Debbie Beadle

From: David Gee <dgee@gsblaw.com>
Sent: Tuesday, March 12, 2013 2:41 PM
To: meggee@comcast.net; David Gee; ECA
Subject: David + Megan Gee Sammamish City Council Presentation 3-12-13 PLEASE PROVIDE TO CITY COUNCIL
Attachments: SEA_DOCS-#1094453-v1-Sammamish City Council Presentation 3-12-13.pptx

Thank you.

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EXHIBIT NO. CC17

City of Sammamish Environmental Critical Area Review

Public Comment in Support of Amendment to SMC 21A.50.320

March 12, 2013

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

Proposed Amendment Increases Environmental Protection

21A.50.320 Wetlands – Development Flexibilities. The following alterations shall be authorized if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter SMC 21A.50 Environmentally Critical Areas and are mitigated pursuant to an approved mitigation plan.

* * * * *

(2) Isolated category III and IV wetlands, as designated by a qualified professional in a written and approved critical areas study meeting the requirements of SMC 21A.50.130 and, which includes the use of the adopted Washington State Wetland Rating System for Western Washington, with a total area of more than 1,000 square feet and up to 4,000 square feet, may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered, provided:

(a) The total area of wetland alterations shall be limited to 2,500 square feet; and

(b) A critical areas study is prepared, which includes the use of the adopted Washington State Wetland Rating System for Western Washington, includes a review of the existing functions that the wetland provides, determines how the isolated wetland should be managed for ecological function of the watershed as a whole, and according to the approved critical areas study meets all of the following criteria:

(i) The wetland is not adjacent to a riparian area; and

(ii) The wetland is not part of a wetland mosaic; an

(iii) The wetland does not score 15 points or greater for habitat; and

(iv) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and,

(c) Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310 shall be prepared for review and approval by the City.

(3) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced to 15 feet, provided :

(a) The wetland does not score 15 points or greater for habitat in the adopted Western Washington Rating System; and,

(b) The wetland is not part of a wetland mosaic; and,

(c) The buffer functions associated with the area of the reduced buffer width are mitigated through the enhancement of the wetland, the remaining on-site wetland buffer area, and/or other adjoining high value habitat areas as needed to replace lost buffer functions and values; and

(d) No subsequent buffer reduction or averaging is authorized.

Existing Regulation Based on Size Only

21A.50.320 Wetlands – Limited exemption.

Isolated wetlands less than 1,000 square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

Exempts Small Wetlands of High Function and Value

Proposed Amendment notSimplest Option

[It would be easiest to amend Size Only]

21A.50.320 Wetlands – Limited exemption.

Isolated wetlands less than **4,000** square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. O99-29 § 1)

But … Exempts Small High Function/Value Wetlands

Proposed Amendment Protects Function and Value

(b) A critical areas study is prepared, which includes the use of the adopted Washington State Wetland Rating System for Western Washington, includes a review of the existing functions that the wetland provides, determines how the isolated wetland should be managed for ecological function of the watershed as a whole, and according to the approved critical areas study meets all of the following criteria:

(i) The wetland is not adjacent to a riparian area; and

(ii) The wetland is not part of a wetland mosaic; an

(iii) The wetland does not score 15 points or greater for habitat; and

(iv) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and,

(c) Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310 shall be prepared for review and approval by the City.

Amendment Increases Environmental Protection under the Sammamish Code

AMEC Review of DOE v. 1.0 + 2.0

(June 15, 2012)

"[R]ecognizing the need for some administrative flexibility, the Washington State Department of Ecology (2012) has provided guidance that could support exempting isolated wetlands up to 4,000 square feet from requirements to avoid impacts, with mitigation still required. By "isolated," the wetlands would not be associated with riparian areas or buffers for either streams or lakes and would not be part of a wetland mosaic, where they would function as a part of a larger collection of nearby wetlands. Ecology also recommends that exempt wetlands not provide habitat identified by the Washington Department of Fish and Wildlife as essential for local populations of priority species. For wetlands between 1,000 and 4,000 square feet, Ecology recommends that the exemption apply only to Category III and IV wetlands that do not score 20 points or greater for habitat under the Western Washington Rating System."

Amendment adopts DOE's recommended protections for function and value

Other jurisdictions using 4,000 sf + :

All focus on function and value; All require mitigation

Jurisdiction	Isolated Wetland Exemption	Compensation Required
1. Maple Valley	5000 sf (Isolated)	approved mitigation plan
2. Kent	5000 sf(Class III + IV)	replacement wetland area
3. Anacortes	4000 sf (Class III + IV)	impacts mitigated
4. Bellingham	4000 sf (Class III + IV)	impacts mitigated
5. Black Diamond	4000 sf (Class III + IV)	impacts mitigated
6. Des Moines	4000 sf (Class III + IV)	impacts mitigated
7. Everett	4000 sf (Class III + IV)	mitigation or mitigation fee
8. Olympia	4000 sf (Class III + IV)	wetland mitigation report required
9. Renton SMP	4000 sf (Class III + IV)	impacts mitigated
10. City of Sultan	4000 sf (Class III + IV)	surface water impacts mitigated
11. Mason County	4000 sf (Class III + IV)	impacts mitigated
12. Skagit County	4000 sf (Class III + IV)	impacts mitigated

RENTON MUNICIPAL CODE 4-3-090 SHORELINE MASTER PROGRAM REGULATIONS—D2b

Approved by DOE on November 1, 2011:

(b) Category III and IV wetlands and buffers between one thousand (1,000) and four thousand (4,000) square feet may be displaced; provided, that all of the following criteria are documented in a wetland mitigation plan:

(1) The wetland does not score twenty (20) points or greater for habitat in the 2004 Western Washington Rating System;

(2) The wetland is depressional and is recharged only by precipitation, interflow or groundwater and adjacent development cannot assure a source of recharge to maintain its hydrologic character through stormwater infiltration, or other means;

(3) The wetlands does not have a potential to reduce flooding or erosion or has the potential to maintain or improve water quality as evidenced by a score of at least ten (10) points on the applicable criteria of the Wetland Rating Form for Western Washington;

(4) The total area of the combined wetland and buffer is ten thousand (10,000) square feet or less and:

(A) It does not achieve a score of at least twenty (20) points on the Habitat Functions criteria of the Wetland Rating Form for Western Washington; and

(B) The wetland and buffer is not connected to a larger open space complex which may include, but is not limited to, a stream buffer, a buffer associated with a geological hazard, or other designated open space buffer sufficient to allow movement of terrestrial wildlife to and from the wetland and buffer complex without interruption by roads, paved areas or buildings within fifty feet (50');

(5) Impacts of displaced wetlands are mitigated pursuant to subsection D2dx of this Section.

Thank You

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