Debbie Beadle

From: meggee@comcast.net
Sent: Tuesday, November 06, 2012 10:32 PM
To: Debbie Beadle
Cc: David Gee
Subject: Public Comment for November 8, 2012 Planning Commission Meeting (David + Megan Gee)
Attachments: FINAL POWERPOINT FOR SAMM PC 11-8-12.pptx

EXHIBIT NO. 238

City of Sammamish Environmental Critical Area Review 2012

RESPONSE TO STAFF DRAFT ITEM 3-19d
PROPOSED AMENDMENT TO DRAFT ITEM 3-19d

November 8, 2012

David and Megan Gee
22201 NE 28th Place
Sammamish, WA 98074

Staff Presentation: D.O.E. v 4.0

ENVIRONMENTALLY CRITICAL AREAS UPDATE

Planning Commission
October 18, 2012

Department of Ecology

3-19 Isolated wetlands:

- Preference is for lower area threshold (small cities guidance)

1. D.O.E. Size Preference is not the law in Washington.
2. D.O.E. Size Preference is variable...its guidance in flux...not based upon statute or regulation. The Planning Commission's determination of what is best policy for Sammamish known and anticipated small isolated wetlands of low function and value should not depend upon which person you ask at D.O.E.
3. Numerous other western Washington jurisdictions have chosen to promote and preserve flexibility within their ECA ordinances to assure fairness and common sense when balancing GMA goals. Sammamish should do so too.
4. Focus should be on the function and value of the small isolated wetland—best way to assure balance.

Staff Presentation: D.O.E. v 4.0

ENVIRONMENTALLY CRITICAL AREAS UPDATE

Planning Commission
October 18, 2012

Department of Ecology

3-19 Isolated wetlands:

- Recognize some cities have a different policy balance

The evidence before the Planning Commission demonstrates that the Policy set in 2005 was not sufficiently Balanced for the needs and interests of Sammamish and its citizens. Consider that if Sammamish had elected to implement a 5,000 sf exemption in 2006, as it contemplated, the known cost-benefit for the City and citizenry would be a financial savings of not less than ½ million dollars by the City and the citizen property owners against the loss of one 3800 sf isolated wetland of low function and value.

Staff Presentation: D.O.E. v 4.0

ENVIRONMENTALLY CRITICAL AREAS UPDATE

Planning Commission
October 18, 2012

Department of Ecol

3-19 Isolated wetlands:

- Riparian definition should be in city's code (already part of state requirements – clarifies)

- Where is "state requirement" that the City must have a "riparian" definition?
- D.O.E. has not adopted a definition of the term "Riparian Wetland."
- Search of D.O.E. website for term "Riparian Wetland" yields 9 results—none is a definition of the term.
- DOE v 4.0 (and Staff's presentation) refers to WDFW definition of "Riparian Area," yet WDFW testimony (October 16, 2012—EXH 228) provides a different definition, "the area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs)...."
- The state's long-established western Washington Wetland Rating System already includes a similar definition: "the area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other." If the ECA requires a definition it should track the existing rating system.

Skip to Main Content

ECOLOGY

Search

Search query "riparian wetland"

9 results

- Advanced Search
  - Everything
  - Images

Grants and Loans Management – Wash
Department of ...

Riparian/Wetland Restoration Planning and Imp
Public Outreach and Education ; Total Maximum
(TMDL) Support ; Water Quality Monitoring

www.ecy.wa.gov/programs/.../FCmain.html

[PDF] Funding Guidelines – Washingto
Department of Ecology | Home ...

• Riparian/Wetland Restoration Planning and Im
Public Outreach and Education • Total Maximum
(TMDL) Support • Water Quality Monitoring

www.ecy.wa.gov/pubs/1010049.pdf

[PDF] Appendix 2-B Associations betw
of Wildlife and Wetlands ...

• Eastside Populus balsamifera spp. trichocarpa
rhombifolia Riparian • Pinus ponderosa Riparian
Populus tremuloides Riparian/Wetland Forests a

www.ecy.wa.gov/.../Appendix%202-B_Volume%

[PDF] Focus on Grants and Loans – Wa
State Department of Ecology ...

Riparian/wetland restoration planning and imple
Groundwater/aquifer/wellhead planning and pro
restoration planning and implementation.

www.ecy.wa.gov/pubs/0810013.pdf

[PDF] Spring 2012

a consistent approach for assessing the physical functioning of riparian-wetland areas through consideration of hydrology, vegetation, and soil ...

www.ecy.wa.gov/wcc/.../2011Catalog.pdf

[PDF] North Fork Palouse River Water Quality Improvement Plan

forest stewardship projects, including riparian, wetland and fisheries habitat enhancement. Contact: Washington Dept. of Natural Resources, 360-825-1631

www.ecy.wa.gov/.../nfpr_wq_improvement_plan.pdf

[PDF] Guidance on Widths of Buffers and Ratios for Compensatory ...

For example, a forested, riparian, wetland may be rated a Category II wetland because it is a riparian forest, but it may be rated a Category I wetland based

www.ecy.wa.gov/.../Appendix%208-D_Volume%202_.pdf

[PDF] North Fork Palouse River Fecal Coliform Total Maximum Daily Load

occupied by urban uses such as towns, railway lines, and roadways; riparian/wetland areas occupy less than 1 percent; and perennial and intermittent streams occupy less ...

www.ecy.wa.gov/pubs/0610028.pdf

[PDF] An Analysis of Stream Culvert Fish Passage on the Navy Railroad ...

Riparian wetland upstream of railroad culvert MP 2.19.....24 14. Johns Creek box culvert and fishway ...

www.ecy.wa.gov/.../psns_rr_culvert_rpt.pdf

.....bing

ECOLOGY

Search Tips A-Z Index Contact

Search

Search query "riparian wetland" search

9 results

ENVIRON

H 2.3 Near or adjacent to other priority habitats listed by WDFW ***(see new and complete descriptions of WDFW priority habitats, and the counties in which they can be found, in the PHS report*** *http://wdfw.wa.gov/hab/phslist.htm* ***)***

Which of the following priority habitats are within 330ft (100m) of the wetland unit? *NOTE: the connections do not have to be relatively undisturbed.*

___ **Aspen Stands:** Pure or mixed stands of aspen greater than 0.4 ha (1 acre).

___ **Biodiversity Areas and Corridors**: Areas of habitat that are relatively important to various species of native fish and wildlife (*full descriptions in WDFW PHS report p. 152*).

___ **Herbaceous Balds:** Variable size patches of grass and forbs on shallow soils over bedrock.

✓ **Old-growth/Mature forests:** (Old-growth west of Cascade crest) Stands of at least 2 tree sp[illegible] tr[illegible] w[illegible] cr[illegible] la[illegible] w[illegible]

___ **Or**[illegible] ca[illegible] *report p. 158*).

___ **Riparian**: The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

___ **Westside Prairies:** Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (*full descriptions in WDFW PHS report p. 161*).

Instream: The combination of physical, biological, and chemical processes and conditions

___ Riparian: The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

WDFW Definition: "Riparian Habitat"

EXHIBIT NO. 228

State of Washington

Mailing Address: 6
Main Office Loca

October 16, 2012

Mr. Evan Maxim
Senior Planner
City Sammamish
801 228th Avenue, SE
Sammamish, WA 98075

RE: WDFW Comments on Sammamish Proposed Amendments and Evaluation Forms
Amendments to Environmentally Critical Areas Ordinance

Dear Mr. Max

The Washing
review the Ci
Critical Areas

"the area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs)...."

Site Specific Stream Buffer Location, Item 2-10
Variable Regulations for Stream Areas, Item 2-11

WDFW defines the riparian habitat area as "the area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other." (Knutson and Naef, 1997) Riparian habitat performs functions that are essential to fish survival and productivity. In addition, approximately 85% of Washington's terrestrial vertebrate species use

Staff Presentation: D.O.E. v 4.0

ENVIRONMENTALLY CRITICAL AREAS UPDATE

Planning Commission
October 18, 2012

Department of Ecology

3-19 Isolated wetlands:

- Wetlands in city shorelands would not be considered isolated based upon riparian definition from state and "Associated Wetland" definition in SMP

This categorical statement is contradicted by scientific evidence in the Public Record. Using the western Washington Wetland Rating protocol, Environ concluded the small isolated wetland at the Gee Beaver Lake property is neither a "riparian" wetland nor an "associated" wetland.

Extent and Degree of "Association" Determined by Site

Sammamish Shoreline Master Program (Shoreline Designation Map)

This map is intended for planning purposes only.

This map depicts the approximate location and extent of area ssubject to the SMP and official shoreline designations pursuant to SMC Title 25. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands. The map does not
Sammam

> "Wetland presence, location, extent and degree of association [if any] must be determined though site-specific investigation."

Shoreline
to shorelin
waterward of the OHWM shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the adjacent primary use.

All associated wetlands are regulated as Shorelands per RCW 90.58.030. Wetlands immediately adjacent or physically connected to the lakes are assumed to be associated with the lakes, but wetlands depicted on this map have not been field-verified. Wetland locations are approximate and based on existing inventory data; additional wetlands may be present that are not shown on the maps and some of the areas shown as wetland or portions of areas shown as wetlands may not meet the wetland criteria. Wetland presence, location, extent and degree of association with the lakeshores must be determined through site-specific investigation. This map does not provide a definitive determination as to whether wetlands are associated with the shoreline or not. The definition of 'associated wetland' is included in the Program.

When site-specific investigation determines that a wetland is associated with the lake shoreline, the shoreline designation that applies to the parcel on which the wetland is located shall apply to the associated wetland. If there is no designation applied to the parcel on which the wetland is located, the associated wetland shall be designated Urban Conservancy.

"Associated" Wetland

The small isolated wetland at the Gee Beaver Lake property is not an "associated" wetland—

- It neither influences nor is influenced by Beaver Lake.
- It has no surface connection to Beaver Lake.

(97) Wetland, Associated. "Associated wetland" means wetlands that are **in proximity to** lakes, rivers or streams that are subject to the Shoreline Management Act **and either influence or are influenced by such waters**. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline water body, **presence of a surface connection**including through a culvert or similar device, location in part or whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity. (Ord. O2011-308 § 1 (Att. A))

ENVIRON

THE GEES' SMALL ISOLATED WETLAND HAS NO SURFACE CONNECTION TO BEAVER LAKE: IT IS "A DEPRESSION WITH NO SURFACE WATER LEAVING IT."

D	Depressional and Flats Wetlands WATER QUALITY FUNCTIONS - Indicators that the wetland unit functions to improve water quality	Points (only 1 score per box)
D	**D 1. Does the wetland unit have the potential to improve water quality?**	*(see p.38)*
D	D 1.1 Characteristics of surface water flows out of the wetland: Unit is a depression with no surface water leaving it (no outlet) points = 3 Unit has an intermittently flowing, OR highly constricted permanently flowing outlet points = 2	Figure ___

D 1.1 Characteristics of surface water flows out of the wetland:

Unit is a depression with no surface water leaving it (no outlet) points = 3

Staff Presentation: Draft Item 3-19d

Isolated Wetlands

Jurisdiction	Isolated Wetland Exemption	Compensation Required
Sammamish	1,000 square feet	Cumulative impacts must be mitigated per an approved mitigation plan
Bellevue	Category IV wetlands under 2,500 sf are not designated Critical Areas	None
Redmond	Category IV wetlands less than 250 sf are not regulated	None
Issaquah	Category IV wetlands under 2,500 sf are not designated Critical Areas	None
King County	2,500 square feet	Relocation of Wetland to another wetland with equivalent or greater functions

Key Distinction: Like current Sammamish ECA **and unlike the Bellevue and Issaquah Codes, each of the 11 ECA codes of other western Washington jurisdictions requires compensation/mitigation.** Bellevue and Issaquah simply define class IV wetlands as 2,500+ sf, without limiting to isolated wetlands. **Redmond allows alteration of all category II-IV wetlands with mitigation (RZC21.64.030 C).**

Redmond Zoning Code 21.64.030 C

C. Alteration of Wetlands. [initial sections]

1. Wetland alteration shall result in no net loss of wetland area, except where the following criteria are met:
   a. The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific assessment; or
   b. The lost wetland area provided minimal functions as determined by a site-specific functional assessment and other replacement habitats provide greater benefits to the functioning of the watershed, such as riparian habitat restoration and enhancement.
2. Category I Wetlands. Alterations of Category I wetlands shall be prohibited subject to the reasonable use provisions of this chapter.
3. Category II, III, and IV Wetlands.
   C. Any proposed alteration and mitigation shall comply with the mitigation performance standards and requirements of these regulations; and
   D. No net loss of wetland function and value may occur.
   E. Where enhancement or replacement is proposed, ratios shall comply with the requirements of subsection C.7 below in this section.
4. Mitigation for alterations to wetlands shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State, Part 2: Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, April, 2004, as revised.

* * * * *

Compare other jurisdictions using 4,000 or 5,000 sf: Focus on function and value; Require mitigation

Jurisdiction	Isolated Wetland Exemption	Compensation Required
1. Maple Valley	5000 sf (Isolated)	approved mitigation plan
2. Kent	5000 sf(Class III + IV)	replacement wetland area
3. Anacortes	4000 sf (Class III + IV)	impacts mitigated
4. Bellingham	4000 sf (Class III + IV)	impacts mitigated
5. Black Diamond	4000 sf (Class III + IV)	impacts mitigated
6. Des Moines	4000 sf (Class III + IV)	impacts mitigated
7. Everett	4000 sf (Class III + IV)	mitigation or mitigation fee
8. Olympia	4000 sf (Class III + IV)	wetland mitigation report required
9. RentonSMP	4000 sf (Class III + IV)	impacts mitigated
10. City of Sultan	4000 sf (Class III + IV)	surface water impacts mitigated
11. Mason County	4000 sf (Class III + IV)	impacts mitigated
12. Skagit County	4000 sf (Class III + IV)	impacts mitigated

RENTON MUNICIPAL CODE 4-3-090 SHORELINE MASTER PROGRAM REGULATIONS—D2b APPROVED BY D.O.E. ON 11.1.11:

(b) Category III and IV wetlands and buffers between one thousand (1,000) and four thousand (4,000) square feet may be displaced; provided, that all of the following criteria are documented in a wetland mitigation plan:

(1) The wetland does not score twenty (20) points or greater for habitat in the 2004 Western Washington Rating System;

(2) The wetland is depressional and is recharged only by precipitation, interflow or groundwater and adjacent development cannot assure a source of recharge to maintain its hydrologic character through stormwater infiltration, or other means;

(3) The wetlands does not have a potential to reduce flooding or erosion or has the potential to maintain or improve water quality as evidenced by a score of at least ten (10) points on the applicable criteria of the Wetland Rating Form for Western Washington;

(4) The total area of the combined wetland and buffer is ten thousand (10,000) square feet or less and:

(A) It does not achieve a score of at least twenty (20) points on the Habitat Functions criteria of the Wetland Rating Form for Western Washington; and

(B) The wetland and buffer is not connected to a larger open space complex which may include, but is not limited to, a stream buffer, a buffer associated with a geological hazard, or other designated open space buffer sufficient to allow movement of terrestrial wildlife to and from the wetland and buffer complex without interruption by roads, paved areas or buildings within fifty feet (50');

(5) Impacts of displaced wetlands are mitigated pursuant to subsection D2dx of this Section.

Isolated wetland exemption and Wetland buffer exemption

Item 3-19d

GEE REVISION 11-8-12

GEE VERSION
Overall Effect: "POSITIVE"

Existing Regulation(s)	Proposed Amendment & Description
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.	Increase the wetland size exemption from avoidance sequencing for isolated wetlands from 1,000 to ~~2,500~~ 4,000 square feet. Allow reduction of the buffer to 15-feet wide ~~(plus 15 foot building setback)~~ for low quality category III & IV wetlands under 4,000 square feet. Criteria for authorizing a reduced buffer would include: • Evaluation of whether or not the wetland ~~was~~ is part of a wetland mosaic. • Habitat score of less than 15 (as opposed to 20 in item 3-19b). • Mitigation to include enhancement of remaining buffer/wetland or alternative high value area. • ~~No further buffer averaging or reduction.~~

Desired Result of Amendment:

The proposed amendments would revise the current size limitation for being exempt from the avoidance sequencing criteria for low quality isolated category III and IV wetlands from the current 1000 square feet to ~~2500~~ 4,000 square feet, a figure closer to many peer jurisdictions. The proposed amendments add further flexibility for ~~Also,~~ larger low quality wetlands (up to 4,000 square feet) ~~would have either the standard buffer or a reduced buffer (to 15 feet plus a 15 foot building setback, total 30 ft)~~ to reduce to the buffer to not less than 15 feet. provided that lost buffer functions are mitigated on site and the remaining buffer or other high value area is enhanced. ~~This~~ Both changes will provide additional flexibility.

21A.50.320 Wetlands-Development Flexibilities

GEE VERSION

21A.50.320 Wetlands-Development Flexibilities

(1) Isolated wetlands with an area of up to 1,000 square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.

(2) Isolated category III and IV wetlands with an area betweenof more than 1000 square feet and up to 2,500 4,000square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered, provided:

a) A critical area study is prepared that includes a review of the existing functions that the wetland provides, and determines how the isolated wetland should be managed for ecological function of the watershed as a wholethat:

i. The wetland is not associated with a riparian corridor; and

ii. The wetland is not part of a wetland mosaic; and

iii. The wetland scores 15 points or less for habitat in the adopted Western Washington Rating System; and

iv. The wetland does not contain habitat identified as essential for local populations of priority species as identified by Washington Department of Fish and Wildlife.; and

b) Mitigation to replace l Lostwetland functions and valuesshall be mitigated pursuant to an approved mitigation plan, consistent with SMC 21A.50.310. shall be prepared for review and approval by the City.

(3) Buffers may be reduced to 15 feet for Category IIIand IV wetlands with a total area of 4,000 square feet or lessmay have the buffer reduced to 15 feet, provided:

a) A critical area study is prepared that includes a review of the existing functions that the wetland provides, and determines that:

i. The wetland is not part of a wetland mosaic; and

ii. The wetland scores 15 points or less for habitat in the adopted Western Washington Rating System.; and

b) The buffer functions associated with the area of the reduced buffer are mitigated through the enhancement of the wetland, the remaining on-site wetland buffer area, and/or other adjoining high value habitat as needed to replace lost buffer functions and values.; and

c) No subsequent buffer reduction or averaging is authorized.

Thank You

David and Megan Gee
22201 NE 28th Place
Sammamish, WA 98074