

Debbie Beadle

From: Evan Maxim
Sent: Tuesday, May 28, 2013 5:01 PM
To: Melonie Anderson; Debbie Beadle
Cc: Kamuron Gurol; Susan Cezar; Kathy Curry
Subject: FW: Comments on Environmentally Critical Areas Draft Ordinance
Attachments: Council Letter May 28, 2013.PDF

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Public Comment

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Effective March 1st, my email address is: emaxim@sammamish.us. Emails sent to my old email address are being forwarded temporarily, however please update your email address for me accordingly.

From: Brent Carson [mailto:brc@vnf.com]
Sent: Tuesday, May 28, 2013 4:54 PM
To: Evan Maxim
Subject: Comments on Environmentally Critical Areas Draft Ordinance

Please accept the attached letter to the City Council as formal comments on the provisions of the Draft Ordinance concerning the proposed pilot program.

Brent Carson
Partner

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May 28, 2013

VIA EMAIL DELIVERY

City Council
City of Sammamish
801 - 228th Avenue SE
Sammamish, WA 98075

Re: Proposed Amendments to Draft Code for Pilot Program

Honorable Council Members:

At the May 20th hearing on the Critical Areas update, Greg Krabbe submitted comments on proposed code changes for the Erosion Hazard near Sensitive Water Bodies (EHNSWB) overlay. Based on a letter from the Department of Ecology, the Cumulative Impacts report from ESA, and comments from councilmembers Valderrama-Aramayo, Vance and Gerand, Mr. Krabbe suggested certain changes to the draft code.

To assist in your deliberations, here are those suggested changes in code form for your consideration:

1. To address concerns about potential development in the subbasins of Ebright Creek, Pine Lake Creek, "mid-Monohon" Creek and Zaccuse Creek we would proposed the following:

REVISE SECTION 21A.50.225(5)(a) TO READ:

- (a) *Establishment of Pilot Program. A Pilot Program is hereby established to allow clearing and development projects within the no-disturbance area as set forth herein on land that has slopes of less than 40 percent grade, ~~and~~ that is located outside of environmentally critical area buffers, and that is not located within the subbasins of Ebright Creek, Pine Lane Creek, "mid-Monohon" creek or Zaccuse Creek.*
2. To address ESA's Cumulative Impact report and concerns about allowing infiltration projects within the pilot program we would propose the following:

REVISE SECTION 21A.50.225(5)(c) TO READ:

(c) Eligible Projects. Projects eligible for inclusion in this Pilot Program include, three (3) subdivisions with direct discharges to the lake using a permitted tightline system conforming to the requirements set forth in (c)(i) below and three (3) subdivisions or short subdivisions with connection to an existing offsite, manmade conveyance, conforming to the requirements set forth in (c)(ii) below without direct discharge via a tightline conforming to the requirements set forth in (c)(ii) or (c)(iii) below, and three (3) short subdivisions conforming to the requirements set forth in (c)(i), (c)(ii), or (c)(iii) below:

(i) Where direct access to Lake Sammamish is available, the applicant shall install permanent water quality treatment per adopted manual and a tightline storm drain system discharging directly into Lake Sammamish designed by a professional engineer using the most current drainage manual and technologies. The applicant shall also install temporary erosion sediment control improvements, in particular active water quality treatment. The tightline system shall extend through the property and be available by extension or easement upstream to properties that naturally drain to the subject property; or,

(ii) ~~Where direct access to Lake Sammamish is not available, the applicant shall design a project consistent with the development standards of Low Impact Development, specifically:~~

(A) ~~Sixty five (65) percent of the site shall remain as forested open space. Re-vegetation shall be required to convert non-forested open space to forested as part of the project approval.~~

(B) ~~No more than ten (10) percent of the gross site area may be covered with impervious surface.~~

(C) ~~The project's stormwater system shall limit stormwater discharge volumes to match the average annual volume discharged from the pre-developed forested site conditions as determined using a calibrated continuous simulation hydrologic model based on the EPA's HSPF program or an approved equivalent model. The city may modify these requirements based upon site specific analysis of the feasibility of required improvements, standards and specifications. Such analysis shall include evaluation of site and vicinity soils, hydrology, and other factors, as determined by the City, affecting the successful design of the stormwater or low impact development improvements. The city shall consider purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal when evaluating a waiver or~~

~~modification request. The applicant shall bear the burden of proof that a waiver or modification is warranted.~~

(iii) Where access to Lake Sammamish is only available via connection to an existing offsite, manmade conveyance, the applicant shall design a project consistent with the following:

- (A) The project site must be less than 5 acres in size;
- (B) Permanent stormwater treatment and flow control facilities shall be installed consistent with current City standards. In addition, these facilities shall be designed to achieve a goal of 60 percent total phosphorus (TP) removal for the WQ design flow or volume (defined in Section 6.2.1, p. 6-17 of the 2009 KCSWDM);
- (C) Stormwater detention shall be enhanced to achieve Level 3 flow control or equivalent based upon the adopted surface water design manual and Title 13 Surface Water Management;
- (D) All treatment and flow control facilities, tightlines, and connections to existing offsite, manmade conveyances shall be designed by a professional engineer, using the adopted surface water design manual. The off-site manmade conveyance shall be evaluated per section 1.2.4.2 (Conveyance Requirements for Existing Systems) of the adopted surface water design manual and Title 13 Surface Water Management. A downstream analysis of all open channel elements of the off-site, manmade conveyance shall be required. The analysis shall address the entirety of the conveyance from the project site to Lake Sammamish and shall include a field inspection, geotechnical review, and quantitative hydraulic analysis. The analysis shall be subject to a third-party peer review at the applicant's expense. Any necessary repairs or improvements to the existing offsite, manmade conveyance, as identified in the downstream analysis, shall be required to ensure that the conveyance can function properly without creating or exacerbating erosive or flooding conditions within the conveyance or on other affected areas;
- (E) Temporary erosion and sediment control improvements, in particular temporary flow attenuation and active water quality treatment, shall be installed in accordance with current City standards, subject to the additional provisions of 5(e), below;
- (F) Effective impervious surface coverage on each residential lot shall be limited to a maximum of 50 percent of the lot area;
- (G) A minimum of 15 percent of the gross project site area shall be retained as open space. This open space shall be in addition to the open space otherwise required for recreational use, and shall be established in dedicated tracts that may include stormwater management facilities;
- (H) In addition to meeting current tree retention standards per SMC 21A.35.210(1)(a), all dedicated open space areas shall be revegetated. Revegetation shall consist of: native trees (70% evergreen), provided

at a rate of 1 per 200 square feet and spaced no more than 40 feet on center; native shrubs, provided at a rate of 1 per 20 square feet; and groundcover pursuant to SMC 21A.35.080. Revegetation shall apply to disturbed areas not otherwise occupied by storm water management facilities or recreation area;

- (I) A minimum of 15 percent of each residential lot shall contain drought-tolerant native plantings; and,*
- (J) Each single-family residence developed shall provide roof rainwater harvesting (collection, storage, and distribution) facilities sufficient to flush toilets for a family of four.*

3. To address Ecology's recommendations regarding the importance of maintaining baseflow to streams while recognizing that the amount of mandated open space and any limitation on the amount of impervious surfaces must be related to each project's contribution to baseflow, we would propose the following:

ADD A NEW SUBSECTION (vi) TO SECTION 21A.50.225(5)(e) TO READ:

(vi) Baseflow Maintenance. Pilot Projects shall maintain adequate baseflow to adjacent streams by setting aside forested open space and limiting the amount of impervious surfaces in amounts that shall be determined on a case by case basis.

We appreciate your favorable consideration of these changes.

Very truly yours,



Brent Carson

BC:kl