

City of Sammamish City Council
 Environmentally Critical Areas
 Public Hearings Oral Testimony in Summary
 February 12, 2013 through June 4, 2013

Definitions of acronyms in this document:

- BAS – Best Available Science
- ECA – Environmentally Critical Areas
- EHNSWB – Erosion Hazard Near Sensitive Water Body overlay
- FWHCA – Fish and Wildlife Habitat Conservation Areas
- FFA – Frequently Flooded Area
- LID – Low Impact Development
- RUE – Reasonable Use Exception
- C4S – Citizens for Sammamish
- SLS – Save Lake Sammamish
- FOPL – Friends of Pine Lake

#	Name	Date	Topic	Summary of Written Comment
1.	Brockway, Susan & Reid	2/12/2013 (original comment is incorrectly dated 2/12/12)	ECA Code Revision Process	<ul style="list-style-type: none"> • Feels staff has commandeered the process and presented a code that ignored the inequities in current code. • In December Citizen's For Sammamish (C4S) presented testimony to Council describing in detail how this process was going down • C4S has also presented a complete mark-up of the Planning Commission recommendation.
2.	Citizen's For Sammamish	2/12/2012 (original comment is incorrectly dated 2/12/12)	Planning Commission ECA Review and Revision Process	<ul style="list-style-type: none"> • Feel that current BAS contains little new science and public testimony regarding this was dismissed by staff • No opportunity was afforded the public to engage with the PC or the consultant developing BAS • Staff evaluation forms were biased • No consideration was given that technology might offer

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				<ul style="list-style-type: none"> equal protection that would be provided by stringent restrictions Wildlife protection was given too much importance
3.	Osgood, James	02/20/2013	Rational for Support for Development in the EHNSWB Overlay (Pilot Program)	<ul style="list-style-type: none"> No other jurisdiction has similar prohibitions Program is limited (9 developments total) GMA requires avoiding regulations that have unnecessary impact on the cost or supply of housing Sammamish is in UGA and needs to permit growth Confusion exists on what is a steep slope Erosion control technologies are reliable per DOE KC SWM is stringent and protective Main concern should be water quality not quantity No BAS has been referenced in the EHNSWB Property rights must be protected Comprehensive analysis of conveyance is required Peak water flows will be less than current flows Only 5 acre sites qualify Soil does not allow infiltration systems LID techniques are included
4.	Shedd, Harry	03/04/2013	ECA Code Revision Mark-Up	<ul style="list-style-type: none"> Submitted mark-up of Planning Commission recommended draft ECA code Director should only be able to relax requirements not impose stricter ones. Code should not allow arbitrary rejection based on opinions Buffer widths have only be partially addressed Buffer delineation should be an option Wildlife corridors and conservation areas should be applied only to undeveloped land Category III and IV wetlands should be exempt Current technology allows for safe development in EHNSWB overlay
5.	Cross, Mark	03/05/2013	Critical Areas Handbook – City of Bellevue	<ul style="list-style-type: none">
6.	Shedd, Harry	03/05/2013	ECA code revision mark-up	<ul style="list-style-type: none"> Explained the changes in the revision mark-up of

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				Planning Commission draft code submitted earlier to council
7.	Brockway, Reid	03/05/2013	Stream-related problems remaining in ECA code	<ul style="list-style-type: none"> • Treats stream buffers unconditionally as habitat • No structure can be installed within 165 feet of Type F stream • There is a one-time, 1,000 sf limitation on the expansion of a building within a stream buffer
8.	Gee, Megan and David	03/05/2013	Transmittal of PowerPoint presented at 3/5/2013 Council meeting	
9.	Gee, Megan	03/05/2013	Transmittal of PowerPoint presented at 3/5/2013 Council meeting regarding 21A.50.140	
10.	Osgood, Jim	03/05/2013	Erosion Control Technologies Effectiveness Review	<ul style="list-style-type: none"> • Review of the effectiveness of current erosion control technologies related to testimony provided to PC • Show that reliable erosion control can take place within the ENSWB
11.	Gee, David	03/06/2013	Fee-In-Lieu	<ul style="list-style-type: none"> • Attached copies of the PowerPoint that was presented to Council at 03/05/meeting. • Program must be through DOE and ACE • Available only if not feasible to mitigate on development site • BAS does support fee-in-lieu mitigation • Should be driven by what is best approach for environment
12.	Welch, Gene, Limnologist	03/12/2013	Lake Sammamish quality and the ENSWB	<ul style="list-style-type: none"> • Currently water quality of Lake Sammamish is good • This should not be a reason for changing policy that restricts development in ENSWB • Presented
13.	Krabbe, Greg	03/12/2013	ECA review –evaluation form 14(g) – “The Carson Proposal	<ul style="list-style-type: none"> • Proposal Provides for tight lining stormwater to Lake Sammamish • Limit activities to drier months • Installation of permanent stormwater detention • Mandatory use of chemical treatment • 60% phosphorus removal

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14.	Richardson, Susan	3/12/2013	Environment vs. Property Rights	<ul style="list-style-type: none"> • Regulations should be sensitive to constitutional limits • Avoid risk of over-regulation • Should be a process for evaluating less restrictive methods • Balance property rights with environments • Legislation must be fair and balanced
15.	Osgood, Jim	03/12/2013	Review of Council's Opening Comments	<ul style="list-style-type: none"> • Feels some Council members have already formed an opinion before studying the information
16.	Brockway, Reid	03/12/2013	Property rights vs. the environment	<ul style="list-style-type: none"> • Current Code was not thoroughly reviewed • Was not vetted against Bas • Did not make distinctions between undeveloped land and built-out neighborhoods • Current regulations not adequate to accomplish something in all cases
17.	Gee, Megan and David	03/12/2013	Support of Amendment to SMC 21A.50.320	<ul style="list-style-type: none"> • Proposed amendment increases environmental protection • Existing regulation based on size only • Proposal is not the simplest option • Protects function and value of wetland • Is consistent with other jurisdictions
18.	Keough, Laura	03/13/2013	Critical Aquifer Recharge Area	<ul style="list-style-type: none"> • Requesting prohibition of geothermal wells
19.	Toskey, George	03/15/2013	ECA Adoption Review Discussion	<ul style="list-style-type: none"> • Presented document which outlines how public comment has been ignored
20.	Weyl, Linda	03/18/2013	Acknowledgement Letter of City of Sammamish Material ID_18991	<ul style="list-style-type: none"> • Submittal for DOE review of recommended ECA code
21.	Martin, Larry	03/18/2013	ECA Update - Pilot Program - Tightline Subdivisions	<ul style="list-style-type: none"> • Urges adoption of tightline Pilot program • Speaking on behalf of the Estate of Lenore Propst • Tight lining accomplishes goals of ECA • Less restrictive than prohibiting subdivisions • Supported by BAS
22.	Void - no comment submitted			
23.	Osgood, Jim	No date	Erosion Control and Storm Water Volume in the EHNSWB Overlay	
24.	Richardson, Susan	03/18/2013	EHNSWB Overlay and a possible	<ul style="list-style-type: none"> • Overlay captures properties not on steep slopes

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			violation of Substantive Due Process vs. Pilot Program	<ul style="list-style-type: none"> Prohibition of development places undue hardship on citizens Loss of property value AG Advisory Opinion attached Pilot Program could provide model for problem solving
25.	Toskey, George	No date		<ul style="list-style-type: none"> Pollution is a city-wide problem. The burden for eliminating it should not just be restricted to properties near critical areas while still allowing pollution from city streets
26.	Brockway, Reid	3/18/2013	The Problem of stream buffers derived from forest practices to developed urban neighborhoods	<ul style="list-style-type: none"> Definition of Type F stream is overly broad Should allow option of buffer delineation
27.	Hill, Don	03/26/2013	Osgood Property – Level One Downstream Analysis dated 3/22/2013	<ul style="list-style-type: none"> Analysis shows there is sufficient capacity in the existing downstream system to convey developed storm drainage from the Osgood Property to the Lake
28.	Brockway, Reid	04/02/2013	Citations for “dramatization” of ECA Code	<ul style="list-style-type: none"> Code will be overly prohibitive
29.	Osgood, Jim	04/02/2013		<ul style="list-style-type: none"> Presented evidence that their property can be developed with damaging Lake Sammamish Requirements of Pilot program will further protect the lake Attachments: Previous comments (CC3, CC10), Icicle Creek Engineers Geotech CAS – Conclusions and recommendations
30.	Goetsch, Jason	04/04/2013	A note from a resident about the wildlife corridors and construction in stream buffers	<ul style="list-style-type: none"> Supported keeping and restoring corridors.
31.	Hill, Don	04/02/2013	Osgood Property	<ul style="list-style-type: none"> Spoke regarding the Level One Downstream analysis. Feels it proves the property can be developed without damage from storm drainage from the property to Lake Sammamish
32.	Krabbe, Greg	04/15/2013	Comments from Rob Zisette regarding March 12, 2013 Letter from Dr. Gene Welch	<ul style="list-style-type: none"> Development of shallower slopes within the erosion hazard area would not significantly increase TP loading in Lake Sammamish
33.	Brockway, Reid	04/15/2013	Misuse of BAS	<ul style="list-style-type: none"> No BAS for critical areas in urban neighborhoods

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				<ul style="list-style-type: none"> although it is cited for not allowing buffer delineation BAS does not support forest practices in urban setting
34.	Krabbe, Greg	04/24/2013	CAO – Inflow and landslide hazard areas	<ul style="list-style-type: none"> Letter from Dean White, E3RA dated 04/24/2013 Residential development is often completed in areas with landslide hazard designation Contemporary drainage design criteria controls vast majority of rainfall on developed site Uncontrolled rain water can be mitigated
35.	DOE	04/24/2013	Ecology Review of Proposed ECA	<ul style="list-style-type: none"> DOE recommended changes to proposed ECA regulations
36.	Rosenlund, Leland & Sharon	04/26/2013		<ul style="list-style-type: none"> Supported Pilot Program for ENSWB
37.	Seidensticker, Bob	04/29/2013	Support for Pilot Program	
38.	Gee, David	04/29/2013	Response to DOE letter to City	<ul style="list-style-type: none"> Objected to the DOE response regarding isolated wetlands regarding USACE determination
39.	Oberoi, Bhupinder	04/29/2013	Support for Pilot Program in ENSWB	
40.	Pillie, Maynard and Lisa	04/29/2013	Support for Pilot Program in ENSWB	
41.	Aries, Annette and Jim	05/03/2013	Support for Pilot Program in ENSWB	
42.	Niehaus, Joan	05/03/2013	Citizen Action Request	<ul style="list-style-type: none"> Expressed concern that ECA regulations were being reviewed given the irregular topography of Sammamish
43.	Adams, J. Daniel	05/02/2013	Letter to Beaver Lake Management Board	<ul style="list-style-type: none"> Advocated serious consideration of the proposals regarding isolated wetlands
44.	Goldman, Arthur	05/06/2013	Support for Pilot Program in ENSWB	
45.	Chatfield, Mary	05/05/2013	ECA	<ul style="list-style-type: none"> Objection to any changes in ECA regarding a Pilot Program
46.	Gee, Megan and David	05/06/2013	Isolated Wetlands Policy Approach	<ul style="list-style-type: none"> Supported the amendments regarding isolated wetlands being proposed by R. Valderrama Believes staff is incorrect in stating that no hydrologically isolated wetlands have been identified Believes staff has been withholding information

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				regarding the number of isolated wetland in the city under 4,000 sf
47.	Bird, Jan	05/06/2013	ECA Update	Changes are not supported by BAS Concerned that Buffer averaging will not protect wetland functions
48.	Brockway, Reid	05/07/2013	ECA Review Process – C4S	<ul style="list-style-type: none"> Public's ability to provide substantive changes to the code are being prevented The scope being considered is too narrow Council needs to thoroughly consider all the public testimony
49.	Krabbe, Greg	05/07/2013	Lake Sediments and Phosphorus	<ul style="list-style-type: none"> Advocating for correctly designed and sited tightline facilities.
50.	Raabe, Barbara	05/07/2013		<ul style="list-style-type: none"> ECA regulations should remain in place to preserve trees and sensitive areas. It is not possible to develop in sensitive areas without impacting others
51.	Friends of Pine Lake	05/07/2013	Wildlife Corridors	<ul style="list-style-type: none"> Preserving the wetland corridors and make them more functional. Includes a Vegetation Management brochure.
52.	Krabbe, PE, Greg GFK Consulting- Land Development Services	05/07/2013	ECA Review	<ul style="list-style-type: none"> Comments about the WA Dept. of Ecologies 04/23/2013 letter reviewing the ECA. Criticizing the recommendations that all Pilot projects designate between 25% and 35% of their gross area as NGPE to support groundwater and stream base flow.
53.	Carson, Brent VanNess Feldman GordonDerr – Attorneys at Law	05/07/2013	Support for EHNSWB Pilot Program	<ul style="list-style-type: none"> Urging Council to approve the pilot program for the EHNSWB
54.	Brockway, Reid	05/07/2013	ECA Code Update	<ul style="list-style-type: none"> Characterizes what he feels still needs to be done in the ECA code update. He feels there are significant inequities in the 2005 code that need to be fixed. Citizens are unaware of these inequities until they have a project for approval or they do things under the radar.
55.	Rick Aramburu – Aramburu Eustis Attorneys at Law	05/14/2013	ECA Amendments – Also comments of Wally Pereyra	<ul style="list-style-type: none"> Suggests limiting the Pilot program perimeters. Emphasis must be on retaining the natural vegetation on the site through maintaining native growth protection areas. Attention to subsurface conditions

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				where substantial infiltration is proposed.
56.	Derek Booth	05/17/2013	Erosion Hazard Overlay	<ul style="list-style-type: none"> Discusses the ESA-Adolfson report and why the City feels it must maintain all runoff, sediment and nutrients on-site under such challenging topographic and geologic conditions.
57.	Miller, Tina former East Lake Sammamish Basin Steward	05/18/2013	Erosion Hazard Overlay	<ul style="list-style-type: none"> Shares concerns about putting Lake Sammamish at risk with no scientific basis to support how to control stormwater runoff, nutrients and sediments on-site in these types of soils and topographic conditions.
58.	Beaver Lake Management District Board	05/07/2013	Environmental Critical Areas Regulations – Update	<ul style="list-style-type: none"> The Board’s opinions on the Lake Management Areas and Isolated Wetlands,
59.	St. John, David Lake Sammamish Kokanee Work Group	05/20/2013	Proposed Updates to the City of Sammamish Critical Areas Ordinance Regulations	<ul style="list-style-type: none"> Concerns about the implications of these regulations for habitat conditions in several streams in Sammamish that support the native kokanee salmon population in the Lake Sammamish watershed.
60.	Baerwalde, Matthew Snoqualmie Tribe Environmental & Natural Resources Dept.	05/20/2013	Proposed Updates to the City of Sammamish Critical Areas Regulations	<ul style="list-style-type: none"> Discusses the disturbance of hydrologic regime that the updates would protect. The danger to the stream flows that would jeopardize the kokanee survival and the unmitigated filling of wetlands.
61.	Brockway, Reid	05/07/2013	ECA Code Update	<ul style="list-style-type: none"> Characterizes what he feels still needs to be done in the ECA code update. He feels there are significant inequities in the 2005 code that need to be fixed. Citizens are unaware of these inequities until they have a project for approval or they do things under the radar. Testimony concerning the status of various unresolved issues raised by Citizens for Sammamish that are present in the latest draft of the ECA code changes.
61.A		5/20/2013	Accounting of Issues in latest ECA code change draft	
62.	Krabble, PE, Greg GFK Consulting- Land Development Services	05/20/2013	Sammamish ECA review	<ul style="list-style-type: none"> Believes the points made by the Cumulative Impacts analysis report performed by ESA and by Council in regards to the Ebright, Pine and Zaccuse Creeks are valid and should be considered in the Pilot Program.
63.	McGill, Mark	05/20/2013	ECA Review Comments	<ul style="list-style-type: none"> Comments on the LID, closed roof drain system.
64.	Buehler, Joanna A. Save Lake Sammamish Group	05/16/2013	Environmentally Critical Areas Ordinance Revisions	<ul style="list-style-type: none"> Encourages Council to craft an ECA ordinance that will enhance, not weaken, protection of the valuable natural resources of the City and region.

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65.	Beedle, Nicky		RE: Pilot Projects in No-Disturbance Areas	<ul style="list-style-type: none"> Worried that the proposed pilot projects in Erosion Hazard Overlay are risky and a scary investment that will benefit very few people and create a permanent liability for taxpayers.
66.	Stahl, Ilene	05/20/2013	Environmental Critical Areas Review	<ul style="list-style-type: none"> Disagrees with the proposed changes to the Erosion Hazard Overlay and prefers the Best Available Science that has worked well in the past.
67.	Tiliacos, Erica Friends of Pine Lake	05/20/2013	Critical Areas Ordinance	<ul style="list-style-type: none"> They insist on not allowing subdivisions in the No Disturbance zones in the Overlay. They would like stricter criteria for development in the Overlay zones.
68.	Osgood, James	05/20/2013	Misinformation Related to the Pilot Program	<ul style="list-style-type: none"> Discusses the Pilot Program and facts regarding it.
69.	Pereyra, Walter T.	05/16/2013	Environmentally Critical Areas Ordinance (ECA)	<ul style="list-style-type: none"> Requests to maintain the Erosion Hazards near Sensitive Water Bodies (EHNSWB) regulations, as they exist and largely reject the proposals for the establishment of the so-called pilot program in critical areas.
70.	Rick Aramburu – Aramburu Eustis Attorneys at Law	05/20/2013	Environmentally Critical Areas Update for Mr. Pererya	<ul style="list-style-type: none"> Requests from Mr. Pererya to maintain the EHNSWB regulations as they exist and reject efforts to weaken it. Requests to reject the Pilot Program or limit its scope.
71.	Raabe, Barbara	05/20/2013	Testimony for the ECA Public Hearing	<ul style="list-style-type: none"> Discussed the difficulties she has with the buffer restriction on her property and the propose Pilot Program.
72.	Taylor, Mark Bellevue/ Issaquah Trout Unlimited		TU CAO Comments	<ul style="list-style-type: none"> Urges the city to maintain and strengthen its CAO regulations. The CAO is crucial to the survival of the Kokanee.
73.	Brockway, Reid	05/20/2013	Continuation of testimony while code is still changing	<ul style="list-style-type: none"> Concerned about the continual changes to the code that are substantive and citizens not having enough time to review and comment on them.
74.	Beedle, Nicky	05/20/2013	Pilot Project in NO Disturbance Areas	<ul style="list-style-type: none"> Concerns about contractors illegally clear-cutting small plots. Photos attached
75.	Beedle, Nicky	05/20/2013	Pilot Project in NO Disturbance Areas	<ul style="list-style-type: none"> Concerns about proposed Pilot Project.
76.	Crandall, Larry and Katherine	05/27/2013	Wet Land Regulations Review	<ul style="list-style-type: none"> Concerned about not reducing but increasing the environmental control of wetlands in Sammamish.

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77.	Stahl, Ilene	05/27/2013	Recusal Request	<ul style="list-style-type: none"> Requests that Council member Ramiro Valderrama recuse himself from voting on changes to the ECA Review due to an appearance of fairness in the public process due to his closeness to and association with the group C4S
78.	Crispin, Rory	05/28/2013	ECA Landslide Hazard Amendments	<ul style="list-style-type: none"> Should provide a provisional mechanism in the code, perhaps a variance, to allow for development of slopes over 20ft in height. Offered arguments and code comparisons to support this idea
79.	Carson, Brent	05/28/2013	Proposed Amendments to Draft Code for Pilot Program	<ul style="list-style-type: none"> Submitted amendments regarding development in the Ebright Creek, Pine Lake Creek, mid-Monohon Creek and Zuccuse Creek sub basins Submitted amendment to address issues of cumulative impacts and concerns regarding infiltration projects within the proposed Pilot Program Submitted amendment to address DOE's concerns over base flow maintenance
80.	Osgood, Jim	06/03/2013	Stormwater volume limits – Pilot Program Manual Conveyance support	<ul style="list-style-type: none"> Presented information regarding the use of man-made ditch to handle stormwater run-off
81.	Aramburu, Richard (representing Wally Pereyra)	06/03/2013	Corrected DNS and Adoption of Existing Environmental Document for ECA Amendments to the Sammamish Municipal Code	<ul style="list-style-type: none"> Client's property will be significantly impacted by possible amendments to ECA Feels the DNS is deficient City should conduct a full environmental review
82.	Buehler, Joanna (Save Lake Sammamish)	06/03/2013	Comments Re: ECA Amendment SEPA DNS	<ul style="list-style-type: none"> Current proposed changes to the ECA will drastically weaken protections of the most sensitive areas on the Plateau Agrees with findings in Mr. Aramburu's letter
83.	Tiliacos, Erica	06/03/2013	RE: Corrected DNS and Adoption of Existing Environmental Document for ECA Amendments	<ul style="list-style-type: none"> Feels the DNS has been issued in error Agrees with statements in Aramburu letter
84.	Gee, Megan and David	06/03/2013	Objection to May 29.2013 Gurol Memorandum	<ul style="list-style-type: none"> Expressed support for the amendments in the draft ECA regarding Isolated Wetland. Agrees with the amendment being offered by Deputy

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				<p>Mayor Valderrama</p> <ul style="list-style-type: none"> • Feels Mr. Gurol's memorandum improperly targets individual participants
85.	Brockway, Reid	06/04/2013	Amendments to Site Specific Stream Buffer Location rating	<ul style="list-style-type: none"> • Challenged the findings of staff regarding the environmental impacts of implementation
86.	Fiske, Loren and Sheila	06/04/2013	RE: Proposed Pilot program for development changes in areas labeled as Erosion Hazards	<ul style="list-style-type: none"> • Current regulations prohibit development on any lot where as little as 5% of the lot has a critical areas designation. • This is overly burdensome and unreasonably restrictive
87.	Richardson, Susan	06/04/2013	Amendment Proposed by Gerend, Valderrama and Vance	<ul style="list-style-type: none"> • Expressed concern over amendments being proposed outside of the Pilot Program • Additional amendments serve no additional environmental purpose but are being proposed to stop the Pilot Program
88.	Buehler, Joanna (SLS)	06/04/2013	ECA Ordinance Revision	<ul style="list-style-type: none"> • Piping untreated stormwater into Lake Sammamish is detrimental to the health of the lake • Up-land water treatment is important • Strongly opposed to the Pilot Program in the EHNSWB
89.	Tiliacos, Erica (FOPL)	06/03/2013		<ul style="list-style-type: none"> • Questioned why their comments were not incorporated into the decision table • Oppose Pilot Program in EHNSWB • Comp Plan Update should eliminate the ability to increase impervious surfaces on an R-4 lot
90.	GFL Consultants	06/04/2013	Revisions to Decision Table	
91.	Aramburu, Richard	06/04/2013	Decision Table Review	<ul style="list-style-type: none"> • Council should eliminate Pilot Program • Council should not piecemeal SMP amendments from the ECA • Council should assure that properties that drain stormwater to the No Disturbance Zone are included with the EHNSWB • If Pilot Program is adopted, strict protections should be made to protect downstream resources • Vague language allowing alterations in streams and stream buffers should be deleted
92.	Carson, Brent	05/28/2013	Suggested revisions to Pilot	

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			Program	
93.	Brockway, Susan	06/04/2013	Fixing the Inequities in the ECA Code	<ul style="list-style-type: none"> • Requested Council give special consideration to recommendations appearing in the C4S code mark-up • Please refer to earlier mark-up of the Evaluation Form 2-10 when considering amendments from Gerend
94.	Brockway, Reid	06/04/2013	Reliance on Decision Table During Deliberations	<ul style="list-style-type: none"> • Hopes Council does not rely solely on decision table as it was prepared by staff and contains their biases • Council should give equal weight to public comment
95.	Toskey, George	06/04/2013	Comment of Proposed ECA Regulations before Council	<ul style="list-style-type: none"> • Does not feel the proposed ECA regulations meet the goals of Growth Management Act