

Reid 2/12/12

Testimony to 2/12/2013 City Council meeting

From: Reid Brockway, Susan Brockway

Subject: ECA code revision process

Our ECA code has some profound problems; it *still* does. The new draft code revisions just came out, and Citizens for Sammamish (C4S) will be providing an accounting of those problems. But tonight we want to speak about the process.

To some of us who worked hard making a case to fix the problems, the Planning Commission phase of this process was a big disappointment. The special issues of some individuals were addressed – like the ability of some to develop in the EHNSWB overlay – but in general the public testimony was courteously listened to then filed away and not revisited as the Planning Commission promised to do.

The volume of testimony was extreme – 280 exhibits, some of them large documents and multiple documents. And given that this Commission of volunteers had to do all its work in two-hour sessions every couple weeks over many months, perhaps one should ask whether expecting them to digest this mass of information would even be reasonable. It probably wasn't. But that's not the main issue we want to address.

Staff commandeered the process and defined the rules so that what the Commission had on the table for deliberation was a version of reality created by Staff, which was at odds with much of public testimony. But throughout deliberations the Commission did not refer back to the testimony. Meanwhile those rules assured that once deliberations started the public was silenced. We could not say "Wait, you're forgetting about..." whatever.

We can provide ample evidence of how some of the key public issues Staff chose not to deal with were distorted and discredited in the course of putting together a story for the Commission. The result was a minimized set of revisions that ignore many of the inequities that exist in the code. In so doing we are simply passing these problems along to the future. This is in keeping with the assertion Staff made at the beginning of the process that this revision is merely a "tweak".

As you probably remember, C4S submitted testimony to the Dec. 11 Council meeting describing in fair detail how this process was going down. We urge you to be familiar with what that says.

Before testimony was closed C4S also submitted to the Planning Commission a mark-up of the so-called Deliberation draft of the code changes prepared by Staff. In that mark-up C4S identified problems and proposed solutions. It distills a mass of testimony down into a manageable document that the Commissioners could have referred to along with Staff's material, but they didn't. C4S will be submitting another mark-up of the version that just came out, once we have time to review it.

EXHIBIT NO. **CC 1**

So to summarize...

The Planning Commission was hit with a tremendous volume of testimony – probably too much for them to digest. Staff tried to distill it down to something manageable, but in so doing changed and limited the message. The Commission promised to revisit the testimony during deliberations. They did not do this, and the public was silenced at that point, with no opportunity to expose oversights or misrepresentations by Staff. So many of the problems did not get addressed adequately, or at all, during deliberations. As a result, many inequities remain in the code.

The plea to the Council:

Let's do it right this time. Review the existing testimony yourselves if you possibly can. But please at least listen to Citizens for Sammamish. Listen to Erica Tilliacos and other involved citizens. Listen to AMEC. And listen to Staff. Then weigh the merits of what each says in the context of science and the law. But don't pretend to be listening then ignore us and focus on a version of reality produced by a Staff with their stated objective of limiting this revision to a "tweak". In many ways our code is broken and needs to be fixed. The approach that has been taken thus far has made some progress but is not getting that job done. Invest whatever time and research is necessary to make truly informed decisions, and please do it now; don't kick the can on down the road.