

Debbie Beadle

From: Melonie Anderson
Sent: Thursday, June 13, 2013 10:54 AM
To: Debbie Beadle
Subject: FW: Public Comment
Attachments: CC Comments.doc; CC Handout - RCW.doc

These need to be added to the record.

Thanks

-----Original Message-----

From: George Toskey [mailto:getoskey@gmail.com]
Sent: Tuesday, June 4, 2013 10:18 PM
To: Melonie Anderson
Subject: Re: Public Comment

Melonie,

Attached is my presentation and the paper copying portions of RCW 36.70A placed before the council members on June 4.

Thanks,
George

EXHIBIT NO. CC95.

Comment on Proposed ECA Regulations before Sammamish City Council

With respect to the proposed environmentally critical area (ECA) regulations, I believe that the Council should be considering the reason for these regulations as dictated of RCW 36.70A - Growth Management. The handout in front of you shows the Planning Goals and the definition of Critical Areas copied from the Revised Code of Washington.

I have highlighted Planning Goals 6, 7, 9, and 10 because these are the goals that the ECA regulations are required to meet. The goals are not listed in order of priority. Goals 6 & 7 could be characterized as property rights goals and goals 9 & 10 could be characterized as environmental goals. I personally dislike labels attached to goals or to people. The important point is that the ECA regulations must meet all of these goals.

I believe that the proposed ECA regulations do not meet the goals of the Growth Management Act, but rather attempt to keep Sammamish from changing. I believe that this is both legally and morally irresponsible. Perhaps Sammamish should not have been included within the urban growth area. Then, the regulations might be appropriate. Perhaps the residents of Sammamish want the City to stay the same. Then, the residents should tax themselves to buy development rights or actual property for parks and other green areas. However, there will continue to be the problem of providing for population growth within the City. The town center plan was supposed to solve this last problem, but I do not want to beat on that dead horse here.

Why do I believe what I have just said? Please look at the RCW definition of Critical Areas. I have highlighted the list. There are no erosion hazard areas, landslide hazard areas, seismic hazard areas, wildlife habitat corridors, ponds, or even streams. The first three may fall into the RCW category of geologically hazardous areas. The last three might fall into the RCW category of fish and wildlife conservation areas until one looks at its WAC definition; WAC 365-190-130. I believe that conservation of Kokanee is the only possible species that justifies creation of fish and wildlife conservation areas within the City.

The proposed regulations will not affect me directly. However, I hate to see any government use its regulatory power to take property without compensation and to harass people without just cause. I also hate to pay the legal costs of defending regulations that should never have been passed in the first place.

George E Toskey
425-836-2157

2727 E Lake Sammamish Pkwy NE
Sammamish, WA 98074

June 4, 2013

Comment on Proposed ECA Regulations before Sammamish City Council

June 4, 2013

RCW 36.70A - Growth Management

RCW 36.70A.020 – Planning goals

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.**
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.**
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.**
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.**
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process

RCW 36.70A - Growth Management

and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

RCW 36.70A.030 – Definitions

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.