

Langley Passage Preliminary Plat
City Council Closed Record Review – Questions to the Record
September 20, 2010

Councilmember Abel

1. In the record is there a conclusion that the drainage ditch is in compliance with LMC 16.20.010 or the Comp Plan? Seitle, (p. 3, PAB Minutes, 3rd paragraph from bottom, 4/2/10)
2. Does the record show the drainage is consistent with the Comp Plan which requires development to occur concurrent with the provision of public utilities. (Erickson, PAB Minutes, 4/14/10, 2nd paragraph from bottom)
3. Does the record show evidence that the bluff will not see additional water as the result of this development? Sugar admits additional water would move downgradient toward bluff when the top layer was below the level of the ditch water. (Sugar, p. 6, PAB Minutes, 8/4/10, 4th paragraph)
4. Does the record show the impact of home irrigation on drainage? (Erickson, p. 7, PAB Minutes, 8/4/10, 1st paragraph)
5. Does the record show that the water leaving the site would not exceed predevelopment conditions? (Seitle, PAB Minutes, 4/14/10, p. 2, 5th paragraph from bottom)
6. Does the record show that SEPA has been complied with in regard to the ditch and County's Outflow? (Erickson, p. 7 Minutes 8/4/10, 2th paragraph from bottom)
7. What does the record show regarding the preferred choice of infiltration for storm water? LMC 15.01.430 does not require infiltration making infiltration near a bluff was an exception. (Adams, p. 10, PAB Minutes, 8/4/10, 2nd to last paragraph)
8. Although typically infiltration is best for storm water given the unstable and geologically hazardous bluff is it problematic in this instance. Does the Record address this one way or another? Erickson, p. 8, PAB Minutes, p. 8, last paragraph)
9. Does it show in the record that bluff monitoring was added to report? (Sundberg, p. 13, #1, PAB Minutes, 8/4/10)
10. In the discussion of impervious surfaces, Cort said that gravel driveways were part of the 2500 sq. ft. impervious surface per house allotment. Does the record

- show how that 2500 sq. ft. figure was derived? (Cort, p. 8, PAB Minutes, 4/14/10, 2nd paragraph)
11. Does the record show how pesticides and fertilizers will be kept from the wetland? (Erickson, p. 8, PAB Minutes, 4/14/10, 3rd paragraph from the bottom)
 12. Does the record resolve the delineation of the wetland? According to the development design there is a home in the wetland buffer. (Erickson, p. 7, PAB Minutes, 4/14/10, 3rd paragraph from bottom)
 13. Does the record show what the construction techniques to minimize both the long and short terms impacts of the waterline loop are? (Goodman, p. 3, #3, PAB Minutes, 4/28/10)
 14. No trees over 6" caliber can be removed from site. Does the record show if that includes or excludes the wetland trees? In other words, can small trees be removed from the wetland? (p. 1, Final Recommendation PAB,, 8/11/10, Mitigation No. 12)
 15. Does the record show a definition for native plants? (p. PAB Final Recommendations, 8/11/10)
 16. Does the record show if there is mitigation and long term maintenance for the wetland waterline installation disturbance?
 17. Does the record show if the Sandy Point Private sewer system proposal was legal at the time the application was complete (1/30/07)? (Seitle, p. 1, PAB Minutes, 4/14/10, 2nd from last paragraph)
 18. Does the record show whether upzoning was dependent on Edgecliff having gravity fed sewers, or just sewers? (Seitle, p. 2, PAB Minutes, 4/14/10, paragraph 4)
 19. Does the record show if gravity fed was required at time of complete application (1/30/10)? (Seitle, P. 2, PAB Minutes, 4/14/10, 4th paragraph)
 20. Does the record address mitigation of storm water by reducing sewage water if the sewers ran down Edgecliff? (LCAA Appeal to PAB 8/23/10, Paragraph 3.2)

Councilmember Gilman

Ground water increase standard:

1. What does the record show about the City's standard for allowable surface runoff from one property to another due to new development?

2. In the MDNS the standard for ground water flow to an adjoining property is "will not exacerbate existing problems down gradient of the site." Is there anywhere else in the record where this standard is elaborated? Does the record show that the City has a relevant standard for the project-caused increased flow of ground water from one property to another in its code or plans other than Policy J in the Utilities Element of the Comp Plan?
3. Rex Baum of USGS recommended a "prohibit increases in ground water levels and erosion of the bluff" standard. Is there anywhere in the record where that standard is scientifically refuted?

Ground water impact on the bluff:

1. Does the record show that water is flowing out of the wetland into the ditch year-round, or anything about when it is flowing?
2. Does the record show that any seasonal modeling of the ground-water system was done?
3. Does the record show that infiltration from lawn and garden irrigation was considered?
4. The record shows that Mark Varljen received some documents from the City (Aspect, withdrawal of MDNS, HWA geotech study, Davido ltr, HWA boring report). Did he get any other documents? Did he make a site visit?
5. Other questions:
6. Is there a Finding of Fact in the MDNS that identifies any probable significant adverse environmental impact associated with the proposed increased outflow through the drainage ditch system?
7. Does the record contain an analysis of the impact of increased ground water on the extent and seasonal levels of inundation of the wetland?
8. Does the record show that there are wetland determinations for all of the properties east of the project property?
9. Does the record contain documentation of any attempt to acquire an alternative route for the waterline?
10. Does the record contain Best Available Science supporting the specific numbers used in the impervious cover mitigation 6 and the tree cover mitigation 11?

Councilmember Sparkman

1. What in the record points to the applicant's initiative to take all precautionary measures to mitigate issues such as ground flow?
2. Where in the record can we find the specific milestones along the way that show applicant working toward mitigating concerns raised during PAB meetings?
3. Where in the record does it point to applicant's provision of education to potential property owners (in Langley Passage) about minimizing stormwater runoff and groundwater infiltration?
4. Where in the record is a description of the mitigating sequencing provisions of the SEPA Rules?
5. Where in the record is there an explanation of infiltration and of tight line drainage?
6. Where in the record does it indicate when applicant acquired the property?
7. Where in the record was monitoring of the bluff left out of requirements?

Councilmember Neff

1. Experts agreed that some water would migrate across the road onto properties to the north. Was there anything in the record that explained why they thought the amount would not be significant? How would we know for sure? Were there any definitive scientific studies done on the amount of water that migrates over to the North now?
2. Does the record show what the preferred way the city would like to deal with water coming off of a property around a wetland?
3. Does the record show if the developer contacted neighboring properties to see if they would be willing to grant easements for the water line that currently is planned to go through the wetland?
4. Is there anything in the record that explains whose responsibility it is to keep the ditch clean and flowing?
5. Is there anything in the record about who will monitor the ditch into perpetuity?
6. Is there anything in the record that explains why car washing and yard watering was not considered significant?
7. Is there anything in the record that explains why it was felt that infiltration of water was not significant near a bluff?

8. Please lead me to the place in the record that shows where the water table and aquifer is in relations to the property to be developed and the properties to the north.
9. Where in the record does it explain what constitutes a properly designed and constructed water disposal system?
10. Where in the record does it explain what constitutes proper management of run off?
11. The two reports disagree about the assessment of ground water dispersion. (HWA and Aspect) Where in the record does it give guidelines in order to determine which expert is correct in their judgment? What qualifications or substantial evidence in the report makes one expert's opinion more valid than the other?
12. Does the record show how much water the wetland currently holds? Is there anything in the record that shows how much more the wetland can absorb before it will be a standing pond or have water flowing out of it to the north?