Debbie Beadle

From: Debbie Beadle
Sent: Tuesday, March 5, 2013 11:41 AM
To: Melonie Anderson
Cc: Lita Hachey; Kamuron Gurol (kgurol@ci.sammamish.wa.us)
Subject: FW: Gee's presentation for March 5 2013
Attachments: City Council 3-5-13 Fix ECA Disproportionate Impact.pptx

Thank you

Debbie Beadle
Administrative Assistant to the Community Development Director/Deputy Director
Employee of the Year 2012
Community Development Department
City of Sammamish
(T) 425-295-0525
(F) 425-295-0600

From: meggee@comcast.net [mailto:meggee@comcast.net]
Sent: Tuesday, March 5, 2013 11:37 AM
To: Debbie Beadle
Cc: Megan gee; David Gee
Subject: Gee's presentation for March 5 2013

I think I sent this to the city council address, but I'm not sure. I'm sending it directly to you so you can have it for us tonight. Thanks!

EXHIBIT NO. CC8

City of Sammamish Environmental Critical Area Update 2011-13

Cumulative Impact of ECA 21A.50.320 Wetlands – Development Flexibilities

[Low Function Wetlands < 4000 SF]

Public Comment - March 5, 2013 City Council Meeting

David and Megan Gee
22201 NE 28th Place
Sammamish, WA 98074

Cumulative Environmental Impact of ECA 21A.50.320 Wetlands – Development Flexibilities?

From: Mahbubul Islam [mailto:Islam.Mahbubul@epamail.epa.gov]
Sent: Tuesday, September 18, 2012 12:22 PM
To: Evan Maxim; Kamuron Gurol
Cc: Kathy Richardson; Michael Luxenberg
Subject: Potential Conflicts with State and Federal Laws

Items such as 2-10,2-11, 2-12, 3-17,3-18, 3-19, 3-21,4-15 (not an inclusive or definite list), if adopted as proposed will increase cumulative effects and thereby will add degradation to the existing water quality. In Sammamish, most of our

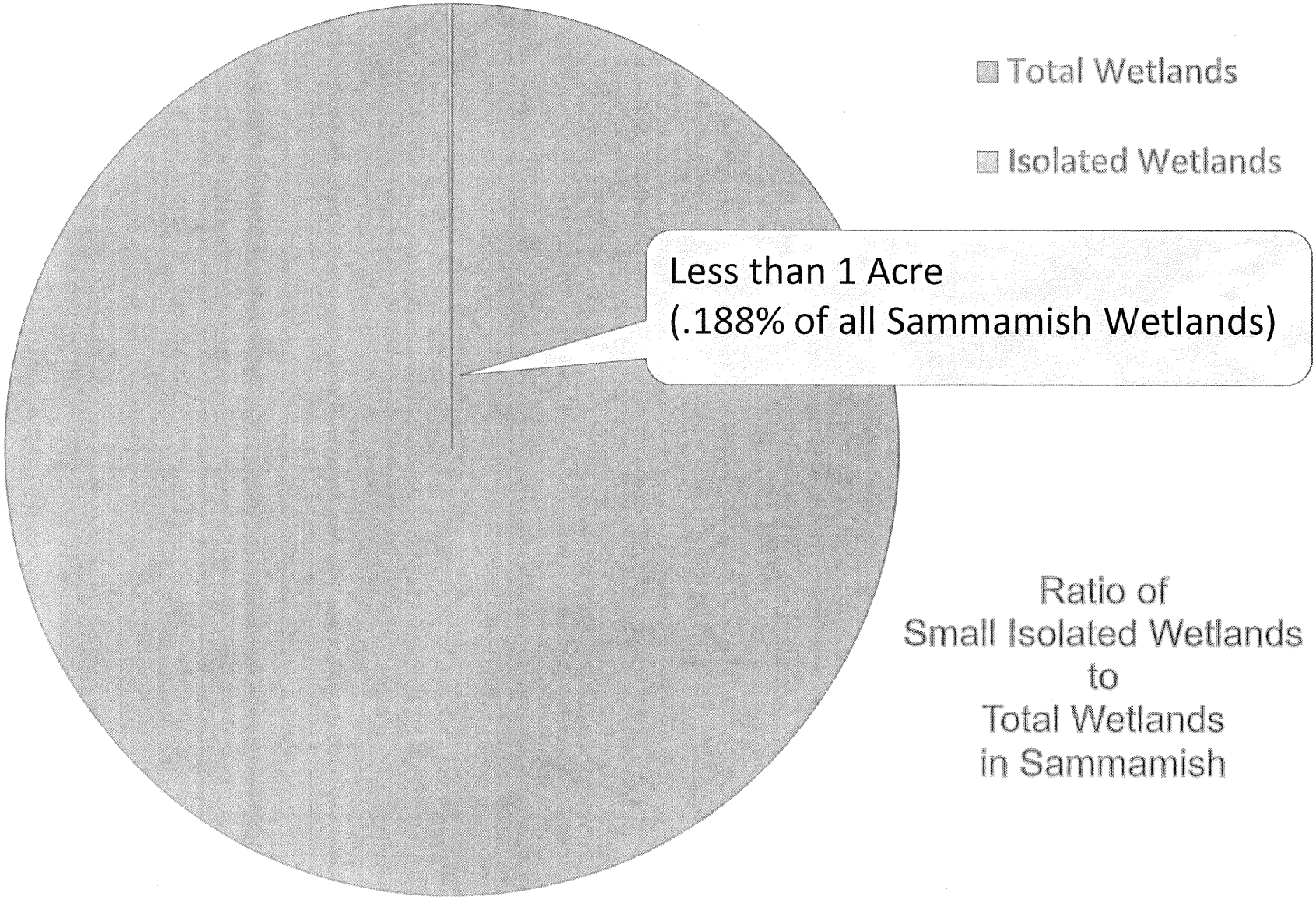
The Cumulative Environmental Impact of ECA 21A.50.320 is Negligible – Based upon Available Data:

- **Less than 1 acre of small isolated wetlands**
- **Less than 1/530 or .188% of all Sammamish wetlands**

Estimate Based upon Available Data:

- **530 total acres of wetlands** in Sammamish (per Sammamish Comprehensive Plan)
- **5 known small isolated wetlands (size not specified)** in Sammamish (per City staff)—at least 3 already have been mitigated
- **Double that and assume there are 10 small isolated wetlands**
- Assume (for ease of math) that each is exactly **4000 square feet**
- Totals approx. **40,000 square feet of isolated wetlands, less than 1 acre** [1 Acre = 43560 sq. feet]

The Cumulative Impact of ECA 21A.50.320 on the Environment is Negligible



Ratio of
Small Isolated Wetlands
to
Total Wetlands
in Sammamish

Any Environmental Impacts of ECA 21A.50.320 are Limited to Small Wetlands of Low Function and Value

- ✓ The wetland is not adjacent to a riparian area
- ✓ The wetland is not part of a wetland mosaic
- ✓ The wetland does not score 15 points or greater for habitat
- ✓ The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife

Environmental Impact below 4,000 sf is Speculative

The expectation is that the rating system will not work well for wetlands smaller than 4000 square feet . . . We did not have any wetlands smaller than 1/10 acre in our reference set, so we are unable to make a firm conclusion. My experience, however, is that the indicators of function become difficult to interpret in very small wetlands . . . We do not have any methods to adequately characterize functions in very small wetlands because no research has been done on their functions . . . .

Western Washington Wetland Rating System

21 August 2004 Annotated Version (DOE Tom Hruby Comment)

Revised ECA 21A.50.320 is Best Available Policy -- As Required by GMA

- Negligible cumulative impact (less than 1 acre=.188% of all Sammamish wetlands
- Eliminates inordinate cumulative impact on individual property owners
- Permits staff to "focus … time and attention on the most important natural resources." (DOE comment)

Thank You

David and Megan Gee
22201 NE 28th Place
Sammamish, WA 98074

Appendix

How many small isolated wetlands are there in Sammamish?

From: "Susan Cezar" <scezar@ci.sammamish.wa.us>
Date: Thu, Jan 26, 2012 10:43 am
Subject: isolated wetlands
To: "meggee@comcast.net" meggee@comcast.net

Hi Megan, thank you for your inquiry regarding hydrologically isolated wetlands under 5,000 square feet. The City does not have an inventory of all wetlands, or of isolated wetlands under 5,000 square feet. As you know, we did do some mapping work in a few areas of the city as time/resources allowed. There are a number of other resources that the city and the public can use to gain some information, such as the King County wetland inventory, aerial photos, and the mapped areas completed by the city. However, there isn't really a substitute for a professional evaluation on a site-specific basis.

A few projects that the staff recall contained an isolated wetland less than 5,000 square feet are noted below:

1. Ivy 12 Plat, PLN2009-00004
2. Wrobel & Beaver Crest Plats, PLN2005-00082 and PLN2005-00083
3. Gramercy Park, PLN2005-00075 (not positive on this one)

I hope this information is helpful to you.
Susan

[APPENDIX]

From: Mahbubul Islam [mailto:Islam.Mahbubul@epamail.epa.gov]
Sent: Monday, July 23, 2012 11:27 AM
To: Kamuron Gurol; Evan Maxim
Cc: Michael Luxenberg; Kathy Richardson
Subject: Some data about ECAs in Sammamish

Hi Kamuron/Evan,

As the Planning Commission prepares to begin discussion and deliberation on the ECA regulations update, I would find it helpful to have some statistics and administrative information. I presume that our individual and collective recommendations will require input from areas beyond best available science, such as, administrative ease of implementation. I like to request you to provide the following information before we begin our deliberation. Also, please post my questions and your responses at the Public Comment section for everyone's benefit.

Thanks,

Mahbubul Islam

Data about ECA:

Based on previous Sammamish/King County basin or sub-basin studies, delineations and wetland site studies for development permits, and other public knowledge, what would you estimate be the total number of ECAs (mainly wetlands and streams) in the City jurisdiction?

What would be the average size of a wetland (acres or square feet) in our City?

What category/class of streams and wetlands (S, F, Np, Ns or Category I-IV) predominantly found in our city? An estimate of the percentage of each category would be helpful.

What would be an estimate of total number of isolated wetlands in the City limit?

Data about administration and implementation:

How many wetland study reports were reviewed by the City as part of a development application in the last ten years?

How many wetland studies on an average the City receives a year from the public?

Do we have any wetland biologist on our city staff to review wetland studies?

How long (the number of hours) does the City staff require on an average to review an applicant's wetland study report?

How many times in the past ten year the City had to disagree with an applicant's wetland study report conclusion?

How frequently (i.e., how many times in the past 10 years?) the City uses a third party peer review of an applicant's wetland study report?

How many Reasonable Use Exception (REU) the City has received in the past 10 years?

How many Reasonable Use Exception (REU) the City has disapproved in the past 10 years?

Has there ever been any ECA "takings" lawsuit brought against the city? If so, how many? What were the Court's findings?

[APPENDIX]

From: Mahbubul Islam [mailto:Islam.Mahbubul@epamail.epa.gov]
Sent: Monday, July 23, 2012 11:27 AM
To: Kamuron Gurol; Evan Maxim
Cc: Michael Luxenberg; Kathy Richardson
Subject: Some data about ECAs in Sammamish

Hi Kamuron/Evan,

As the Planning Commission prepares to begin discussion and deliberation on the ECA regulations update, I would find it helpful to have some statistics and administrative information. I presume that our individual and collective recommendations will require input from areas beyond best available science, such as, administrative ease of implementation. I like to request you to provide the following information before we begin our deliberation. Also, please post my questions and your responses at the Public Comment section for everyone's benefit.

Thanks,

Mahbubul Islam

Data about ECA:

Based on previous Sammamish/King County basin or sub-basin studies, delineations and wetland site studies for development permits, and other public knowledge, what would you estimate be the total number of ECAs (mainly wetlands and streams) in the City jurisdiction?

What would be the average size of a wetland (acres or square feet) in our City?

What category/class of streams and wetlands (S, F, Np, Ns or Category I-IV) predominantly found in our city? An estimate of the percentage of each category would be helpful.

What would be an estimate of total number of isolated wetlands in the City limit?

Data about administration and implementation:

How many wetland study reports were reviewed by the City as part of a development application in the last ten years?

How many wetland studies on an average the City receives a year from the public?

Do we have any wetland biologist on our city staff to review wetland studies?

How long (the number of hours) does the City staff require on an average to review an applicant's wetland study report?

How many times in the past ten year the City had to disagree with an applicant's wetland study report conclusion?

How frequently (i.e., how many times in the past 10 years?) the City uses a third party peer review of an applicant's wetland study report?

How many Reasonable Use Exception (REU) the City has received in the past 10 years?

How many Reasonable Use Exception (REU) the City has disapproved in the past 10 years?

Has there ever been any ECA "takings" lawsuit brought against the city? If so, how many? What were the Court's findings?

[APPENDIX]

How much of Sammamish is wetlands?

"There are approximately 530 acres of wetlands in the City of Sammamish."

Sammamish Comprehensive Plan (Page IV-8)

[APPENDIX]