Environmentally Critical Areas – Public Hearing

City Council
June 4, 2013
Tonight

- Overview of packet materials
- Schedule
- Public hearing
- Begin deliberations
Packet materials

- Decision Table of amendments for consideration
  - Councilmember-proposed
  - Public agency comment
  - Public-proposed

- Corrections to ECA public record
Schedule

- **June 4 - Tonight:**
  - Re-open public hearing, take testimony, close public hearing
  - Begin deliberations
    - Motion to adopt the Council review draft, second the motion
    - Consider amendments using Decision Table

- **June 17** – As needed, continue deliberation on remaining amendments

- **July 2** – Review/confirm code language reflecting deliberations
Deliberation Overview

1. **Initial Motion**: “I move that the Council adopt the Council Review Draft amendments to the Environmentally Critical Areas regulations”

2. **Second** to the motion

3. **Amend** the code using Decision Table

4. **Vote** on motion as amended
Public Hearing

Testimony
Deliberation Overview

1. **Initial Motion**: “I move that the Council adopt the Council Review Draft amendments to the Environmentally Critical Areas regulations”

2. **Second** to the motion

3. **Amend** the code using Decision Table

4. **Vote** on motion as amended
Using the Decision Table

- Amendments for consideration have been grouped by source and subject
  - Councilmember-proposed
  - Public agency comment
  - Public-proposed

- Each item needs a motion from the proposing Councilmember, and a Second, in order to be considered

- Amendments to each item can be proposed via motion and second, and the item is thus ‘perfected’
Example:

- **Mom:** We need to decide on dessert, do I hear a motion?
- **Son:** I move to have ice cream
- **Daughter:** I second that motion
- **Mom:** Motion and second for ice cream, discussion?
- **Dad:** I support ice cream for dessert, and I move to amend the motion to add chocolate sauce
- **Daughter:** I second that motion
- **Mom:** Motion and second to add chocolate sauce, all in favor? (All vote in favor)
- **Mom:** Any other amendments?
- **Dad:** I also move to amend the motion to add sprinkles (no second, only silence)
- **Mom:** Motion dies for lack of a second
- **Mom:** Back to main motion, ice cream and chocolate sauce for dessert, all in favor? (All vote in favor)
- **Mom:** By a vote of 4 to 0, the main motion as amended (ice cream and chocolate sauce) is adopted
Decision Table Item #1

- Identification/protection of “Wetlands of Local Significance”
  - Additional direction on this amendment needed
  - Current buffer is 215 feet, BAS range up to 250+ feet
  - Other goals could include increased education

**Motion:** I move that the ECA code be modified to include...
Decision Table Item #2

- **Critical Aquifer Recharge Areas:**
  a. Open loop geothermal wells prohibited in all CARA areas
  b. Closed loop horizontal & vertical geothermal wells that use chemical heat transfer fluid (not water) prohibited in CARAs.
  c. Closed loop vertical geothermal wells that use potable water for heat exchange prohibited in all Class 1 & 2 CARA areas
  d. Closed loop (vertical) geothermal wells allowed in Class 3 CARA areas, if they comply with WAC 173-160.
  e. City tracking of closed loop geothermal wells in Class 3 zones
  f. Allow horizontal heat exchange systems in all CARA areas

- **Motion:** “I move that the ECA code be revised to include the elements listed in Decision Table Item 2, sections a through f.”
Decision Table Item #3

- **Site Specific Stream Buffer Location**
  - Originally considered by Planning Commission as Item 2-10 (Volume 2, Tab 5, page 12)
  - Staff comments:
    - Best Available Science does not support this type of approach to stream protection
    - There is no recognized system available for implementation
    - See Existing Flexibilities document in ECA Volume 1, Tab 4
Decision Table Item #4

- Stream and Wetland Fee-in-Lieu mitigation
  a. Limit the use of fee-in-lieu mitigation for streams and wetlands to city capital projects and single family homes (prohibited for subdivisions and non-residential development)
  b. Limit fee-in-lieu mitigation to the same sub-basin as the altered wetland or stream
  c. Set up a City of Sammamish fee-in-lieu mitigation program
  d. Prioritize fee-in-lieu mitigation sites to expand the habitat for Lake Sammamish kokanee or provide for expanded educational opportunities
Decision Table Item #5

- Allowances for Existing Urban Development & Other Uses
  a. Amend the code to replace the term “building” with “single family dwelling units”
  b. If “a” is not adopted, allowances would only be provided for expansions to existing single family residences
Decision Table Item #6 (slide 1)

- **Isolated / Small Wetland Flexibilities – Pilot Program**
  a. Up to 3 isolated wetlands associated with single family homes
  b. Applies to Category III or Category IV isolated wetlands with an area of 4,000 square feet, and a low habitat score (<15)
  c. Require all pilot projects to be responsible for monitoring and city management expenses related to the program
  d. Require a bond or other financial surety to ensure successful implementation of pilot projects
  e. Require that the applicant / developer indemnify and hold the city harmless for the consequences of a pilot program
Isolated / Small Wetland Flexibilities – Pilot Program

f. Mitigate impacts through King County fee-in-lieu mitigation program (prioritization given to in-City mitigation through inter-local with King County), or

i. Allowing on-site relocation of the wetland and associated wetland mitigation

ii. Additional option – allow for all small wetlands (not just isolated) to participate in pilot program
**Decision Table Item #7**

- **Isolated / Small Wetland Flexibilities**
  
  a. Add a water quality / hydrology component in identifying which isolated wetlands would qualify for additional flexibility
  
  b. Prohibit the exemption of isolated wetlands within the Lake Management Areas of Beaver and Pine Lake
Continue Deliberations on June 17
Bogs of Sammamish

- Evans Creek #23 (flanks the northern boundary of the City)
- Evans Creek #27 (a.k.a. “Gazebo bog” in Pacific Estates)
- Evans Creek #39 (unincorporated King County – in City’s UGA)
- East Lake Sammamish #9 (west of Allen Lake)
- East Lake Sammamish #21 (northeast of Beaver Lake, SW of Trossachs)
- East Lake Sammamish #26 (flanks SE 24th, east of 228th)
- East Lake Sammamish #30 (blueberry bog west of Pine Lake)
- East Lake Sammamish #17 (south of E. Beaver Lake Way)
- East Lake Sammamish #58 (south of Pine Lake, west of 223rd Ave. SE)
- East Lake Sammamish #39 (Laughing Jacobs Lake)
- Patterson Creek #18 (in High County, southeast of Beaver Lake)
- Patterson Creek #24 (in High County, southeast of Beaver Lake)
Staff comments

- Every bog wetland provides unique values
- Other unique/outstanding “Wetlands of Significance” could include:
  - Evans Creek #31 (Mystic Lake, a fen which is similar to a bog, and a Category 1 wetland)
  - East Lake Sammamish #10 (the Hazel Wolf wetland and a Category 1 wetland that has outstanding wildlife habitat and water quality and hydrology functions)
  - East Lake Sammamish #17 (a Category 1 wetland that serves as the headwaters to Ebright Creek)