

Testimony to 5/20/2013 ECA hearing

From: Reid Brockway

Subject: Accounting of issues in latest ECA code change draft

EXHIBIT NO. CC61A

This testimony concerns the status of various unresolved issues raised by Citizens for Sammamish that are present in the latest draft of the ECA code changes.

On March 4th Citizens for Sammamish (CFS) submitted a mark-up of the Planning Commission Recommended Draft ECA code changes identifying unresolved issues and recommending changes¹. Subsequently Staff has produced another draft containing additional changes, dated 5/7/2013, called the Council Review Draft. That later draft resolves a few of the problems CFS has identified but not the great majority.

Below is an accounting of the issues identified in the CFS mark-up that have and have not been addressed in the Council Review Draft, with the exception of those pertaining to isolated wetlands and erosion hazard near sensitive water bodies. These two exceptions are being addresses by other interested parties in their testimony.

Most of the issues that remain, as tallied below, fall into one of two categories:

1. Inequities in the code arising from the indiscriminate application of forest practices to developed urban neighborhoods
2. Inconsistencies and ambiguities that leave the code open to interpretation and allow the imposition of requirements that have little or no environmental benefit

To clarify, the following is a representative example of #2:

New Section 21A.50.060, Allowances for Existing Urban Development and Other Uses, is intended, among other things, to allow maintenance of landscaping within a stream buffer without the need to obtain a permit. However Section 21A.50.330, Streams – Development standards, contains the following requirement:

(10) In addition to the provisions of SMC 21A.50.060, removal of any native vegetation or woody debris from the stream or stream buffer may be allowed only as part of an approved habitat management plan, critical areas study, and/or alteration plan.

This additional requirement places an unreasonable burden on the resident whose yard happens to be within a stream buffer and who merely wants to maintain his landscaping.

¹ That mark-up was in Word format with comments, color coding of changes, and active links to supporting testimony. The version posted on the ECA page – CC004 – is a less useful black-and-white pdf scan.

Note that 21A.50.330 is “development standards”, but the new definition of Development (21A.15.XXX) includes “any project of a permanent or temporary nature exterior to a building”. Maintenance of landscaping clearly falls within this broad definition. 21A.50.060 and .330 are thus in conflict.

CFS believes it was not the intention of the Planning Commission to leave problems of this nature in the code. They should be fixed now, not left to burden residents for years to come.

Tally of CFS issue status

The following issues in the CFS mark-up² have been addressed, to the degree indicated:

C4S-3 Resolved. References to Fish and Wildlife Habitat Corridors and Conservation Areas have been removed from this paragraph, eliminating the conflict described.

C4S-107 Resolved. Redundant paragraph (3) has been deleted.

C4S-153 Partially addressed. A sentence has been added stipulating that fish and wildlife habitat corridors do not parallel Type Np streams as previously implied. However Type F streams should have been included in this statement as well.

The remaining issues in the CFS mark-up³ have not been addressed. The following is a list of those comments:

C4S-2	C4S-17	C4S-102	C4S-124
C4S-4	C4S-19	C4S-103	C4S-127
C4S-5	C4S-20	C4S-105	C4S-128
C4S-6	C4S-21	C4S-110	C4S-129
C4S-7	C4S-22	C4S-112	C4S-133
C4S-8	C4S-25	C4S-113	C4S-136
C4S-9	C4S-26	C4S-114	C4S-146
C4S-10	C4S-28	C4S-115	C4S-147
C4S-12	C4S-34	C4S-116	C4S-149
C4S-13	C4S-35	C4S-117	C4S-173
C4S-14	C4S-84	C4S-118	
C4S-16	C4S-96	C4S-120	

² Notation “C4S-n” refers to the comment identifiers in the CFS mark-up.

³ Not including those pertaining to isolated wetlands and erosion hazard near sensitive water bodies, which are left to the testimony of other parties