Updated through: Written comments received by August 21, 2012

Definitions of acronyms in this document:

- Anon – Anonymous author
- BAS – Best Available Science
- CARA – Critical Aquifer Recharge Area
- CFS – Citizens for Sammamish
- ECA – Environmentally Critical Areas
- EHNSWB – Erosion Hazard Near Sensitive Water Body overlay
- FFA – Frequently Flooded Area
- LID – Low Impact Development
- RUE – Reasonable Use Exception
- UST – Underground Storage Tank

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1.	7/13/2011	Megan Gee	• Evaluate stormwater in making critical area determinations • Allow mitigation in form of wetland banking	• 21A.50.315 (Wetlands)	When evaluating critical area determinations, the city investigates site characteristics that may affect the critical area determination. The city allows for wetland mitigation banking in some circumstances. Please also see Wetland Mitigation memo dated 12/21/2010.
2.	7/13/2011	Erica Tiliacos	• Eliminate sunset clause provisions • Not the right time to update ECA regulations	• 21A.50.400 (Sunset provisions)	The city anticipates eliminating the sunset clause provisions as part of the Council directed mandate to update the ECA regulations.
3.	7/13/2011	Dwight Martin	• Additional flexibility is necessary for human altered wetlands	• 21A.50.060 (Partial exemptions) • 21A.50.300 (Wetlands)	The council adopted "Known Topics" directs the city to evaluate the regulations for additional flexibility. Specific recommendations would be appreciated.
4.	7/13/2011	James Osgood	• Recommendation to include the Erosion Hazard Near Sensitive Water Body overlay as a component of the ECA update	• 21A.50.225 (EHNSWB)	The council adopted "Known Topics" directs the city to evaluate the regulations for additional flexibility within the EHNSWB

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					overlay; this review is scheduled for June.
5.	7/13/2011	Reid Brockway	• Provide additional flexibility in protection of stream buffers that are already landscaped. • Establish stream / wetland buffers based upon the physical characteristics (e.g. houses, landscaping) rather than a standard width	• 21A.50.290 (Wetlands) • 21A.50.300 (Wetlands) • 21A.50.330 (Streams) • 21A.50.340 (Streams)	The council adopted "Known Topics" directs the city to evaluate the regulations for additional flexibility.
6.	7/13/2011	Reid Brockway	• Repeat submittal of comment letter 5	•	
7.	7/13/2011	George Toskey	• Request that the city ensure that Best Available Science is used to inform environmentally critical area regulations	•	The city has retained AMEC Environment & Infrastructure to create the BAS reports for public and Planning Commission review.
8.	7/29/2010	Anguel Dimitrov	• Submitted documents copy of permit information, "Advisory Memorandum Avoiding Unconstitutional Takings of Private Property"	•	The city attorney will review the regulations to assure that the proposed update to the ECA regulations will not constitute a taking of private property.
9.	7/29/2010	Anguel Dimitrov	• Document "Best Available Science for Wetlands of Island County"	•	The city's consultant AMEC is conducting a peer review of nearby jurisdictions as part of the BAS review.
10.	7/29/2010	Anguel Dimitrov	• Photographs of Dimitrov property	•	Comment noted.
11.	7/29/2010	Jon Simpson	• Concern regarding past permit history, staff discretion in review of projects and application of the ECA regulations	•	The city strives to provide excellent customer service. In cases of disputes regarding the location or type of ECA feature, the city seeks to provide a third opinion from a peer agency or consultant. Please note that providing increased flexibility includes staff exercising a degree of judgment within adopted guidelines.
12.	7/29/2010	David Gee	• Request for Council to correct unintended / unjust effects of the ECA regulations.	•	The council adopted the "Known Topics" document to address this concern.
13.	7/29/2010	Megan Gee	• Update should consider the effect of stormwater on wetlands (in the context of resulting in	•	Please see response to comment #1 regarding stormwater.

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			wetland creation / expansion). • Concern over staff's administration of the ECA regulations		Please see response to comment #11 regarding customer service.
14.	2/16/2012	Mark Cross	• Submitted information related to stream biotic integrity and water quality	•	Comment noted.
15.	2/16/2012	Gregory Kipp	• Request that the city change methodology for calculating lot density when subdividing or developing property • Sammamish may be the most restrictive in deducting ECAs from lot area when calculating lot density	• 21A.25 (Development Standards)	This item appears to be outside the scope of the review (the Known Topics) as established by the City Council. A Comprehensive Plan amendment or analysis may be needed for this item to ensure the implications are understood.
16.	2/16/2012	Bob Sorenson	• Map of "Areas in Sammamish which are affected by the Environmentally Critical Areas Ordinance"	•	The map identifies many of the environmentally critical areas within the city (not all – CARA for example is omitted). The city has sought input from the entire city.
17.	2/16/2012	Reid Brockway (for Citizens for Sammamish)	• Chart of specific policy goals proposed by Citizens for Sammamish related to the "Known Topics" document from the City Council	•	The chart appears to be generally consistent with the Known Topics list generated by the City Council. Specific comments are encouraged as each topic area is evaluated.
18.	3/1/2012	Barbara Raabe	• Supports lake and stream protections • Review for consistency with Inglewood Basin Plan	• 21A.50.330 (Streams), 21A.50.340 (Streams)	The BAS evaluation is consistent with the Inglewood Basin plan.
19.	3/1/2012	Richard Birgh	• Assertion that wetland on Birgh property is a man-made feature and should not be regulated • Summary of history of wetland review by the city on Birgh property	•	Project specific disputes are outside the scope of the proposed ECA regulatory update. Please see response to comment #11.
20.	3/1/2012	John Galvin	• Describes difference between regulatory science and research science. • Concern that bias is not identified through peer review of regulatory science because data is not	•	From discussions with the commenter, the city understands that these concerns are related to the application of the ECA regulations to site-specific proposals and not a comment on the

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			re-evaluated • Attachment "Comments on Best Available Science"		BAS process itself. Project specific issues are outside the scope of the proposed ECA regulatory update. However, staff will continue to use the ECA process as a venue to address such concerns individually and feedback is appreciated. Please see response to comment #11
21.	3/1/2012	Steve Heiser	• Document need for balance between personal property rights and protecting the environment	•	Comment noted.
22.	3/1/2012	Reid Brockway	• There should be a distinction between urban and non-urban regulations • There should be a distinction between regulations as applied to developed areas and undeveloped areas • No recourse short of quasi legal / legal appeals • Grand-fathering provisions are vague / confusing • Inconsistent application of requirements by staff • Contains threshold numbers that are without basis in science	•	The BAS reports reflect the source documentation for the BAS review. The city staff works with property owners to ensure that ECA features are correctly identified and located. Please see response to comment #11. The city intends to clarify the "grandfathering" provisions. As the update progresses, we should be able to provide some of the threshold number information in the Best Available Science reports for the topical areas on the City Council's known topics list and for items that arise from the BAS review.
23.	3/1/2012	Anon	• Calculate density based upon gross acreage (not net acreage), especially for R-1 zones. • Do not steal property	• 21A.25 (Development Standards)	See response to item 15 above.
24.	3/1/2012	Anon	• Address volume and duration of water flow in stream standards	•	The current stream standards do limit surface water management activities within a stream buffer. It is not clear what the comment intends to add to the existing standard; specific

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25.	3/1/2012	Anon	• Retain natural features during development (e.g. ravine)	•	The current regulations do not protect natural features other than those identified as an ECA feature.
26.	3/1/2012	Anon	• New development should fit in with surrounding development in terms of density and character. Retain trees	•	This item is outside the scope of the review before the Planning Commission, except where retention of trees is part of critical areas protections.
27.	3/1/2012	Anon	• Protect sensitive areas, buffers, and trees	•	The ECA regulations do generally protect ECA features, buffers, and trees located within an ECA or buffer. Specific comments are encouraged
28.	3/1/2012	Anon	• How is city monitoring success of variances granted?	•	The city requires that a property owner who receives a variance or reasonable use exception from the city monitor mitigation for 5 years after completion of the project. A financial guarantee is posted to ensure success.
29.	3/1/2012	Anon	• Beaver Lake Management District (BLMD) – when there was a 25 foot setback, lake water quality was bad. Subsequently changed to 50 feet, though lake specific BAS indicated this was a mistake.	• 21A.50.355 (LMD standards)	The lake management area standards generally limit the amount of phosphorous discharged into Beaver Lake. The lake management area standards are distinct from the buffers applied to Beaver Lake; in particular, please note that lake buffers and / or lake setbacks were not adopted specifically to limit phosphorous loading in Beaver Lake. Originally buffers were adopted by King County when the lake was classified as a wetland, and then subsequently modified as part of the Shoreline Master Program process.
30.	3/1/2012	Anon	• Buffers should be less hard (inflexible in location) if mitigation is provided	• 21A.50.290 (Wetlands), 21A.50.330 (Streams)	Please see the "Existing Flexibilities" document. The current ECA regulations provide some flexibility in buffers; the Known Topics document directs the city to identify additional

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					tools for flexibility.
31.	3/1/2012	Anon	• City ECA standards exceed King County standards	•	This comment is not clear regarding which standards. Specific comments are encouraged.
32.	3/1/2012	Anon	• Consider contribution to ECAs (especially wetlands) by man-made diversions of stormwater	•	Please see response to comment #1
33.	3/1/2012	Anon	• Evaluate 1,000 isolated wetland exemption (is it big enough)	• 21A.50.320 (Wetlands)	The BAS report by AMEC evaluates this exemption level; generally the exemptions range from 250 to 2,500 square feet.
34.	3/1/2012	Anon	• What prevents city from wetland banking?	• 21A.50.315 (Wetlands)	See response to comment #1.
35.	3/1/2012	Anon	• The wildlife corridor crossing Inglewood Hill road (between 212th and 213th) should be re-evaluated	• 21A.50.327 (Wildlife habitat corridors)	Comment noted.
36.	3/1/2012	Anon	• Balance EHNSWB between property rights and environmental protection; leave steep slopes protected, allow density transfers	• 21A.50.225 (EHNSWB)	The city adopted a Transfer of Development Rights ordinance in early 2011, which would allow for some relief to properties encumbered by EHNSWB limitations.
37.	3/1/2012	Anon	• Consider eliminating EHNSWB overlay and regulate based on other ECA features. • EHNSWB overlay does not allow exceptions	• 21A.50.225 (EHNSWB)	The BAS report for this feature should evaluate these questions for consideration by the Planning Commission
38.	3/1/2012	Anon	• EHNSWB overlay should be advisory only; should trigger site specific evaluation • Allow optional methods to meet EHNSWB goals	• 21A.50.225 (EHNSWB)	Please see response to comment #37.
39.	3/1/2012	Anon	• Geotech / geologist should be used in determining development in landslide hazard areas (do not default to RUE)	• 21A.50.260 (Landslide hazard areas)	A RUE is required to allow for construction within a landslide hazard area that is based upon steep topography. The BAS report for this feature should evaluate these questions for consideration by the Planning Commission
40.	3/1/2012	Anon	• Should human-made slopes greater than 10 feet vertical relief be regulated?	• 21A.50.260 (Landslide hazard areas)	Slopes created through previous legal grading activities may be re-graded (SMC 21A.50.260(7)). Some exemptions also exist for slopes less than 20 feet vertical relief.

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41.	3/13/2012	Harry Shedd	• Request that city send another city mailing prior to each block of topics • Ensure consistency between Planning Commission transmittal and website information regarding ECA • Request to comment on document from city to consultant regarding Known Topics • Suggested change to the Ground Rules for public testimony		Staff is working on ensuring consistency between PC transmittal and website and including web links in GovDelivery email alerts.
42.	3/15/2012	Bob Sorenson	• Clarification of assumptions is necessary • Notify all affected homeowners of CARA restrictions • Are there FFAs other than the 100-year FEMA floodplain? • Recommend not taking action until 100-year floodplain is resolved	• 21A.50.280 (CARA) • 21A.50.230 (FFA)	The city has provided one postcard mailing to all property owners and regularly includes articles in the city newsletter. The only known FFA in Sammamish is along Lake Sammamish. The city will continue to monitor the federal and state discussions regarding the 100-year floodplain and update the Planning Commission or City Council as warranted.
43.	3/15/2012	Reid Brockway	• BAS Reports evaluate the ECA regulations only in general terms • Expectation that each standard will be evaluated fully (e.g. CARA 75% infiltration requirement)	•	This request is outside the scope of the review before the Planning Commission. The review scope has been defined by the City Council in the adopted "Known Topics" document. City resources for this project have been allocated according to the scope and schedule of this effort.
44.	3/15/2012	Jessie & Joseph Majerczyk	• Concern about Pine Creek subdivision drainage • Concern over addition to house adjacent to Pine Creek that was built without permits and code compliance situation	•	The city is working with Majerczyks on both concerns. Additional information on policy issues, if any, arising from this individual case will be provided to the Planning Commission.
45.	3/15/2012	George Toskey	• First topics were a good choice as test case • Wants BAS for director to have discretion in identifying frequently flooded areas • BAS report was not thorough enough in providing	• 21A.50.230 (FFA)	Please see the response to comment #43 regarding the scope of the BAS review.

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			basis for regulations		
46.	3/15/2012	Jim Osgood	• Wherever possible use performance standards rather than prescriptive standards (i.e. emphasize flexibility in meeting goals)	•	Some of the regulations focus more on performance than others; as each topic is evaluated, specific comments on areas of increased focus on performance standards would be appreciated.
47.	3/15/2012	Scott Hamilton	• LID may be a tool that will allow more use of sites constrained by ECA features • Eventually state will mandate LID, so promote now to help homeowners • Success on Hamilton property using LID techniques	•	The consultant and city will evaluate the use of LID to address some ECA features, in particular where water quality or water control is the primary goal of the ECA regulations.
48.	3/15/2012	Jim Osgood	• Overlay maps should be used for advisory purposes – site specific evaluation should always be required	•	The city intends to clarify the use of the maps as part of the administrative amendments to the regulations. Generally, the maps are used for diagnostics and site characteristics are taken into account.
49.	3/15/2012	Jim Osgood	• Before protecting ECA feature, evaluate function / value of feature • Provide exemption from protecting low function / value features	•	The BAS reports should provide a basis for evaluating function / value of ECA features. Some exemptions for low function / value features currently exist and the Council Known Topics list directed the city to evaluate additional options.
50.	3/15/2012	Anon	• No blanket prohibitions for development in any ECA	•	Comment noted.
51.	3/15/2012	Anon	• Properties in CARA include historic farm land – how do you locate USTs?	•	The city relies on property owner disclosure to determine the location of existing Underground Storage Tanks (USTs). Please note that CARA focuses primarily on the placement of new USTs.
52.	3/15/2012	Anon	• What is basis for 75% infiltration requirement in CARA?	•	This threshold was adopted in 2005 as part of the 2005 ECA review process. The consultant has not evaluated this standard as it is

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					consistent with BAS and is not on the Known Topics document provided by the Council.
53.	3/15/2012	Anon	• Bookends for non-negotiable requirements – per other agencies. What are our choices?	•	The bookends discussed in the Known Topics document are the requirement that the city update the environmentally critical area regulations in a manner that is consistent with the requirements of State Law (e.g. evaluation of Best Available Science, explicit policy for departing from BAS, etc). Regulatory requirements (a.k.a. "bookends") are being relayed in BAS reports where relevant to the topics discussed.
54.	3/15/2012	Anon	• Is city willing to challenge some of other agency requirements?	•	This is a policy decision for the City Council to make following review of the BAS and proposed regulations.
55.	3/15/2012	Anon	• Consider using KC Folio maps for FFA based upon Basin and Non-Point Action Plan & preceding documents	• 21A.50.230 (FFA)	City staff has reviewed KC Folio maps and Basin plan and are unable to locate any mapped FFAs within those documents.
56.	3/23/2012	NESSWD (Steve Nelson)	• Recommended regulations related to closed loop and open loop geothermal heat exchange wells • Recommended a notice on title for property owners of a geothermal heat exchange well	• 21A.50.280 (CARA)	The Planning Commission has advanced this proposed change for consideration in July.
57.	3/22/2012	SPWSD (Jay Regenstreif)	• Concerns related to geothermal heat exchange wells and groundwater injection wells. • Consider prohibiting groundwater injection in Class 2 & 3 CARAs	• 21A.50.280 (CARA)	The Planning Commission has advanced this proposed change for consideration in July.
58.	3/27/2012	Gene Welch	• Focus of lake and stream regulations should be on minimizing impacts, rather than on identifying the "last straw" before water quality deteriorates • Summary of effect on lakes and streams by loss of forest cover in watershed • Negative effects identified with very little loss of natural condition (5% tree loss)	•	These are general policy recommendations to the Planning Commission that should be considered as part of their ongoing review. Specific comments on existing / proposed regulations are encouraged.

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59.	3/28/2012	Megan Gee	• Comments on the "Known Topics – Additional Questions" document (sent from staff to consultant) • Identified additional recommended questions for the consultant to consider as part of their BAS review and reporting. Additional questions related primarily to isolated wetlands, and streams / wetlands with low functions / values	•	The comments "Known Topics – Additional Questions" document (sent from staff to consultant) have been relayed to the consultant along with the additional recommended questions. The comments and questions appear to be largely consistent with city direction to the consultant.
60.	4/5/2012	Linda Eastlick	• Provide the scientific basis for quantitative requirements (i.e. BAS, statutory basis, comparable requirements) • Handout table provided with all of the quantitative requirements, categorized by critical area type and including code references	•	Please see the response to comment #43 regarding the scope of the BAS review. Unfortunately, the amount of time to do the research for each of these numbers is significant and beyond the scope of the current review. However, as the update progresses, we should be able to provide some of this information in the Best Available Science reports for the topical areas on the City Council's known topics list and for items that arise from the BAS review. Some of this information is already available in the BAS reports that have been completed to date.
61.	4/5/2012	Reid Brockway	• Concerns about administrative issues related to the ECA code • Creation of an ombudsman position to resolve code interpretation disputes, ambiguity and inconsistency • Nonconforming uses and the question of what is reasonable when it comes to code requirements	• 21A.50 (ECA) • 21A.70 (Non-conforming uses) • 21A.50.340(3) (Streams)	The city intends to propose amendments to a number of administrative items within the ECA regulations; in particular clarifying the status of nonconforming uses and improvements.
62.	4/5/2012	Bob Sorenson	• Update the critical areas maps on the city Web site (one critical area type per map) • Make all overlays advisory • Staff should make available a list of 10 to 12 professionals (i.e. architects, builders, planners) to provide input on the update process	•	The city does intend to update some of the maps as part of this ECA update, and will seek to eliminate multiple maps on the website. Please see response to comment #48. Please see response to comment #53. The Environmental Critical Area regulations

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			• Concerns about whether the Federal, State and County "non-negotiables regulations" have been identified • Burden of mitigation costs on the property owner or the community		operate similar to other regulations such as building or electrical codes, all of which are adopted to address a public interest or safety goal. The market determining the value of property is based on potential uses.
63.	4/5/2012	Barbara Raabe	• Submission of photographs of George Davis Creek at 214th, 3/21/12	•	Comment noted.
64.	4/5/2012	Anon	• Validity of the Flood Insurance Rate Map's use of 33 NGVD (National Geodetic Vertical Datum) option to use 36.1 NAVD (North American Vertical Datum) • Question regarding city's past practice: FIRM 33 NGVD or Army Corps 32.5 NGVD • Remove 21A.50.230(1)(b) due to code duplication [15.10.130(2)] and adversarial language	• 21A.50.230(1) (FFA)	The majority of building permit submittals use the FIRM 33 NGVD elevation for the floodplain on Lake Sammamish. The city has not had a request to use a different elevation since 2006. The city would consider such a request if proposed in the future.
65.	4/5/2012	Jim Osgood	• Concern about what effect new stormwater pipes will have on the ECA review; particularly related to EHNSWB	•	The stormwater system, <u>if</u> constructed, will provide an alternative method for discharging stormwater for homes in the Inglewood and Tamarack neighborhoods in a manner that is consistent with the current EHNSWB and Landslide Hazard area regulations.
66.	4/12/2012	Eugene Welch	• Suggestion to review a specific New York Times article regarding tree retention	• 21A.35 (Landscaping/Tree Retention)	Comment noted.
67.	4/18/2012	Dept. of Ecology (Donna Bunten)	• Link provided to the Dept. of Ecology's Web page about isolated wetlands	•	Comment noted.
68.	4/18/2012	Dept. of Ecology (Donna Bunten)	• Correspondence regarding isolated wetlands	•	Comment noted.
69.	4/18/2012	Dept. of Ecology (Donna Bunten)	• Dept. of Ecology review of the wetlands BAS report	• 21.50.290 (Wetlands)	Comment noted.
70.	4/18/2012	Dept. of Ecology (Donna Bunten)	• Correspondence regarding isolated wetlands	•	Comment noted. The City intends to forward Ecology's recommendations on for Planning Commission review at a May 17, 2012 meeting.

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71.	4/19/2012	James Osgood	• Supreme Court case reference regarding the regulation of isolated wetlands under the Clean Water Act	•	The document referenced indicates that, in certain circumstances, the Corps has jurisdiction to regulate isolated wetlands, in others it does not. Note the discussion of subsequent cases (from 2006 and later) that authorize the U.S. Army Corps of Engineers to regulate isolated wetlands depending on the factual circumstances of the particular wetland and whether or not it has a "significant nexus" (sufficient ecological or hydrological connection) to navigable waters of the U.S.
72.	4/19/2012	George Toskey	• Concern about a one size fits all approach to applying buffers to undefined problems in the BAS report • Questions about nutrient and pollution loading and whether buffers are the best mechanism for protecting streams.	• 21A.50.330 (Streams)	Additional analysis and research will be required on the topic of how a "tailored" or site-specific buffer approach would be supported by BAS and ensure consistency when applied. Adopting this option may provide additional tools for permit review and also result in additional expense for the applicant. *Response from AMEC:* <u>What are the sources for nutrient and pollutant loading when building a house near a stream?</u> Pollutant sources associated with building a house near a stream can be categorized by the phase of the project. During construction, disturbing the soil can release sediment and nutrients such as phosphorous that are naturally found in soils. The Lake Sammamish watershed is somewhat unique in that there are naturally high levels of phosphorus in the soils – this was an important consideration that was accounted for when King County

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					brief, buffers are the best known way to protect habitat value of both streams and wetlands. Bank stabilization is typically used to minimize erosion, and to protect existing/proposed developments. If natural bank stabilization is used (LWD, vegetation, etc. as opposed to a bulkhead), bank stabilization may be beneficial for the resource (typically a stream). Natural bank stabilization could potentially protect or improve habitat function, especially if it is used in combination with buffers. Buffers are definitely the preferred option for improving habitat function.
73.	4/20/2012	Reid Brockway	• Concerns about fixed width stream buffers by stream type, distinctions between developed and undeveloped lands, "grandfathering" provisions, quantitative stream buffer requirements, and lack of an ombudsman • Assessment of "grandfathering provisions" of the ECA/related codes regarding landscaping within a stream buffer • Includes a PowerPoint presentation shared with the Planning Commission on 4/19/2012	• 21A.50.330-350 (Streams)	Comments noted. Staff anticipates proposing amendments that address some of the recommendations provided, within the scope of the current review. See also the first section of answer to #72 above.
74.	3/29/2012	Gregory Kipp	• Comment about a staff response regarding SMC 21A.25 changes through a Comprehensive Plan amendment	• 21A.25	The proposed change to the net density code appears to be outside of the scope adopted by the City Council in the Known Topics list. Net density is discussed on pages III-3 and III-4 of the Land Use Element in the City's Comprehensive Plan. The Growth Management Act requires that the City plan for growth through land use forecasting and then address that growth through the provision of capital facilities (streets, utilities, etc.). The

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75.	4/19/2012	Mr. Neugebauer	• Comments and citations regarding multiple wetland definitions in the SMC	• 21A.15.1240 (Streams) • 21A.15.1415 (Wetlands) • 25.10 (Wetlands)	Where appropriate, the staff recommends consolidating all wetland definitions into a single location. The wetlands definition(s) utilized will be consistent with the Best Available Science and state law. In designating wetlands for regulatory purposes, counties and cities are required to use the definition of wetlands in RCW 36.70A.030(21), which is consistent with the city's current wetland definition in SMC21A.15.1415 except for the delineation manual reference must be updated as this reference has changed since the city last updated the ECA.
76.	4/19/2012	Anon	• Question about why the 150' buffer on streams classified as F – Seasonal	• 21A.50.330 (Streams)	Type F streams are streams that are used by salmonids, have the potential to support salmonid uses, or that have been identified as being of special significance. Seasonal streams can support salmonid uses in some circumstances. Pine Lake Creek has been mapped to historically support salmonid uses and as such has been identified as being of

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77.	4/19/2012	Anon	• Concern about large buffers within the UGA attracting wildlife to residential areas and a reference to Bellevue code	•	Comments noted.
78.	4/19/2012	Anon	• Recommendation to review the efficacy of old buffers such as Beaver Lake Management District	• 21A.50.355 (LMA)	The Beaver Lake Management District (correlating to the Beaver Lake Management Area) did not establish wetland buffers. The Lake Management Area focuses on regulatory standards to protect water quality in addition to whatever protection is offered by the adoption of buffers. Reports produced by the District have confirmed stable water quality in recent years and recommend no changes to regulations.
79.	4/19/2012	Anon	• Recommendation to review setbacks on steep slopes	• 21A.50.260 (Landslide hazard areas)	This subject will be addressed in an upcoming BAS report.
80.	4/19/2012	Anon	• Reference for Beaver Lake Monitor, Volume 10, Issue #2, January 2010 – "is local science"	•	Comment noted.
81.	4/19/2012	Anon	• Comment that the Beaver Lake Management District is meant to be used for taxation purposes and not as an overlay	•	The Beaver Lake Management District is a taxing district that specifically correlates to the Beaver Lake Management Area (the terms "Area" and "District" are often used interchangeably). The taxing district generates funds for ongoing water quality monitoring of the Beaver Lake Management Area
82.	4/19/2012	Anon	• Concern that Comment #29 has not been answered clearly by staff	•	Please see additional response to Comment #29.
83.	4/19/2012	Anon	• Question regarding stormwater pipes, their compliance with BAS and how they can be implemented correctly	• 13.20 (Surface Water Runoff Regulations)	Comment noted. The city is also developing options to design and potentially install a number of stormwater conveyance systems to

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					better manage runoff from selected areas where no systems exist. These projects, if funded and built, may provide additional options to better address stormwater runoff from existing and future development.
84.	4/19/2012	Anon	• Recommendation that isolated wetlands should be sized to match King County, Issaquah and Bellevue codes at 2,500 sq. ft. which are not considered critical areas	• 21A.15.1410 (Wetland, isolated)	Please see response to Comment #88.
85.	4/19/2012	Anon	• Recommendation that low value/function isolated wetlands of less than 5,000 sq. ft. allow for off-site mitigation	• 21A.15.1410 (Wetland, isolated)	Please see response to Comment #88.
86.	4/19/2012	Barb Raabe	• Comment about the George Davis Creek, it's nature, whether or not it is a "rural" stream and a reference to pictures submitted at a prior date	• 21A.15.1240 (Streams)	The city appreciates the offer to use the pictures and may do so for subsequent presentations. George Davis Creek is a designated Type F stream.
87.	4/19/2012	Anon	• Support for a buffer range that is applicable based on a site specific analysis	• 21A.50 (ECA)	Staff are open to this idea though additional analysis and research will be required on the topic of how a "tailored" or site-specific buffer approach would be supported by BAS, ease of use for city and applicants, how to ensure consistency between applications and over time, and adequate record keeping. Adopting this option may provide additional tools for permit review and also result in additional expense for the applicant.
88.	4/19/2012	Anon	• Question about BAS support for an isolated wetland of 1,000 sq. ft.	• 21A.15.1410 (Wetland, isolated)	Generally, exemptions are not based on BAS, but are policy choices. According to Wetlands Guidance for Small Cities – Western Washington Version (Department of Ecology, January 2010), the scientific literature does not support exempting wetlands that are below a certain size and explains that it is not possible

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					to conclude from size alone the range of functions a particular wetland may be providing. However, in recognition of the potential administrative desire to place a size threshold on wetlands to be regulated, Ecology has developed some non-BAS-based guidance for potential exemption of small wetlands when additional criteria are considered. A recent comment letter from the Department of Ecology identified some of these options for increasing wetland exemption levels in some circumstances. Staff will be providing more information about these options for the May 17 meeting.
89.	4/19/2012	Anon	• Comment regarding fertilizer use in farming practices and farmland redevelopment	•	The Planning Commission will consider the excessive use of fertilizer as part of its deliberations on the Critical Aquifer Recharge Area in July. Limitations on excessive use could also be considered elsewhere.
90.	4/19/2012	Anon	• Recommendation to include the "high points" of the BAS during the consultant presentation (e.g. what criteria does the study test and in what setting)	•	Comment noted and passed along to the consultant team.
91.	4/19/2012	Anon	• Question about how comparable jurisdictions used in the BAS reports were chosen	•	Jurisdictions that are nearby geographically to the City of Sammamish were utilized.
92.	4/19/2012	Anon	• Question regarding minimum legal requirements and what the state and federal requirements support	•	Generally, there are not many established minimum requirements. There are guidance documents from state and federal agencies, requirements to identify and protect critical areas, and to follow a BAS process. Where a minimum requirement is set forth, it will be incorporated into the BAS report for that

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					topical area.
93.	4/19/2012	Anon	• Concerns about current stormwater practices including flow control devices and their effects on the environment • Concern about inequity in the current development codes • Comment about flow rates, buffers and development standards and their basis on "non-natural conditions"	• 13.20 (Surface Water Runoff Regulations) • 21A.50.330	The City has adopted the current King County Stormwater manual, a manual determined "equivalent" to the Department of Ecology manual, as required under the City's NPDES permit. Stormwater impacts to critical areas, if present, are addressed in a critical areas report submitted as part of a development application.
94.	4/19/2012	Anon	• Recommendation to look further at "banking"	• 21A.50.310 (Wetlands)	The city has investigated the options related to wetland banking, and at this time it appears to be cost prohibitive to establish a city-owned and operated wetland bank. However, participation in King County's fee-in-lieu program is possible, or, a wetland bank option may be available if a future wetland bank is established which includes Sammamish in the approved service area.
95.	4/19/2012	Anon	• Support for looking into changing the current standards which are based on King County code	•	Comment noted.
96.	4/19/2012	Anon	• Concern that King County standards are "inaccurate" as they pertain to land-use outside of the UGA	•	The King County code was used as one of several environmentally critical area codes to serve as gauge of Sammamish relative to other jurisdictions with similar environmentally critical areas. Please note that King County information inside and outside the urban growth boundary was used in the BAS reports, again for illustrative purposes.
97.	4/19/2012	Megan & David Gee	• Presentation used at Planning Commission meeting on 4/19 • Wetland should not be defined as such if less than 1,000 sq. ft • Low function wetlands should not be regulated	• 21A.50.290 (Wetlands) • 21A.50.300 (Wetlands) • 21A.50.320	A recent comment letter from the Department of Ecology identified some options for increasing wetland exemption levels in some circumstances. Staff will be providing more information about these options for the May 17 meeting.

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			so stringently • Referenced Black Diamond's code regarding wetlands • Should be an exemption for properties less than 1/10 acre as the rating system is ineffective at this size	(Wetlands)	
98.	4/23/2012	Stewart Blyth	• Focus public comment on period after the presentation by the consultant (not before, as was done on 4/19). • Appreciated city's commitment to providing facts on examples raised by property owners	•	Comment noted.
99.	4/10/2012	SPWSD (Jay Regenstreif)	• Background / context on protection of wellhead protection areas • Recommendation that the Planning Commission prohibit groundwater injection of stormwater into CARA Class 1 or 2 areas	• 21A.50.280 (CARA)	Comments noted. Draft code language has been provided to the planning commission, and has been advanced for consideration in July.
100.	4/24/2012	Erica Tiliacos	• Recommendation that the consultant review a paper by Derek Booth and Patricia Henshaw (copy provided), which provides context / background on the Erosion Hazard Near Sensitive Water Body (EHNSWB) overlay	• 21A.25.225 (EHNSWB overlay)	Comment noted. The consultant has received this information.
101.	4/25/2012	Department of Ecology (Donna Bunten)	• Provided Department of Ecology's Publication No. 10-06-002 (1st Revision July 2011): Wetlands and CAO Updates – Western Washington Version • Noted a reference regarding alternative mitigation in Department of Ecology's Publication No. 09-06-32 (December 2009): Selecting Wetland Mitigation Sites Using a Watershed Approach	• 21A.50.290 (Wetlands) • 21A.50.310 • 21A.50.320 Wetlands – Limited Exemption	On May 17 the Planning Commission will evaluate modifying the city's current limited wetland – exemption provisions. Such modification may result in the increase of the exemption for isolated wetlands from 1,000 to 4,000 square feet. Staff is also currently studying and discussing the idea of site-specific buffers as well as other mechanisms and will provide information to the Planning Commission based on that study.
102.	4/25/2012	King County	• Suggestions and examples of code amendments	• 21A.50.290	The city is working with King County DNRP on a

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		Department of Natural Resources and Parks (Michael Murphy)	regarding aquatic resources mitigation, including mitigation banks • Regarding in lieu fee programs, a suggestion to see King County's Mitigation Reserve Program which includes the "Sammamish Service Area"	(Wetlands) • 21A.50.310 (Wetland mitigation)	fee-in-lieu program, which will be part of proposed amendments to the stream regulations, and may also be incorporated into the wetland fee-in-lieu mitigation program.
103.	4/29/2012	Gene Welch	• Concerns, comments and suggestions regarding AMEC's presentation on April 29, 2012 regarding Lake Management Areas and Lake Sammamish water quality protections • Support for recommended buffer widths, watershed approach, and wetland protection as described in AMEC's BAS reports.	• 21A.50.290 • 21A.50.330 (Wetland) • 21A.50.355 (Lake management areas)	Comments noted. Specific comments on forthcoming draft regulations are encouraged.
104.	4/25/2012	Van Ness Feldman GordonDerr (Brent Carson)	• Concerns about the EHNSWB code update process, AMEC's BAS Report, and how best their client can engage the conversation	• 21A.50.225 (EHNSWB)	Comment noted.
105.	5/1/2012	Department of Ecology (Patrick McGraner)	• Recommendation regarding how to regulate small wetlands defined as riparian wetlands and isolated wetlands • Submitted a WDFW definition for riparian areas and Ecology's definition for isolated wetlands • Reference to the Department of Ecology's publication called Wetlands and CAO Updates: Guidance for Small Cities regarding exemptions and allowed uses in wetlands	• 21A.50.290 (Wetlands) • 21A.50.320 Wetlands – Limited Exemption	Information provided will be considered in potential Code amendments to allow an increased wetland size exemption.
106.	5/3/2012	RH2 Engineering (Steve Nelson)	• Recommendations regarding geothermal/heat exchange wells, including types, their construction and their regulation in Class 1, 2 and 3 Wellhead Protection Zones as established by the Washington Department of Health	• 21A.50.280 (CARA)	Comment noted. This information will be shared with the Planning Commission in July as part of their review of the CARA regulations.
107.	5/3/12	Jessie and Jozef Majerczyk	• Concerns about Pine Stream's Type F classification and a suggestion the stream is in fact Type Ns and that the buffer should be 30-50	• 21A.50.330 (Streams)	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.

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			feet • Concerns about the Pine Lake Community developer and an associated filtration system which may be the cause of dying trees on their property		
108.	5/3/12	Gregory Kipp	• Submission of a document entitled "Comparison of Allowable Density on Properties w/ Critical Areas"; the document outlines development units (d.u.'s) allowed for the following jurisdictions: King County (10 d.u.'s), Redmond (10 d.u.'s), Issaquah (8.8 d.u.'s), Bellevue (8.4.'s), Sammamish (6 d.u.'s)	•	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.
109.	5/3/12	Friends of Pine Lake (Erica Tiliacos)	• Questions the "validity of the jurisdictions" used as peer jurisdictions in BAS and elsewhere as Sammamish is the first to begin updating code based on BAS for the 2014 mandate • Concerns about the recommendation to choose a set of wildlife species to protect over others; referenced a National Wildlife Federation study entitled "Endangered by Sprawl" (excerpt included in submission) • Concerns about a fee in lieu mitigation program and the extra work this would create both on the part of the applicant and the city staff • Comments about the intrinsic value of critical areas as well as the functional value they contribute	• 21A.50.325 (FWHCA) • 21A.50.327 (Wildlife Corridors) • 21A.50.310 (Wetland)	The BAS review takes into account all new scientific information made available since the last effort as well as any statutory changes and changes to local codes adopted by peer cities since 2005. The Planning Commission has directed staff to look at wildlife species and related habitat protection mechanisms beyond the Priority Habitat and Species list and related management recommendations developed by WDFW. Referenced documents will be considered as part of this effort. The positive functions and values of critical areas form the basis for why the city code exists to protect those features. Specific comments are encouraged as each of these topic areas is evaluated.
110.	5/3/12	George Toskey	• Concerns about the scientific support for the BAS	• 21A.50.330	Please see AMEC's BAS Report for Streams and

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			recommendations provided • Noted the difference in buffer width between Lake Sammamish and that of wetlands and streams • Noted that current regulations do not improve the quality of the streams and submitted 3 examples that would: ○ When a septic system is required for a single-family residence, it should be located such that the structure separates the septic system from the stream or wetland; ○ Min. buffers of 20 ft. or less should be required to restrict naturally occurring phosphorus from entering streams; ○ Catch basins with filters should be required to capture pollutants on driveways within 50 ft. of a stream or wetland	(Streams)	FWHCAs on the roles and functions of buffers (runoff attenuation, water quality and habitat for example) and the BAS that supports various widths (esp. pp 2-7). Contamination from failing septic systems can contribute to stream and lake water quality problems. Existing city and County Health Dept. code would prevent or correct individual situations. Stream buffers and vegetated areas also help with mitigating contamination from pet waste and other non-point sources. Setbacks from the water's edge and vegetation enhancement areas (VEAs) for Lake Sammamish were adopted in the newly approved SMP and serve similar functions as stream buffers. Based on direction from the Planning Commission, staff and the consultant are undertaking further review of the proposal from Mr. Brockway and others for "site-specific buffers." More information and analysis will be provided to the Planning Commission and public as the ECA process proceeds.
111.	5/3/12	Bob Sorensen	• Comment regarding ECA buffers and their arbitrary nature; suggestion to employ science and technology to allow better use of "one's property"	• 21A.50.290 (Wetlands) • 21A.50.330 (Streams)	Staff is currently studying and discussing the idea of site-specific buffers as well as other mechanisms and will provide information to the Planning Commission based on that study.
112.	5/3/12	Ilene Stahl and Mark McGill	• Concerned about the public process and the city's approach to "balance opposing sides of an issue"; noted four specific reasons why this is not the best approach – in summary:	•	The Planning Commission has employed a variety of techniques to ensure a wide variety of public input is collected and considered in the ECA process. Like many other cities in

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			○ Urbanization has already taken a toll on the natural environment; ○ Inadequate regulations to this point; ○ Environmental resources are limited; ○ The Sammamish Plateau environment is unique and incomparable to other jurisdictions		western Washington, Sammamish has a challenge to balance the 13 GMA goals including protecting unique critical areas while also accommodating growth and respecting property rights.
113.	5/3/12	Bob Sorensen	• Question: What are viable options to buffers for protecting our ECA's?	• 21A.50.290 (Wetlands) • 21A.50.330 (Streams)	BAS indicates that buffers are the best way to reduce potential adverse impacts to critical area functions and values from adjacent development and land use. See also the last paragraph of the response to comment 72.
114.	5/3/12	Jim Osgood	• Comment regarding ECA buffer density calculations suggesting that density loss due to buffers be eliminated	• 21A.25.080 (density)	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.
115.	5/3/12	Anon	• Submission of an excerpt from the King County CAO Manual, Part Two – Critical Areas: Erosion Hazard Areas including a highlight regarding "specific site evaluations"	•	The city currently evaluates the location of Erosion Hazard areas on a site by site case (i.e. by field identification). Mapping is used to determine locations Erosion Hazard areas may exist, such that field identification may be appropriately required.
116.	5/3/12	Jim Osgood	• Reference to Public Comment #88 of the Public Comment Summary Table • Questions related to staff comments in response to #88: ○ At what size does the BAS scientific literature support not exempting wetlands? In other words, what size does the scientific evidence show that a wetland should not be disturbed, period? ○ I have heard that studies have never been done related to wetlands below 10,000 sf. If that is not so, please let us know the study source.	• 21A.15.1410 (Wetland, isolated) • 21A.50.320 Wetlands – Limited exemption	The BAS literature supports protecting all wetlands, regardless of size and further indicates that it is not possible to conclude from size alone the range of functions a particular wetland may be providing. BAS would define a low functioning wetland as a wetland that scored low for all functions on the Wetland Rating Form –Western Washington (Washington Department of Ecology, 2004), which includes scores for water quality, hydrologic, and habitat functions. The City may consider other factors, in addition to BAS, in providing for a wetland size exemption. Please

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			○ If a 10,000 s.f. wetland has a low value and function, why should it not be exempted? ○ What does BAS define as low value and function of a wetland?		also see response to comment # 105.
117.	5/3/12	Bob Sorensen	• Question: What is the definition of stream "restoration? Can the city potentially wish to relocate a stream for a public project and do so by labeling the "relocation" as a "restoration work?	• SMC 21A.50.340 Streams – Permitted Alterations	According to SMC 21A.50.340 (12), stream and habitat restoration or enhancement must: be sponsored by a public agency with a mandate to do such work; must be unassociated with mitigation of a specific development proposal; must be limited to placement of rock weirs, log controls, spawning gravel, and other specific habitat improvements for resident or anadromous fish including salmonids; must only involve the use of hand labor and light equipment or the use of helicopters and cranes that deliver supplies to the project site without contacting/disturbing the stream or buffer; and must be performed under the direction of qualified professionals. According to SMC 21A.50.340 (8), stream relocation for a public or private project may only be allowed in certain circumstances, which are detailed in this referenced code section.
118.	5/3/12	Erica Tilliacos	• Submission of a publication called "Endangered by Sprawl – How Runaway Development Threatens America's Wildlife," sponsored by the National Wildlife Federation, Smart Growth America and NatureServe, and co-authored by Reid Ewing and John Kostyack with Don Chen, Bruce Stein, and Michelle Ernst	• 21A.50.325 (FWHCA) • 21A.50.327 (Wildlife Habitat Corridors)	Thank you for the submission of this material. Comments noted.
119.	5/5/12	Jim Osgood	• Submission of and reference to King County's SO-190: Erosion Hazards Near Sensitive Water Bodies (8/18/1997)	• 21A.50.225 (EHNSWB – Special district	The language related to the identification of the no-disturbance area is essentially the same between the King County SO-190 regulations

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			• Noted differences between Sammamish code and SO-190 – in summary: ○ Definition and off-sets of the no-disturbance overlay B2; ○ SO-190 allows for the reallocation of single and multi-family residential density onto a buildable portion of the site or on another site • Suggestion to use the overlay for advisory purposes of potential issues	overlay)	and the City's current regulations (SMC 21A.50.225(3)(a)). Identification of the location of the no-disturbance area is always based upon conditions "on the ground". Density re-allocation is also allowed by Sammamish for properties currently only partially encumbered by the no-disturbance area (e.g. Sammamish Orchards subdivision, Fields Short Plat) The location of the overlay is based upon the mapping at the city, however the location of the no-disturbance area within the overlay is based upon the conditions on the ground.
120.	5/8/12	Citizens For Sammamish (Harry Shedd)	• Invitation to the Planning Commission to attend the next Citizens For Sammamish meeting (5/7/12, 7pm, Fire Station #2) and an agenda which includes mention of the ECA update process	•	Comment noted.
121.	5/8/12	David Gee	• Submission of a document entitled "Sammamish Environmental Critical Area Review"- Testimony to Sammamish City Council, May 8, 2012 by David Gee ○ Reference made to RCW 36.70A.140 – Comp. Plans – Ensure public participation;36.70A.172 – Critical Areas – Designation and Protection; WAC 365-195-900 ○ Tables including Environ's Wetland Rating System, CFS response to the list of "Known Topics" ○ Reference to staff questions re: mitigation requirements for streams and wetlands of	• 21A.50.310 (Wetland)	Comments noted.

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			low value and function ○ Inclusion of a letter to PC from Megan and David Gee dated March 28, 2012 re: questions around mitigation requirements for streams and wetlands of low value and function ○ Inclusion of public comment submitted by David Gee and correspondence with staff		
122.	5/8/12	Reid Brockway	• Submission of comments related to "Known Topics list for ECA code update" ○ Concerns include: overall scope of ECA update; stream classification; buffer mitigation procedures and delineation; "arbitrary" or "magic number" in the code allegedly unsupported by science; public involvement in defining the Known Topics	•	Comments noted.
123.	5/17/12	Robert Edwards (E3RA Inc.), Greg Krabbe (GFK Consulting Inc.)	• Concerns about the current code section regarding the Erosion Hazards Near Sensitive Water Bodies Overlay ("the Overlay") and it's no-disturbance zone provisions • Suggestion to eliminate the no-disturbance zone and the 100% infiltration rule based on new direction from Ecology • Suggested edits to the code also include: ○ Utilize the current Stormwater Design Manual for proposals within the Overlay ○ Convene special pre-application conferences for proposals within the Overlay ○ Submission of a an erosion control management plan for proposals within the overlay	• 21A.50.225 (EHNSWB)	The Planning Commission will review the Best Available Science reports related to the EHNSWB overlay on June 14 and June 28. In particular, on June 28 the Planning Commission will decide whether to advance possible amendments to the EHNSWB overlay provisions. Please note that the BAS report related to the EHNSWB overlay regulations does not support eliminating those provisions of SMC 21A.50.225 that prohibit subdivision in the no-disturbance area.
124.	5/17/12	Linda Eastlick	• Concerns about the consultant's BAS review and the lack of a connection between the conclusions	•	The city staff will continue to work with the consultant to ensure that there is an explicit

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			of the study and the recommendations		connection between the BAS Report and the recommended amendments to the regulations.
125.	5/17/12	Barbara Raabe	• Picture depicting an "example of a variance granted to a previously unbuildable land"	•	PC asked that staff follow-up to determine what type of variance was permitted on this property. Staff believes that the property in question is located within the Inglewood neighborhood, north of Inglewood Hill Road. The lots within the Inglewood subdivision were created in July of 1889. The lots within the Inglewood subdivision are legal residential lots, however many of the properties are significantly or entirely constrained by landslide hazard areas related to steep topography. The property owner may apply for a Reasonable Use Exception to allow for reasonable use (generally a single family home) on these properties. Such use is generally limited to a small footprint of disturbance and requires mitigation. The city is not aware of a situation where King County denied development of these lots.
126.	5/17/12	Friends of Pine Lake (Erica Tiliacos)	• Comments on Staff Recommendation #3 ○ 3-3: disagree with adopting a fee-in-lieu mitigation program ○ 3-4 & 3-8: agree that buffers should be increased for "higher density development" ○ 3-11: in favor of basin updates ○ 3-17 & 3-18: disagree with new development driving reparations of past impacts ○ 3-19: disagree with increasing wetland exemption thresholds	• 21A.50.290 • 21A.50.300 • 21A.50.310 • 21A.50.315 (Wetlands)	Comments noted. Thank you for submitting the pictures and supporting documentation.

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			○ 3-21: disagree with utilizing wetlands to store stormwater • Pictures of salamanders/frogs and egg masses • An article from the National Wetlands Newsletter entitled "Setting Buffer Sizes for Wetlands" • Department of Ecology Publication #92-10 – Wetland Buffers: Use and Effectiveness (1992)		
127.	5/17/12	Friends of Pine Lake	• Comments on Staff Recommendation Memo #3 ○ 3-2 & 3-8: disagree with the staff recommendations	•	Comments noted.
128.	5/31/12	Gene Welch	• Concerns about erosion control and the effects of erosion on the Lake Sammamish shoreline ○ Agrees with AMEC's recommendation to utilize LID practices to minimize impervious surfaces and retain trees in developed areas ○ Retain water and pollutants on-site in developing areas	• 21A.50.225 (EHNSWB) • 21A.50.220 (Erosion Hazard Areas)	Comments noted. It appears that some of Mr. Welch's recommendations are consistent / reflected in the BAS report by AMEC.
129.	6/1/12	James Eastman	• Concerns about landslide hazards a suggestion that such hazards could be eliminated rather than protected • Concerns about the effects of the reasonable use exception process when critical areas are the focal point • Suggestion to allow a subdivision of a parcel in an erosion hazard area if supported by BAS	• 21A.50.260 (Landslide Hazards) • 21A.50.220 (Erosion Hazard Areas)	Comments noted. Some very specific questions within the comments will require some additional time to answer.
130.	6/12/12	Jessie and Jozef Majerczyk	• Provided comments and concerns about the development (Pine Creek subdivision) next to their property. In particular, concerns are expressed about: ○ Drainage impacts to their property (which allegedly create a stream / wetland) ○ The design of the stormwater pond ○ Drainage impacts to vegetation (trees) on the	•	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.

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			Majerczyk property		
131.	6/12/12	Marc Angellilo and Panfilo Morelli	• Provided comments regarding the prohibition of development on the Morelli property, which is located in the EHNSWB overlay and no-disturbance area. • Provided a map of the Morelli property, which reflects areas that are relatively unconstrained by environmentally critical areas, except for the EHNSWB overlay.	• 21.50.225 (EHNSWB overlay)	Staff has met with Mr. Morelli and understands that he is seeking a provision in the no-disturbance area that would allow for appropriate subdivision of his property.
132.	6/13/12	Icicle Creek Engineers, Inc. (Brian Beaman)	• Concerns about the age of the mapping systems in place for erosion hazards and its relationship to land use. • Erosion Hazards Mapping Questions: ○ How accurate is the 1973 Soil Survey mapping? Are the "lines" between soil types distinct, gradational, or even representative of the actual filed conditions? ○ Is an LEG (Licensed Engineering Geologist), or possibly a Geotechnical Engineer, qualified to identify soil types based on Soil Scientist type background? ○ Should the basis for Erosion Hazards be the 1973 SCS Soil Survey, or is there a better "Best Available Science" for the purpose? If it is perceived that no better Best Available Science is available for Erosion Hazard Mapping, then why not? ○ Should the City of Sammamish rely on the existing Erosion Hazards mapping as providing sufficient "science" (foundation of the regulation) to delineate specific areas where a true Erosion Hazard exists and to designate areas of land that are known to be so sensitive, that development should be	• 21A.50.220 (Erosion) • 21A.50.225 (EHNSWB overlay)	AMEC RESPONSE: The Natural Resources Conservation Service (formerly the Soil Conservation Service) published its Soil Survey of King County in 1973. The current web-based soil survey information is based on the 1973 mapping. Both the Washington State Department of Ecology 2012 Draft Stormwater Management Manual for Western Washington and the King County 2009 Stormwater Design Manual use the Soil Survey to identify erosion hazards. SMC21A.15.415 identifies the specific soil types that define an erosion hazard when found on a slope 15% or greater. While a landowner could theoretically present evidence that the 1973 map is inaccurate and that the soils on a particular site are not among these types, and therefore do not qualify as an erosion hazard, development of such a site could still affect downslope areas. Evidence of inaccuracies would need to apply to the entire potentially affected portion of the erosion hazard area.

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			excluded? ○ The city's geotechnical engineer should provide a statement to the city and community that the current mapping of Erosion hazards (based on the 1973 SCS Soil Survey is accurate based on current standards of engineering proactive and is appropriate for the development of critical of critical land use decisions. A statement suggesting that there is "no other available science" would be considered unacceptable. In other words, the city's geotechnical engineer should be able to state that they would fully support any land use decisions related to Erosion Hazards, some of which may exclude land use, based on the use of the 1973 SCS Soil Survey. • Provided an explanation as to where stormwater, once infiltrated, goes. • Stormwater Infiltration questions: ○ Does the city of Sammamish (or their geotechnical engineer) agree that low permeability layers underlie the entire city area? ○ Does the city of Sammamish agree that emerging ground water on slopes is a cause of landslides, and resultant erosion and sedimentation, on the West Bluff area? ○ Will increasing the rate of infiltration, and also the point source infiltration, in the upland areas possibly cause landslides or aggravate the existing marginally stable conditions in the West Bluff area? ○ Can the infiltration paths for stormwater be confidently identified and evaluated for		Infiltration is supported by BAS to reduce surface discharges of water from developed sites. However, as noted in the landslide hazard memo and public comment, directing site runoff to a central infiltration system can create offsite impacts if groundwater elevation rises near to the infiltration facility or if an underlying soil layer of restricted permeability causes lateral flow within the ground that can form a new seep or groundwater discharge. Recent best practices for reducing stormwater discharges from site development include Low Impact Development (LID) strategies such as rain gardens, permeable pavements, and rainwater harvesting. These LID practices would be expected to have less potential for off-site impacts because they focus on distributing stormwater treatment and infiltration rather than focusing on a central facility, so that underlying soils would likely be subject to a lesser rate of hydraulic loading (i.e. less water is sent to any one spot to be infiltrated). At the City's request and direction, AMEC could revise the language in the final BAS report to recommend that LID practices be employed as the first choice for development in erosion hazard areas, and to defer specific infiltration facility requirements to the City's stormwater design manual, which has requirements for the analysis and design of infiltration facilities.

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			impacts to the stability of slopes in the West Bluff area? If not, then why would the city of Sammamish desire to encourage stormwater infiltration?		
133.	6/13/12	Reid Brockway	Questions regarding the process to evaluate citizen proposed amendments to the regulations, and the opportunity for the public to respond to city staff generated analysis.	•	Public comments, including proposed amendments or comments on staff analysis, are welcome throughout the planning commission process until the close of the public hearing. There will be additional opportunities for comment during the city council process and an additional public hearing before final adoption of any amendments.
134.	6/14/12	Robert Kapela	• Concerns about their property which is in the no disturbance area of the EHNSWB overlay and the inability to utilize the land. • Three specific changes to the EHNSWB were offered: ○ Ability to repair and/or build additional outbuilding as long as storm water issues are mitigated onsite using existing published available science methodology. ○ Due to advancements in erosion control technology the severely restrictive nature of the EHNSWB are no longer necessary. In addition, with appropriate storm water management development density and construction on slopes of less than 40% should not be limited. ○ We should be allowed to subdivide our property if best available published science can support the subdivision would not cause any additional erosion hazards.	• 21A.50.225 (EHNSWB overlay)	According to the AMEC report, there is no new Best Available Science that would support changes to the overlay. The planning commission may consider flexibility options based on policy goals and risk analysis. This item is on the list of known topics for consideration during the planning commission's deliberations.
135.	6/15/12	Barbara Raabe	• Newspaper article from the Seattle Times (Ah, the	•	Thank you for the submitted information.

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			slippery slope, March 11, 2012) regarding steep slopes and erosion hazard controls.		
136.	6/14/12	Heather Frazier	• Concerns about development nearby her property and the possibility it may be the cause of unexpected groundwater and landslides on her property.	• 21A.50.260 (Landslide Hazards)	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.
137.	6/14/12	Jim Osgood	• Cited comment #123 (GFK's memo); if a property owner can demonstrate no risk of erosion from a development or impact to Lake Sammamish, they should be able to go forward. • Concerns about a lack of science in the BAS report. • Question about the recommendation on Page 9 of the Erosion and Landslide BAS as to whether it is discussing boundaries or properties within the boundary? • Concerns that "steep slope" is not defined clearly in the BAS report. • Suggestion to add a definition of where EHNSWB ends. • Concern that there is no exemption within the no disturbance area where it can be proven that no steep slope exists and water flow is not directed towards steep slopes. • Concerned that the no disturbance language in the BAS is misleading as there are no other municipalities in the state with this type of restriction. • Concerned that the BAS report does not reference any scientific basis for buffers yet the report supports their use. • Suggestion to allow the director the ability to approve of improvements and/or development if the proper evidence is provided of no risk of	• 21A.50.225 (EHNSWB overlay)	• Comment noted • Please note that the consultant was directed to identify any changes in BAS that would support development within the no-disturbance area. The consultant was unable to locate any BAS that would support development in the no-disturbance area. • The BAS report recommends that the city clarify its processes and provide additional tools for identifying the location of the no-disturbance area within the EHNSWB overlay. • "Steep slopes" are slopes that exceed 40% gradient with a vertical relief of 10 feet or greater. The term was formerly used by King County and the city prior to 2005, but now is classified as a subset of the Landslide Hazard area definition. • Comment noted. • Comment noted. • The EHNSWB overlay was adopted by King County specifically to address the conditions within the then East Sammamish Community, including the effects of erosion on Lake Sammamish water quality. As such, it is based upon specific conditions in Sammamish and Lake

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			erosion. • Invitation to the Planning Commission to visit the area around his site.		Sammamish, which may not exist elsewhere. • The city does not use buffers to address issues related to erosion or the EHNSWB overlay. • The Planning Commission will consider this amendment on June 28 and likely in subsequent review. • Comment noted.
138.	6/14/12	Susan Richardson	• Concerns about the EHNSWB Overlay and a suggestion that it deprives the property owner from using their property and creates a taking situation in the legal sense. • Stated that a property owner should be given the opportunity to address the purpose of the regulation and challenge it or meet its needs.	• 21A.50.225 (EHNSWB overlay)	The city attorney is preparing separate response to this comment, which will be available to the public and Planning Commission in August.
139.	6/14/12	Panfilo Morelli	• Provided a letter regarding his family's property with stated concerns regarding it's inclusion in the SO-190 designation and concerns that the restriction is an unfair burden. • Request to be able to develop that part of the property which falls under the 17% slope threshold. • Provided a statement regarding a 500,000 gallon water reservoir placed on the Fries property. • Re-submission of a letter from Marc Angelillo (see Public Comment #131) • Provided a geotechnical memo from Terra Associates, Inc. (Anil Butail, P.E.) 1997 supporting an earlier report by the same in 1996. • Provided a site map and slope analysis from Triad Associates (2012).	• 21A.50.225 (EHNSWB overlay)	Comments noted.
140.	6/14/12	Megan Gee	• Concerns about property owner protection within	•	Comments noted. The Planning Commission is

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			the planning and regulatory process and cited several places where language can be found supporting this statement and the idea of balance between property rights and the environment. • Concerns about best available science and the suggested lack thereof in the BAS reports. • Stated that significant evidence should be shown before imposing regulations on private property.		evaluating proposed regulations with regards to both property rights interests and environmental protection goals. Any balance must be accomplished in accordance with the legal requirements of the Growth Management Act and other applicable State and Federal law. The City's scope for the consultant is to evaluate only any new science developed since 2005 as related to the ECA.
141.	6/14/12	James Eastman	• Stated that landslide hazards should not be included as part of the Environmentally Critical Areas code section. • Question: why isn't there an option to reasonably eliminate "hazards"? • Concerned that the RUE process preserves the hazard area and is expensive for the landowner. • Stated that the RUE process should be considered as part of this update process. • Stated that subdivisions should be allowed in erosion areas if BAS can support the action. • Question: what best available science supports the way the code is currently written? • Noted that there were subdivisions allowed in what are now erosion areas between 2005 and 2007. • Question: Is there any data that suggest that the subdivision of these specific properties has caused further erosion and detriment to the water quality of Lake Sammamish during this time period? • Provided comments from Public Works regarding an RUE experience.	• 21A.50.225 (EHNSWB overlay) • 21A.50.260 (Landslide Hazards)	Comments noted. A reasonable use exception process is available for (non-shoreline) properties that are entirely constrained by critical areas. This process allows for impacts that would otherwise not be permitted, with goals of minimizing the impacts to the critical area and allowing the property owner reasonable use of the property.

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142.	6/14/12	Lelund and Sharon Rosenlund	• Provided a letter of support for Jim Osgood's comment letter (See Public Comment #137) and provided a copy; highlighted points 10 and 11 specifically. • Invited the Planning Commission to visit their property for a discussion.	• 21A.50.225 (EHNSWB overlay)	Comments noted
143.	6/14/12	GFK Consulting Inc. (Greg Krabbe)	• Provided a letter regarding the Erosion Hazard Overlay and the No Disturbance Area and comments on the Erosion, EHNSWB and Landslide BAS prepared by AMEC. • Stated their position that land outside of any steep slope areas can be safely developed and avoid impacts to Lake Sammamish by implementing current stormwater management and erosion controls in compliance with state and local standards. • Concerns about the lack of science shown in support of keeping the No Disturbance regulations in place. • Concerns the BAS report does not mention that no other jurisdictions in the Lake Sammamish watershed use this type of regulation and that projects have been developed without adverse water quality impacts; cited two projects in Issaquah – Talus and the Issaquah Highlands. • Argued that the phosphorus may be transported to Lake Sammamish from anywhere in the basin and not just adjacent sites. • Noted that the BAS failed to show a continued decrease in phosphorus levels in Lake Sammamish. • Question: why does the BAS require level 2 flow control when Lake Sammamish is listed as a Major Receiving Water in table 1.2.3.B in the King	• 21A.50.225 (EHNSWB overlay)	The intent of the Erosion Hazards Critical Areas and EHNSWB overlay is to reduce phosphorus and sediment discharges associated with development of highly erodible soils, which is based on the slope and physical properties of the soils. The same pollutants can also be released and transported from development anywhere in the basin, however this is less likely where slopes are more moderate or soils are not as susceptible to entrainment (as characterized by a lower erosivity rating for a specific soil type); TESC practices are expected to be more effective outside of the erosion hazard critical areas. Once sites are constructed and stabilized, pollutant discharges are addressed by permanent water quality treatment BMPs. The requirement for Level 2 Flow control is intended for discharges to surface channels, not for direct discharges to Major Receiving Bodies.

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			County SWDM?		
144.	6/15/12	Reid Brockway	• Question as to whether further edits to Recommendation 5-18 will be forthcoming, and if other administrative edits to the code will be promoted by city staff.	• 21A.50.225 (EHNSWB overlay)	The staff is actively engaging with Mr. Brockway regarding the proposed administrative edits. Public comment is always welcome.
145.	6/15/12	Herrera Environmental Consultants, Inc. (Rob Zisette)	• Submitted a hard copy of the presentation given at the Planning Commission meeting on June 14, 2012. • The presentation provided a scientific analysis of current information on the effects of watershed development on Lake Sammamish water quality. • Noted that phosphorus concentrations in Lake Sammamish have significantly decreased in recent years. • Presentation notes a list of improvements to the King County Surface Water Design Manual (SWDM) and to General Construction and Municipal Stormwater NPDES Permits. • Noted that the presentation concludes with a list of variables that have been shown to impact phosphorus loading and that the proximity of a development to Lake Sammamish or a vegetated buffer have little impact on phosphorus levels.	• 21A.50.225 (EHNSWB overlay)	Mr. Zisette presented lake water quality data and suggested that there is a recent trend of water quality improvement that is related to improved TESC effectiveness and NPDES permitting. AMEC has not seen statistical analyses that would support this hypothesis or identify the cause of trends that may be significant. We note that in general there has been less development activity and associated ground disturbance in recent years due to the economic climate, which might have an effect on phosphorus loading to the lake. We also note that articles published as recently as 2007 indicate that stormwater loading of phosphorus to Lake Sammamish remains a primary concern for maintaining and improving lake water quality.
146.	6/16/12	Reid Brockway	• Provided an email response to a discussion with Sammamish staff regarding Recommendation 5-18. • Conveyed some uncertainty about how staff was defining the difference between substantive and administrative edits to the code. • Recommended consolidating and clarifying regulations pertaining to maintenance as opposed to development; eliminate confusion around the grandfathering provisions pertaining	•	Comments noted. The term “administrative edits” is intended to reflect that the amendments reflected in memo #5 are related to the process / procedural provisions of the ECA regulations rather than to the development standards (i.e. the edits are related to how the code is administered by the city)

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			to streams and buffers. • Offered a reference to his own testimony from April 19, 2012 and an email to the director on April 20, 2012. • Offered assistance in drafting the code edits pertaining to his issues.		
147.	6/25/12	Greg Krabbe	• Requesting clarification of BAS supporting specific statements within the BAS report.	• 21A.50.225 (EHNSWB overlay)	The Natural Resources Conservation Service rating for soil erosion hazard changes from "Moderate" to "Severe" when slopes of sensitive soil types exceed 15% threshold. The Cities of Issaquah and Redmond include 15% criterion in their definition of Erosion Hazard area. Additional reference not included in BAS list: • Natural Resources Conservation Service (NRCS) Web soil survey (2012)
148.	6/24/12	Reid Brockway	• Provided an email response to a discussion with Sammamish staff regarding Recommendation 5-18.	•	Comments noted.
149.	6/26/12	Greg Krabbe	• Provided a response to ongoing discussion regarding BAS supporting specific statements within the BAS report	• 21A.50.225 (EHNSWB overlay)	Please see response to comment #147.
150.	6/27/12	Greg Krabbe	• Requesting clarification of BAS supporting specific statements within the BAS report regarding the EHNSWB Overlay and slopes over 15%. Specifically: • "Generally, best available science for protecting sensitive resources requires buffers and offsets, and does not support increasing risk-associated activities proximate to the resources. For these reasons we do not recommend changing the restrictions of SMC 21A.50.225 (3)(b)."	• 21A.50.225 (EHNSWB overlay)	The City's scope for the consultant is to evaluate only any <u>new science</u> developed since 2005 as related to the ECA. The City has not asked the consultant to re-evaluate the BAS used to draft the existing ECA regulations. • The risk-associated activity referenced here, is the development in an area that is highly erosive. Techniques identified by AMEC, and others, can be used to reduce the risk or erosion (and associated

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			(pg 9 of the AMEC BAS Erosion Hazard Area & Erosion Hazards Near Sensitive Water Bodies paper). • "BAS does not support disturbing erodible soils on slopes over 15%" (slide 36 of the June 14th presentation) • "BAS does not support increasing development areas in EHNSWB" (slide 38 of the June 14th presentation)		Phosphorous transport into Lake Sammamish); however the risk is not entirely eliminated. The current regulations prohibited development and are supported by BAS evaluated in 2005 and previously (reflected in the original BAS source documents for the EHNSWB overlay – the East Lake Sammamish Basin and Non Point Action Plan and supporting documentation). Allowing some development, even with appropriate risk-reduction techniques departs from BAS. • Please see response to #147. • Again, please note that the consultant was not asked to evaluate existing BAS (i.e. the BAS supporting the current standards)
151.	6/15/12	Bob Sorensen	• Offering an apology to the Planning Commission regarding any unintentionally offensive or demeaning statements made on June 14th.	•	Comments noted and appreciated.
152.	6/28/12	Reid Brockway	• Resubmission of 4 questions originally submitted on June 13th (see comment #133) and a request to answer or commit to a timeframe to answer them.	•	Thank you for your comments and suggestions for ensuring the Commission's process is thorough, accurate and responsive to public and stakeholder input. Responses to the numbered items in your email area shown below: 1. As comment is submitted, it is logged and responded to in this matrix and other similar mechanisms. The Commission sees all the input and the public can see how their comments have been reflected in this matrix, and in other memoranda generated as a part of the ECA process. The Commission will

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					consider all input prior to arriving at a final recommendation for the City Council. Please note that the City Council process will also provide an opportunity for public input. 2. The Commission will benefit from public input, in original form and as tabulated and summarized by staff. In the event a commenter believes staff or commissioners have not accurately summarized or understood a comment, that person is encouraged to provide a clarification. 3. The Commission has been providing for public comment at each meeting and through a variety of other formats. The Commission is also considering options for the public hearing process that could include an interactive component if it is determined to be necessary and helpful. 4. The Commission will accept alternative draft text or code language as a part of the public hearing. The Commission is also considering a request that staff conduct one or more stakeholder meetings to review code language, as a mechanism to ensure all perspectives are heard in this process.
153.	6/28/12	Anon	• Question about slopes less than 15% in the EHNSWB Overlay that don't drain onto steep slopes.	• 21A.50.225 (EHNSWB overlay)	Slopes less than 15% in the EHNSWB overlay that do not drain into the no-disturbance area (and did not historically drain there), would not be subject to any of the standards in SMC 21A.50.225. **Please note**: this question references "steep" slopes, which is not necessarily the

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					same thing as the no-disturbance area.
154.	6/28/12	Anon	• Request to see the BAS that does not support improvement within the EHNSWB Overlay	• 21A.50.225 (EHNSWB overlay)	
155.	6/28/12	Anon	• Question about why Sammamish is the only municipality that has a no disturbance area.	• 21A.50.225 (EHNSWB overlay)	The EHNSWB overlay was adopted by King County specifically to address the conditions within the then East Sammamish Community, including the effects of erosion on Lake Sammamish water quality (documented through the East Sammamish Basin and Non-Point Action Plan). King County adopted the EHNSWB overlay to accomplish two goals: A) designate sloped areas posing erosion hazards that drain directly to lakes of high resource value (i.e. Lake Sammamish) that are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development; and B) reduce the risk of ravine widening along the sloped sides of stream corridors.
156.	6/28/12	Anon	• Question: "Do they not use the BAS to consultant claims?"	• 21A.50.225 (EHNSWB overlay)	The city uses a variety of techniques to control erosion and sediment control, including those mentioned by the consultant. However currently such techniques do not allow for development within the no-disturbance area.
157.	6/28/12	Anon	• Statement that erosion control and stormwater management are separate issues.	• 21A.50.225 (EHNSWB overlay)	Stormwater management and erosion control, while they are sometimes separately addressed, are two closely related policy goals. Erosion is a function of exposed soils and the presence of water (usually stormwater) transporting sediment off-site.

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					The city code seeks to address both the site "during development" and "post development". During development, temporary erosion / sediment control measures are required to limit sediment leaving the site. Post development, stormwater discharge is controlled partly to minimize the risk of erosion as a result of stormwater discharge (for example, water leaving a subdivision that washes out a ditch or stream downslope).
158.	6/28/12	Greg Krabbe	• Question about whether slopes over 15% can be disturbed without affecting Lake Sammamish. • Request that AMEC answer the other questions submitted on June 25th (see comment #147).	• 21A.50.225 (EHNSWB overlay)	It may be technically possible to develop a site without impacting downstream resources through the implementation of robust TESCP with site monitoring, contingency plans, and the other measures identified above in the discussion of "fully mitigated" conditions as applied to Erosion Hazard Area Seasonal Clearing Restrictions. However, because of the intense effort and costs of implementing thorough, reliable controls with monitoring and contingency measures, and the possibility of equipment malfunctions and human errors, risks and performance uncertainties would remain. Please see response to comment #147.
159.	6/29/12	Friends of Pine Lake (Ilene Stahl)	• Comments submitted regarding Erosion and Landslide Hazard Areas and the EHNSWB Overlay including: the cost of environmental degradation, the success of erosion and sediment controls, disallowing clearing during the wet season in erosion and landslide areas, the improvement of Lake Sammamish water quality since the Overlay, cumulative impacts	•	Comment noted

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			and project review, notes about the history of the Overlay and what it is meant to do, reference to the City of Sammamish Storm Water Management Comprehensive Plan, recommendation to transfer development rights in the Overlay down to the Eastern side of the Lake Sammamish Parkway, note that the Basin Plans should be completed before revisions are made in the Overlay, and a note that an email from Dr. Booth from 2005 will be submitted as well.		
160.	6/28/12	Jim Osgood	• Submission of the City of Sammamish Best Available Science Resource List from 2005.	•	Comment noted
161.	6/28/12	Friends of Pine Lake	• Submission of Derek Booth's CAO SO190 regarding the No Disturbance Areas and dispersion. • Submission of a slideshow presented on June 28th regarding 3 landslides in Ebright Creek.	• 21A.50.225 (EHNSWB overlay)	Comment noted.
162.	7/5/12	Barbara Raabe and Marilyn Favre	• Submission of a series of statements and photos regarding development around the Overlay. • Invitation asking the Planning Commission to visit properties in the area.	• 21A.50.225 (EHNSWB overlay)	Comment noted. The Planning Commission intends to visit examples of the various critical areas as part of their forthcoming review.
163.	7/6/12	Reid Brockway	• Regarding the definition of streams and the supporting science behind those definitions.	• 21A.50.330 (Streams)	Comment noted.
164.	7/9/12	Eugene Welch	• Response / rebuttal to Comment #123: Lake Sammamish water quality is affected by runoff from developed and undeveloped property. Phosphorous is the key factor to limit in Lake Sammamish (not just turbidity and pH). Reference to Phosphorous from post-development runoff from Timberline (stream channel erosion resulted in Phosphorous entering Lake Sammamish). • Notes that water quality in Lake Sammamish	• 21A.50.225 (EHNSWB overlay)	Comment noted.

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			has remained high with the implementation of the EHNSWB overlay development restrictions. • Technical rebuttal to the testimony provided by Rob Zisette (Herrera Consulting) – Comment #123. Conclusion that despite increasing development generally, Lake Sammamish water quality has not deteriorated.		
165.	7/12/2012	Greg Krabbe (GFK Consulting Inc.)	• Outline of a presentation regarding risk assessment regarding the possible impacts to downstream resources if "robust TESCP measures" are implemented. • Question to the Planning Commission about an appropriate time to present this risk assessment.	•	Information may be presented to the Planning Commission at any time during their review process.
166.	7/12/2012	Reid Brockway	• Process questions (paraphrased): o When will information be presented to the Commission and will the public have time to weigh in prior to deliberations; o Will the Commission use the abbreviated versions produced by Staff or revisit the original testimony/amendment o Will the Commission dialogue with the public prior to deliberation or during; o Will the Commission take-in alternate draft text from the public?	•	The staff anticipates that a significant amount of information will be transmitted to the PC in August and September. The public hearing will begin in October, which should provide ample time for public review and comment on the information presented to the PC.
167.	7/12/2012	Friends of Pine Lake (Erica Tiliacos)	• Letter regarding the interconnectedness of the systems which the current ECA is protecting; also support for Eugene Welch's letter of June 11th and a discussion about erosion controls and the damage they can cause. • SLS Board Meeting Minutes from 3/13/2012	•	Comments noted.
168.	7/12/2012	Gregory Kipp	• Draft Proposal to Change Density Calculation Methodology on R-1 Zoned Properties in City of Sammamish.	•	Comments noted.
169.	7/13/2012	Mahbubal	• Concerns that the Commission should consider	•	The city responded to the Department of

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		Islam	comments made by the Department of Ecology on the city's 2005 ECA update. • Submitted Ecology's Comments on 2005 ECA update for the record.		Ecology concerns in 2005 prior to adoption of the current ECA regulations.
170.	7/16/2012	Barbara Raabe	• Suggestions offered on Appendix C Minor Items Not Recommended for Advancement: o Advance Recommendation 2-7 o Advance Recommendation 3-2 • Suggestions offered on Appendix B Minor Items Recommended for Approval: o Move Recommendation 2-6 to the Parking Lot o Move Recommendation 4-10 to the Major Items List o Move Recommendation 4-13 to the Major Items List o Move Recommendation 5-8 to the Major Items List o Move Recommendation 5-13 to the Major Items List • Suggestions offered on Appendix A: o Do not advance Recommendation 2-8 o Do not advance Recommendation 3-3	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
171.	7/16/2012	Reid Brockway	• Suggested edits to the Evaluation Form and the major/minor item list: o Add Relevant BAS and Practice of Other Jurisdiction to the Evaluation Form o Suggestion to create an evaluation form for the minor items that is less extensive than that for the major items	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
172.	7/17/2012	James Osgood	• Comment regarding Recommendation 4-3 on the minor item list: o Suggestion to move 4-3 to the major item list o Some questions about how "steep valley	• 21A.50.220 (Erosion hazard areas)	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12

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			walls" are defined and the true purpose and location of the no-disturbance area		
173.	7/17/2012	James Osgood	• Suggestion to look at SMC 21A.50.190: Critical area tracts and designations on site plans and consider whether the property owner should be responsible for taxes on these designated tracts. • Suggestion to move Recommendations 2-1 and 2-2 to the major items list. • Comment regarding Recommendation 5-6 in the form of a suggestion to consider who should pay for the 3rd party review. • Suggestion to create an evaluation form for the minor items list as well. • Suggestion to evaluate not only environmental impacts of code changes but also impacts to property owners. • Suggestion to include the city's GMA goals as part of the evaluation.	• 21A.50.190 (Critical area tracts) •	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
174.	7/18/2012	Rory Crispin	• Suggestion to create an Intermediate Items List • Suggestion to add an item regarding frequently flooded areas to the Minor Items List effectively removing SMC 21A.50.230. • Suggestion to add an item regarding critical area tracts to the Intermediate Items List effectively removing SMC 21A.50.190. • Suggestion to add an item regarding the site area used for density calculations, modifying SMC 21A.25.080.	• 21A.50.230 • 21A.50.190 • 21A.25.080	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
175.	7/17/2012	David and Megan Gee	• Suggestion to include the goals of the GMA as part of the Evaluation Form (attached an example). • Suggestion to add more clarity on what the distinction is between the Major/Minor Item Lists and why recommendations were placed	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12

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			in each and how the deliberation/approval process will differ between the two.		
176.	7/18/2012	Linda Eastlick	• Concerns about whether or not the Planning Commission is considering the last BAS review and how it relates to the existing conditions.	•	Comment noted
177.	7/18/2012	Marilyn Favre	• Support for Barbara Raabe's letter dated July 12, 2012. • Suggestion to move Recommendations 2-1, 2-2 and 4-1 to the Major Items List.	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
178.	7/18/2012	Geoffrey Creighton	• Support for Marilyn Favre's email dated July 18, 2012 and Barbara Raabe's letter dated July 12, 2012. • Comment that the BAS reports, in many cases, are relying on old and unverified information. • Comment that a fee-in-lieu mitigation solution (Recommendations 2-8 and 3-3) could allow for permanent damage to the ecosystem. • Comment on Recommendation 3-21 noting that wetlands should not be used for stormwater management. • Suggestion to move Recommendations 2-1 and 2-2 to the Major Items List and to amend 2-1 to clarify what is meant by "the species (the city) most wants to protect". • Comment on the Planning Commission Success Statement and some examples offered that should be included from the Comprehensive Plan, the Final Basin Plan for Inglewood Basin and the Sustainability Strategy.	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12
179.	7/18/2012	Kevin Gardiner	• Support for Barbara Raabe's letter dated July 12, 2012 and Marilyn Favre's email dated July 18, 2012. • Comments regarding the local environment, whose responsibility it is for protecting it, and his own attachment.	•	Comments were noted and considered in preparation of the material presented to the Planning Commission on 7/26/12

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180.	7/21/2012	Leland Rosenlund	• Suggestion to consider the Minor Items List with as much thoughtfulness as the Major Items List. • Suggestion the No Disturbance Zone is causing undo and harsh burden on the citizens of Sammamish. Also, a suggestion to put the financial onus of hiring a 3rd party reviewer on the city rather than the applicant.	•	Comments were noted, however they were submitted after the 7/18/12 established by the Planning Commission and could not be included in the material presented for 7/26/12.
181.	7/23/2012	Commissioner Mahbubal Islam	• Questions regarding wetland data and administration and implementation of current ECA regulations within the City of Sammamish generally focusing on the number and size of regulated ECAs and wetlands, wetland reviews, appeals for takings, etc. • Submitted "City of Sammamish – Proposed Critical Areas Regulations – Washington State DFW, Ecology & CTED Comment Summary & Staff Response – December, 15, 2005.	•	Comments and questions were noted; staff will seek to provide this type of information to the Planning Commission in the fall.
182.	7/25/2012	Department of Ecology (Donna Bunten)	• Answers to questions from the Planning Commission regarding the regulatory approach for isolated wetlands and the Department of Ecology's Small Cities Guidance.	•	Comment noted.
183.	7/26/2012	Commissioner Mahbubal Islam	• Request for 2005 State Agencies' ECA comments and the city's response go into the public record	•	Comment noted
184.	7/27/2012	Greg Krabbe	• Letter from Rob Zisette, Water Quality Principal at Herrera Environmental Consultants, Inc., regarding the annual volume-weighted total phosphorus (TP) concentrations in Lake Sammamish from 1994-2011.	•	Comment noted.
185.	7/31/2012	Jozef and Jessie Majerczyk	• Comments about property damages as a result of a neighboring development.	•	Staff is preparing a separate response to these comments, which will be available to the public and Planning Commission in August.
186.	7/30/2012	Megan & David Gee	• Documentation related to a tax appeal filed by the Gees on their property. Appeal was based	•	Staff is preparing a separate response to these comments, which will be available to the

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			on the presence of wetlands		public and Planning Commission in August.
187.	8/7/2012	George Toskey	• Responses offered and concerns raised regarding AMEC's response to questions raised in Comment #72: ○ Surface water temperature ○ Nutrient and pollutant loading resulting from development ○ Buffers	• 21A.50.330 (Streams)	
188.		Anon	• King County Map the Sammamish Basin and Watershed boundaries, the approximate area of the EHNSWB overlay and "Development Properties" within the overlay.	•	
189.	8/8/2012	Megan & David Gee	• Submitted existing and proposed code language for 21A.50.320 Wetlands – Limited exemption.	• 21A.50.320 (Wetlands)	
190.	8/14/2012	Hiram Betancourt	• Noted that trees had been removed from behind their house which provided habitat for Sparrows, Finches and Stellar's Jay.	•	Not sure this is meant to be ECA comment?
191.	8/15/2012	Greg Krabbe	• Memos provided describing code revisions to the EHNSWB section of SMC: ○ Allowance for development in the No Disturbance Area; ○ Minimized and reduction of stream erosion in the overlay due to development.	•	
192.	8/16/2012	Greg Krabbe	• Map submission showing potentially developable lands in the EHNSWB overlay.	•	
193.	8/17/2012	Greg Krabbe	• Submission of an analysis conducted by Rob Zisette (Herrera Environmental Consultants, Inc.) related to impacts to Lake Sammamish as a result TESC failures on various construction sites.	•	
194.		Anon	• Submission of a Seattle DPD Client Assistance Memo (CAM #327A) regarding	•	

#	Date Submitted	Name	Summary of Written Comment	Affected Code Section	Staff Comments
			"Environmentally Critical Areas Exemptions, Relief from Prohibition on Steep Slope Development, and Modifications to Submittal Requirements."		
195.	9/4/2012	Robert Sorensen	• Comments and considerations related to the evaluation forms slated for review on 9/6/2012: 2-1, 2-2, 2-8, 2-10, 2-11, 3-2, 3-3, 3-4, 3-17, 3-18	•	These comments were distributed to the Planning Commission for their consideration during Evaluation Form discussions on 9/6 and 9/20 and will be considered as well for 10/4; others as necessary.
196.	9/4/2012	David and Megan Gee	• Alternatives offered to the Evaluation Forms for: 3-3, 3-7, 3-19	•	
197.	9/6/2012	Department of Ecology (Patrick McGraner)	• Comment regarding isolated wetlands, including a link a publication entitled "Focus on Regulating Isolated Wetlands"	•	
198.	9/6/2012	Mark Cross	• Concerns about the proposed amendments and their possibly negative impacts on water quality	•	
199.	9/6/2012	GFK Consulting (Greg Krabbe	• Submission of a summary of GFKs findings regarding the three "Risk Assessment strategies: mapping, NPDES evaluation and Phosphorus runoff modeling"	•	
200.	9/6/2012	Reid Brockway	• Comments and concerns regarding primarily Recommendations 2-10, 2-11 and 2-12	•	
201.	9/7/2012	GFK Consulting (Greg Krabbe)	• Submission of a corrected letter GFK sent previously regarding NPDES data analysis (see #199)	•	
202.	9/10/2012		•	•	