

**Debbie Beadle**

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**From:** James Osgood <james.osgood.officefinder@gmail.com> on behalf of Susan Richardson <jim@officefinder.com>  
**Sent:** Thursday, November 08, 2012 11:45 AM  
**To:** Debbie Beadle  
**Subject:** public comment  
**Attachments:** public comment SJR.docx

**Follow Up Flag:** Follow up  
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Hi Debbie,  
Please add the attached to the Public Comment for the Hearing tonight.  
I will be bring hard copies  
Thanks,  
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Susan Richardson  
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EXHIBIT NO. 240

Susan Richardson 19661 se 24<sup>th</sup> way, Sammamish

I would like to share some concerns I have about the review of the EHNSWB Overlay. I know that Jim is working with the city planners to identify a way in which we can join in the proposed pilot program. However, the city's option for a low impact development significantly limits our ability to develop the property. The loss of value would be significant and unfairly so. We feel there are other ways to insure that storm water and its release would not negatively impact the land below our property or the lake itself.

Many of you have seen our property and understand why we have found the overlay to be so damaging. Our property is very suitable for development. It does not possess the characteristics described by overlay language, except for its location on the map. The characteristics of our topography and soil types would not present unreasonable problems during the earth moving stage of development. The real issue is storm water.

We will be presenting an alternative to the city's requirement that we be limited to a low impact development strategy. We will also provide testimony from engineers who can support our assertion that we can address environmental concerns and should be given the opportunity to do so in the pilot program.

In the scheme of things, our development would not be a big development. We are only a 4 acre parcel and our property is not steep. The pilot program would be a good opportunity to demonstrate, on a smaller scale, that some options, short of a tightline, might be appropriate for certain properties in the overlay. We do not have the deep pocket of a larger development and cannot subsidize the

implementation of a storm water system on our own. We are far enough from the lake to make that impossible without help from the city. But there are other options to consider. We deserve that consideration.

I implore you to consider this when you review the plan we will propose. We have been working with the city for years to advocate for this ECA review and to come to a resolution that is fair to both the environment and the property owners. After all this time to find ourselves in a sudden position of having to accept one strategy or else, seems quite unfair. I think an important question to answer is "What does OR ELSE? mean? What happens if the city does not accept a more reasonable alternative to Low Impact Development for our property? What if we decide that it is in our best interest to wait? What if we wait and a storm water system is ultimately implemented, which we all know will happen sooner or later? Will we be able to develop then? Or will we find ourselves stuck in the No disturbance overlay with no way out?

I know that the pilot program is thought to provide an opportunity to test the idea of development in the overlay. But what does that mean? Can we be confident that success in the pilot program will be reasonably measured or will property owners in the overlay find themselves stuck in limbo, dependent on yet to be identified criteria for exception from the absolute restrictions of the overlay. There is a big difference between the certainty of the opportunity to develop and the uncertainty or absolute deprivation to develop.

Please remember that not all properties in the overlay are the same. Certainly, very few are probably zoned R4s. Personally, I think our

situation is rather unique but there may be others. Don't be so distracted by the pilot study that you overlook the significance of the continued impact of the language of the overlay and its impact on property owners who are currently zoned more than an R1. Without an opportunity to deal on a property by property basis, questions of due process remain.

I understand that there is no resolve to remove the overlay but I think it is the city's duty to consider the possibility that there is an over reach that violates the constitutional rights of property owners by unreasonable, over regulation. For that reason, I also ask that we have the opportunity to hear the opinion of the city's attorney on this particular point.

Jim and I have been working in good faith to recapture what we thought we had in property value. Our future depends on it. Please insure that common sense and reasonableness are not sacrificed to regulations that spring more from fear than science or policy than protection. We are doing our best to advocate for that outcome.