensive or efficient mitigation alternative. ~~The regulation will require more study, increasing the level of review thereby impacting the amount of time it may take to reach a decision.~~ **[s/b IMPLEMENTATION ISSUE]**

Implementation POSITIVE

- **INCREASED** clear regulations
- **DECREASED** chance for unintended consequences
- **NEUTRAL** ability for consistent, efficient implementation by the staff
- Neutral effect on likelihood of support/approval by other agencies
- Neutral effective mitigation, increased monitoring and agency coordination

~~Due to the increased variability of a~~ **A well designed** fee-in-lieu regulation ~~, it~~ will **include clear parameters to enable** ~~be more difficult for~~ city staff to track decisions over time and maintain a high level of consistency. The proposed regulation may also take more time as it will require inter-agency coordination.**[WHY?]**

Overall Effect

POSITIVE

Property Owner View: Fee-in-Lieu Mitigation for Wetlands

DRAFT Evaluation Form: Item 3-7 Guidance re Isolated Wetlands

Item Advanced to PC	Staff Draft Evaluation Form [8-31-12]
Staff Recommendation Memo #3 (Revised 7-14-12): • 3-7. Provide additional guidance (both allowances and limitations) concerning small isolated wetlands. Where existing isolated wetlands occur and the city is considering proposed alterations, a review should be conducted to identify the functions that the wetland provides to determine how the isolated wetland should be managed for ecological function of the watershed as a whole. A review/justification of wetland functions for small, isolated wetland by a qualified professional would be required. • **Staff comment:** Staff recommends *advancing* this recommendation to July. • **PC Direction**: *Advance this proposed amendment. Provide a definition of for "small" wetlands.* **July 6 Staff Memo:** [Major and Minor Items] • 3-7. Provide additional guidance (both allowances and limitations) concerning small isolated wetlands.	**Existing Regulation(s)** Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any cumulative impacts are mitigated pursuant to an approved mitigation plan. An evaluation of the role isolated wetlands play as part of the habitat mosaic in Sammamish is not required. **EXISTING SMC 21A.15.1410 Wetland, isolated.** "'Wetland, isolated' means a wetland that is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function." **Proposed Amendment & Description** Provide additional guidance (both allowances and limitations) concerning isolated wetlands (Type 3 & 4), **consistent with the definition of isolated wetlands in SMC 21A.15.1410;** in particular a review by a **qualified professional using the** Washington State Wetlands Identification and Delineation Manual (1997, as amended) to identify the functions **and values** that the wetland provides to determine how the isolated wetland should be managed for ecological function of the watershed as a whole.

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)

Environmental	P

- Increased on-site protection of wetlands
- Increased protection of public assets and resources (e.g. streets, water quality)
- Decreased cumulative impacts to wetlands
- Increased potential to restore damaged wetland buffer areas
- Neutral chance of damage to wetlands
- Neutral potential to damage high quality, unique wetlands
- Decreased net loss of wetland functions and values

The proposed regulation would help city staff and the public understand more clearly the role of isolated wetlands as part of a mosaic of habitat throughout the city. This would offer better protections and decreased cumulative impacts with a resultant decrease in net loss of wetland functions and values.

Implementation	P

- Clearer regulations, lesser chance for unintended consequences
- Increased ability for consistent, efficient implementation by the staff
- Increased likelihood of support/approval by other agencies
- More effective mitigation, easier to monitor

The proposed regulation would require additional review prior to authorizing alterations to isolated wetlands through in depth analysis to understand the wetland's value as part of the habitat mosaic. The proposed amendment will result in less chance of unintended consequences through alterations to isolated wetlands and would increase the support by other agencies.

Property	Neutral

- Decreased flexibility and options for property owner's use of property
- Decreased predictability for permit applicants and neighbors
- Increased recognition of site improvements and existing uses in standards
- More expense / more time

The proposed amendment would decrease some predictability for the applicant as they may not have a clear understanding of the functions and values of the wetland area as part of the wetland mosaic in Sammamish. The amendment would also require the increase costs and time for application review, and may result the identification of some isolated wetlands that could not be altered.

Overall Effect

Positive

Environmental NEUTRAL

- **NEUTRAL** on-site protection of wetlands
- **NEUTRAL** protection of public assets and resources (e.g. streets, water quality)
- **NEUTRAL** cumulative impacts to wetlands
- Increased potential to restore damaged wetland buffer areas
- ~~Neutral chance of damage to wetlands~~
- Neutral potential to damage high quality, unique wetlands
- **NEUTRAL** net loss of wetland functions and values

Existing regulations define isolated wetlands and require their functions be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as revised). ~~The proposed regulation would help city staff and the public understand more clearly the role of isolated wetlands as part of a mosaic of habitat throughout the city. This would offer better protections and decreased cumulative impacts with a resultant decrease in net loss of wetland functions and value~~

Property NEUTRAL

- **NEUTRAL** flexibility and options for property owner's use of property **[WHY SHOULD REVIEW BE DIFFERENT?]**
- **NEUTRAL** predictability for permit applicants and neighbors
- **NEUTRAL** recognition of site improvements and existing uses in standards [HOW?}
- **SAME** expense / **SAME** time **[SB SAME RATING SYSTEM]**

~~The proposed amendment would decrease some predictability for the applicant as they may not have a clear understanding of the functions and values of the wetland area as part of the wetland mosaic in Sammamish. The amendment would also require the increase costs and time for application review, and may result the identification of some isolated wetlands that could not be altered.~~

Implementation NEUTRAL (or n)

- **MORE COMPLICATED** regulations, **GREATER** chance for unintended consequences
- Decreased ability for consistent, efficient implementation by the staff
- Increased likelihood of support/approval by other agencies
- More effective mitigation, easier to monitor

The proposed regulation would require additional review **by a qualified professional as part of the professional's review under the Washington State Wetlands Identification and Delineation Manual (1997, as amended)** prior to authorizing alterations to isolated wetlands through in depth analysis to understand the wetland's value as part of the habitat mosaic. The proposed amendment ~~will result in less chance of unintended consequences through alterations to isolated wetlands and~~ would increase the support by other agencies.

Overall Effect

NEUTRAL (or n)

DRAFT Evaluation Form: Item 3-19 Wetland Exemption to 4,000 sq ft

Item Advanced to PC	Staff Draft Evaluation Form [8-31]
Staff Recommendation Memo #3 (Revised 7-14-12): 3-19. Increase the wetland exemption threshold from 1,000 to 4,000 square feet (public comment #33, 67-70, 84, 85, 88, 101, & 105). The city has received a number of comments related to an increase in the wetland - limited exemption threshold. The code currently allows for the filling/alteration of hydrologically isolated wetlands of less than 1,000 square feet. The BAS report prepared by the city's consultant has indicated that the peer jurisdictions evaluated as part of their review, provide similar exemptions that range from 250 to 2,500 square feet for isolated wetlands. The Department of Ecology has noted that the city may wish to consider provisions for isolated wetlands between 1,000 and 4,000 square feet. • **Staff comment:** The staff recommends *advancing* this recommendation to July. • **PC Direction**: *Advance this proposed amendment. Evaluate effect of this amendment when combined with item 3-7. Provide additional rationale as to "why" this amendment should be advanced. Evaluate this option in combination with authorization for wetland banking and wetland fee-in-lieu approaches.* **July 6 Staff Memo:** Major and Minor Items] 3-19. Increase the wetland exemption threshold from 1,000 to 4,000 square feet (public comment #33, 67-70, 84, 85, 88, 101, & 105).	**Existing Regulation(s)** Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan. **Proposed Amendment & Description** Increase the wetland exemption threshold for isolated wetlands from 1,000 to 4,000 square feet based upon the criteria identified by the Department of Ecology.

Environmental	N	Implementation	Neutral
• Decreased on-site protection of wetlands • Decreased protection of public assets and resources (e.g. streets, water quality) • Increased cumulative impacts to wetlands • Neutral effect on potential to restore damaged wetland buffer areas • Increased chance of damage to wetlands • Neutral potential to damage high quality, unique wetlands • Increased net loss of wetland functions and values The proposed amendment would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Also, the potential for damage to wetlands, including smaller high quality wetlands would be greater as the city more wetlands would be exempt from review. Although this amendment is supported by Department of Ecology, it does not appear to be based on BAS, it is suggested as a potential policy alternative for small municipalities with less review capacity.		• Neutral effect on clarity, neutral chance for unintended consequences • Neutral effect on consistent, efficient implementation by the staff • Increased likelihood of support/approval by other agencies • Decreased effective mitigation, easier to monito The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.	
Property	**P**	**Overall Effect**	
• Increased flexibility and options for property owner's use of property • Increased predictability for permit applicants and neighbors • Increased recognition of site improvements and existing uses in standards • More expense / more time The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would also increase predictability as more wetlands would fall under this exemption. The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.		**Negative**	

Environmental NEUTRAL

- Decreased on-site protection of **isolated** wetlands **with low function and value**
- NEUTRAL protection of public assets and resources (e.g. streets, water quality)
- UNKNOWN cumulative impacts to wetlands
- Neutral effect on potential to restore damaged wetland buffer areas
- ~~Increased chance of damage to wetlands~~
- **NO** potential to damage high quality, unique wetlands **[limited to isolated wetlands with low function and value]**
- MINIMAL net loss of wetland functions and values

The proposed amendment ~~would~~ **may** allow for more wetlands to fall under the exemption, **however, without an inventory of small isolated wetlands within the City,** ~~thereby allowing more~~ **it is not possible to estimate any** cumulative impacts ~~and~~ **or** net loss of overall wetland functions and values. Also, although the potential for damage to wetlands may increase, ~~including smaller high quality wetlands~~ **any potential damage will be limited to isolated wetlands with low function and value.** ~~would be greater as the city more wetlands would be exempt from review. Although t~~ This amendment is supported by Department of Ecology~~, it does not appear to be based on BAS~~ It is suggested as a potential policy alternative. ~~for small municipalities with less review capacity.~~ **The BAS concerning small isolated wetlands is inconclusive--Department of Ecology has acknowledged that the "implications of exempting wetlands less than 0.25 acre, as is commonly done in local wetland regulations, are unknown," and that "[t]he expectation is that the [wetland] rating system will not work well for wetlands smaller than 4000 square feet."**

Property POSITIVE

- Increased flexibility and options for property owner's use of property
- Increased predictability for permit applicants and neighbors
- Increased recognition of site improvements and existing uses
- **NEUTRAL** expense / ~~more~~ time

The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would also increase predictability as more wetlands **potentially** would fall under this exemption. ~~The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.~~

Implementation POSITIVE

- POSITIVE effect on clarity, REDUCED chance for unintended consequences
- POSITIVE effect on consistent, efficient implementation by the staff
- Increased likelihood of support/approval by other agencies
- NEUTRAL effective mitigation, easier to monitor

The proposed amendment would have ~~little~~ **positive** impact on regulation clarity ~~or~~ **and** on application review~~, although it may have some impact on~~ **because it would reduce** the quantity of mitigation projects that must be reviewed and tracked by the city. **Existing regulations require isolated wetlands be rated per the Washington State Wetland Rating System for Western Washington**

Overall Effect

POSITIVE

Thank You

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