Debbie Beadle

From: Melonie Anderson
Sent: Monday, May 20, 2013 1:06 PM
To: Debbie Beadle; Evan Maxim; Kamuron Gurol
Subject: FW: Electronic version of comments to 4/2 CC
Attachments: Testimony to 5-7-13 CC.docx

From: Reid Brockway [mailto:waterat@comcast.net]
Sent: Wednesday, May 8, 2013 7:42 AM
To: Melonie Anderson
Cc: John Curley; Don Gerend; John James; Tom Odell; Nancy Whitten; Ramiro Valderrama-Aramayo; Tom Vance
Subject: Electronic version of comments to 4/2 CC

Melonie,

Attached in electronic form is the testimony that I presented at the ECA hearing last evening.

Thanks,
Reid Brockway

EXHIBIT NO. CC61

Testimony to 5/7/2013 City Council meeting / hearing
From: Reid Brockway
Subject: ECA code update

I will be submitting written testimony, but I'd like to use this time to characterize what still needs to be done in addition to the changes in the PC Recommended Draft code, in my opinion and that of others in CFS with whom I have been working.

In this update, the city's premise from the start was that the code as established in 2005 was satisfactory, and this update is to take into account what may have changed in science and the law since then. Accordingly, Staff declared prior to the PC's work that this update is a "tweak", and the operating orders for the consultant were merely to address what has changed since 2005.

That premise is flawed. There are significant inequities in the 2005 code that need to be fixed, and now is the time to do it. The dramatization my wife and I presented a couple meetings ago hopefully gave you a feel for that.

I believe the reason there has not been a public outcry against these inequities is twofold:

First, most citizens don't find out about them until they undertake some project that causes them to go to the city for approval, and they get hit with unreasonable requirements, or

People simply do things under the radar, which is what happens when regulations are seen as unjust.

Our code should not count on this. It needs to be reasonable and strike a balance between environmental and human concerns, which it does not now do when it comes to developed neighborhoods (and in some other situations you have been hearing about).

The CFS mark-up of the code identifies many of these problems and recommends how to fix them. It provides the Council with a streamlined alternative to trying to digest the mass of testimony that was presented to the PC over the many months of its work (much of which the PC itself did not deal with). But why should it be necessary for the Council to consider prior testimony? After all, hasn't Staff provided you with the results of the PC phase? Unfortunately, Staff's distillation of that testimony, both as presented to the PC for their deliberations and as now being presented to you, is not faithful to that testimony. It reflects an agenda, which has been to minimize change to the code and preserve the status quo. That's blunt, but that is the reality that we citizens see who have been working this.

The CFS mark-up provides a means to identify and correct significant inequities that remain in the draft code. Please give it serious consideration in your deliberations.

Finally, I'd like to address the Dept. of Ecology's position on this, as reflected in their latest critique. Not surprisingly, the DOE does not approve of some of these changes. When it comes to the inequities in our code, they are part of the problem. They along with the WDFW, fail to recognize, or at least acknowledge, the problems created by applying forest practices to developed urban settings. To them habitat is habitat whether raw land or groomed landscaped yards. Further, both have stated policies of using the codes of local jurisdictions as levers to impose an agenda of habitat restoration. If you want explicit citations see Exhibit 233 from the Planning Commission phase.