

**Debbie Beadle**

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**From:** Evan Maxim  
**Sent:** Tuesday, May 14, 2013 3:55 PM  
**To:** Debbie Beadle  
**Subject:** FW: ECA Amendments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**EXHIBIT NO.** CC 55.

Public comment

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Effective March 1<sup>st</sup>, my email address is: [emaxim@sammamish.us](mailto:emaxim@sammamish.us). Emails sent to my old email address are being forwarded temporarily, however please update your email address for me accordingly.

**From:** Kamuron Gurol  
**Sent:** Tuesday, May 14, 2013 3:53 PM  
**To:** Melonie Anderson  
**Cc:** City Council; Ben Yazici; Evan Maxim; Susan Cezar  
**Subject:** FW: ECA Amendments

Public input for the ECA

**From:** Nancy Whitten  
**Sent:** Tuesday, May 14, 2013 3:12 PM  
**To:** Tom Odell; Tom Vance  
**Cc:** Kamuron Gurol  
**Subject:** FW: ECA Amendments

FYI

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**From:** Rick Aramburu [[rick@aramburu-eustis.com](mailto:rick@aramburu-eustis.com)]  
**Sent:** Tuesday, May 14, 2013 11:02 AM  
**To:** Nancy Whitten  
**Subject:** ECA Amendments

Nancy:

Here are my comments and those of Wally Pereyra on the ECA amendments. A pilot program cannot be a laboratory experiment. In the lab, failed experiments and programs are easily discarded. However, with regard to the proposed "pilot programs", once a "pilot program" is in place there is essentially no manner to undo the harm if it fails. Accordingly, we believe that the whole concept of the "pilot program" should be rejected as only a means by which select property owners could avoid manifestly reasonable regulations, and thereby increase the risk of deleterious impacts to the streams running into Lake Sammamish and the associated fish populations, particularly the endangered Kokanee. Moreover, a failed "pilot program" will result in impacts to downstream residences such as Mr. Pereyra's.

## 2.1 PILOT PROGRAM PERIMETERS.

If the Council does decide to approve a "pilot program" it should be extremely limited in extent and implementation, as follows:

1. The program should be limited to a single project on a property no larger than 5 acres. The concept of allowing many developers to take advantage of the pilot program destroys its experimental nature and substantially undermines the environmental protections which have been provided by the ECA.
2. If geologic conditions permit, stormwater should be processed on site to contribute to the aquifer recharge functions. Any excess stormwater runoff from this pilot project should be tightlined to Lake Sammamish, but only after the runoff receives the highest level of water quality control available under the Stormwater Design Manual, including controls to remove at least 80% of the biologically available phosphorus. Level 3 flow control should also be applied before discharge into the tightline.
3. No pilot projects should be allowed in those subbasins that pose the greatest threats to Lake Sammamish because of the steep slopes, which include Ebright Creek, Zaccuse Creek, Pine Lake Creek and Mid-Monohon.
4. The land developer should be required to post performance bonds to assure that downstream and downslope property owners are financially protected from losses due to the program failure. Coverage of the bonds should include financial protection for public investments as well as resource restoration.
5. Careful and complete monitoring of the "pilot project" must be implemented. The effort must assure that the primary purpose of the pilot project is not financial benefit to the land owners, but rather the assembly of information useful to determining whether the prototype program is a valid means of resource protection.
6. No additional "pilot programs" should be allowed until the performance of the experimental pilot program can be evaluated and appropriate regulatory changes made to the City code. A minimum period of five years is required.
7. The City should establish an orderly process to determine which properties are best suited to be considered for a "pilot program." Criteria should include the topographic characteristics of the property, the presence of bodies of water and whether the property is best suited to provide a fair exercise of the pilot program given its purposes. The city should allow submission of requests for consideration within a defined time frame and review of the proposals by a reviewing panel leading to a selection of the best qualified pilot program. To allow "open season" for the pilot program would defeat its purpose, as would expansion of the program to multiple locations.
8. At least 50% of the site should be retained in natural open space to replicate the existing, predevelopment water cycle.

## 2.2 RELIANCE ON WATER INFILTRATION.

One of the areas of greatest concern is the reliance on infiltration of stormwater as a means to avoid surface runoff. In many locations, with favorable subsurface and topographic conditions, infiltration of water is a useful means to avoid damaging and erosive increases in stream flow in erosive areas such as the EHNSWB. However, in the complex, post glacial landscape on the East Lake Sammamish Plateau, infiltrating large amounts of runoff, essentially "out of sight," does not mean these waters can be considered "out of mind." As the Cumulative Impact Analysis states, the elimination of natural forested areas dramatically increases both surface and near-surface flows. This near-surface flow, known as "interflow" often flows down hill on clay or till layers, only to surface where these layers "daylight." Along the EHNSWB area, these points of "daylighting" are frequently into the same steep-sided canyons that are protected from surface water flows. Regrettably, the effect of interflows into steep canyons can be as bad as or worse than surface flows. Ebright Creek

has been the scene of at least two "blow outs" and slides that have created stream blockage, erosion and downstream sedimentation with severe impacts to fish populations, including Kokanee, and to Mr. Pereyra's property. These blow out slides occurred on the east side of the Creek, the same area as the recent land development activity. It is believed that the cause of these events was interflow from water infiltrated on adjacent property. It is likely that the law of unintended consequences is at work here.

As applied to the ECA, concerns about interflow must be considered. First, infiltration alone is not a solution to the runoff problem. Emphasis must be on retaining the natural vegetation on the site through maintaining native growth protection areas to achieve, as much as practicable, the same water cycle as before development as identified on page 29-30 of the Cumulative Impacts Analysis. Second, close attention must be paid to the subsurface conditions where substantial infiltration is proposed. Borings, test pits and other mechanisms must be employed to assure that the interflow does not impact adjacent properties and that infiltration does not impact aquifers used for drinking water.

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