

Debbie Beadle

From: George Toskey <getoskey@comcast.net>
Sent: Tuesday, December 04, 2012 5:25 PM
To: ECA
Cc: Debbie Beadle
Subject: Public Comment
Attachments: Stream Buffer Widths.doc

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Please distribute the attached to the Planning Commisioners.

Thanks,
George

EXHIBIT NO. 265

Reduction of Stream Buffer Widths

Firstly, there are no streams whose buffers would impact my personal development plans. My only goal is for the City to adopt reasonable regulations that are fair and understandable. As one of the founders of Sammamish Homeowners (SHO), I heard too many complaints from residents who felt bullied by City staff over ambiguous and unfair regulations. While you as planning commissioners cannot control how the City staff interprets the regulations, I believe that you have a duty to see that the regulations are fair and uncontroversial.

Secondly, I do not have the credentials to “make up” best available science (BAS) with respect to the environment, but I do have more than adequate credentials to distinguish BAS from biased opinion. The environmental community needs to start using the scientific method including peer reviews before it can call its opinions science. Writing white papers that quote other white papers is not science, it is propaganda.

I understand that you as volunteer planning commissioners have been shown a report by AMEC (consulting firm chosen by the City) stating that the stream buffers are reasonable. You also have been shown the widths required by neighboring cities. The first problem is that AMEC did not base its opinions on BAS. The second problem with comparing the widths with other cities is that they too contracted like-minded “consultants” who undoubtedly did not apply BAS. While working on the SMP, SHO extensively investigated buffer widths adequate to protect Lake Sammamish and Pine and Beaver lakes. SHO found that a 15-foot buffer was adequate to protect Lake Sammamish from the alleged contaminants that were a concern to both AMEC and the City staff for streams.

The proposed widths of the stream buffers are inconsistent with setbacks from Lake Sammamish and Pine and Beaver lakes. Houses can be built within 20 feet of Lake Sammamish and within 50 feet of Pine and Beaver lakes.

The City’s rationale for the 20-foot setback from Lake Sammamish can be found in the city council packet for June 20, 2011 beginning on page 153.

<http://www.ci.sammamish.wa.us/files/packet/7959.pdf>

How can the regulations for the streams flowing into Lake Sammamish not containing fish, be more restrictive than the regulations for Lake Sammamish? The City staff cannot reasonably take one opinion for the lake and another, more restrictive, opinion for the streams flowing into the lake.

As for the streams containing fish, a 50-foot buffer would be consistent with the setback from Pine and Beaver lakes. Both lakes (as are streams containing fish) are candidates for Fish and Wildlife Habitat Conservation Areas according to WAC 365-190-130(2)(g).

You will be told that you have to believe the AMEC report; that Ecology will disagree; that buffer widths have to be consistent with other cities; etc. **However, I am confident that you will recommend the**

Reduction of Stream Buffer Widths

establishment of reasonable stream buffers consistent with other Sammamish regulations.

George E Toskey
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Sammamish, WA 98074

Debbie Beadle

From: Reid Brockway <waterat@comcast.net>
Sent: Wednesday, December 05, 2012 7:30 AM
To: ECA
Subject: Submittal for ECA deliberations
Attachments: Status of stream related issues per 11-30 draft.docx

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Dear Commissioners,

Attached is an updated one-page summary of the status of the five key issues I have been reporting related to streams based on the 11/30 draft code revisions. Two of the problems have been solved but the solutions are incomplete for the remainder. I respectfully request that you consult this summary for perspective when deliberating the code revisions related to streams.

Thank you,
Reid Brockway

EXHIBIT NO. 266

Note: these problems are those documented in "Overview of restrictions associated with streams" submitted 9/18/12

Problem	Solved?	Code references	Comments
Any alteration within a stream buffer requires a Critical Areas Study. (Literal interpretation says even yard maintenance requires such study.)	Partially	21A.15.056 21A.50.060 21A.50.340 (1)	New code of 21A.50.060 (1) allows maintenance actions without a CAS or review. Minor landscaping "revisions" (3) should not require a CAS but still do. 21A.50.340 still requires a CAS for any "alterations to stream buffers", and the definition of "alteration" (21A.15.056) is all-inclusive (e.g., includes pruning).
No structure can be installed within buffer width plus 15 feet of watercourse regardless of site characteristics. (Homeowner cannot, for example, place a small shed within 165 ft of a Type F stream)	No	21A.50.210	New code in 21A.50.060 only addresses "single detached dwelling units" in this regard. If does not allow for addition of any new structures regardless of size or portability, or isolation from the watercourse.
"a state or federal permit or approval" is required to plant any non-native species within a stream buffer.	Yes But...	21A.50.340 (3)	21A.50.060 is now referenced, and no state or federal permit is mentioned there. However a Critical Areas Study is still required for "revisions" to landscaping like this (see above).
A "restoration or enhancement plan" is required to remove invasive vegetation within a stream buffer.	Yes	Old 21A.50.060 (1)(d)	New 21A.50.060 (5) now allows removal of non-native or invasive noxious weeds without a permit (up to 2500 sq ft).
Footprint of a house cannot be expanded within a buffer if built after Nov. 27, 1990. Cannot be expanded by more than 1000 sq ft if built before that date.	Partially	Old 21A.50.060 (1)(a) & (b)	New 21A.50.060 (2) b) allows expansion regardless of original date of construction, but only for "single detached dwelling units" and still subject to one-time 1000 sq ft limitation. A property owner still cannot, for example, add a detached garage within 165 ft of a Type F watercourse even if there are multiple houses, driveways, etc. in between.