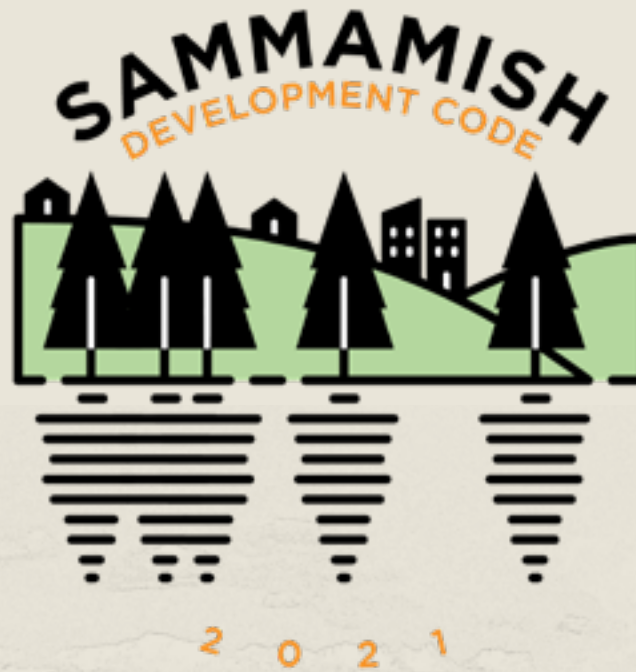


CITY OF SAMMAMISH



**TITLE 21: SAMMAMISH DEVELOPMENT CODE**

Adopted December 14, 2021  
Effective Date: January 1, 2022  
Revision Issued: January 23, 2024

# ACKNOWLEDGMENTS

## City Council

Mayor Karen Moran  
Deputy Mayor Christie Malchow  
Councilmember Tom Odell  
Councilmember Kent Treen  
Councilmember Chris Ross  
Councilmember Ken Gamblin  
Councilmember Pam Stuart

## Planning Commission

Mark Baughman, Chair  
Rituja Indapure, Vice-Chair  
Karthik Seetharaman  
Mike Bresko  
Thorin Labby  
Josh Amato  
Karen Malcolm

## Sammamish City Staff

David Pyle, Community Development Director  
Chris Hankins, Planning Project Manager  
Evan Fischer, Management Analyst

## Citizens Advisory Group

Leslie Lardie  
Mary Johnson  
Mark Cross  
Mary Wictor  
Larry LeSueur  
Todd Levitt  
Jun Qui  
Bob Sorenson  
Lynn Schneider  
Jay Regenstreif  
Christian Nichols  
Brett Pudists

## Consultants

Framework  
Code Studio

# TITLE 21

## SUMMARY OF CONTENTS

Chapter 21.01. Introduction . . . . .	1
Chapter 21.02. Neighborhood Design . . . . .	7
Chapter 21.03. Environment & Sustainability. . . . .	59
Chapter 21.04. Zoning Districts . . . . .	190
Chapter 21.05. Uses . . . . .	259
Chapter 21.06. Development Standards . . . . .	302
Chapter 21.07. Town Center. . . . .	397
Chapter 21.08. Public Works and Buildings . . . . .	570
Chapter 21.09. Administration. . . . .	613
Chapter 21.10. Definitions . . . . .	681

## ERRATA CORRECTIONS

Section	Adopted Text	Corrected Text	Reason
February 7, 2022			
21.03.020.W.2.a.	Cross-reference: subsection 3.a.i. Cross-reference: subsection 3.a.ii.	Cross-reference: <a href="#">SDC 21.03.020.W.2.a.i</a> Cross-reference: <a href="#">SDC 21.03.020.W.2.a.ii</a>	Scrivener's error
21.03.050.D.3.c.ii.	Cross-reference: Chapter 20.05-SMC	Cross-reference: <a href="#">SDC 21.09.010</a>	Scrivener's error
21.03.050.D.4.e.	Cross reference: SMC 13.20.040	Cross-reference: <a href="#">SDC 21.03.050 D.4.e.</a>	Scrivener's error
21.03.050.D.4.g.	Cross-reference: Chapter 20.05-SMC	Cross-reference: <a href="#">SDC 21.09.010</a>	Scrivener's error
21.06.040.J	Title: school capabilities	Title: school capacities	Scrivener's error
21.07.060.C.4.	Title numbering e. 5., 6., 6.a.	Title renumbered f., g., h., renumber subsections	Scrivener's error
21.07.060.C.7.	Title numbering 7: Building design - Blank walls	Title numbering 5: Building design - Blank walls	Scrivener's error
21.07.060.C.8.	Title numbering 8: Building design - Parking garage design	Title numbering 6: Building design - Parking garage design	Scrivener's error
21.07.100.B.4.	Table Title: Temporary Signage	Table Title: <a href="#">Alternative Calculation</a>	Scrivener's error
21.09.010.F.2.e.	Cross-reference: Chapter 20.05-SMC	Cross-reference: <a href="#">SDC 21.09.010</a>	Scrivener's error
21.09.020.T.4.	Cross-reference: SMC 21A.60.140	Cross-reference: <a href="#">SDC 21.06.040</a>	Scrivener's error
February 26, 2022			
<i>throughout</i>	Cross-references	Digital cross-references	Enhancement
April 8, 2022			
21.03.020.W.	Cross-reference: "subsection 5.b. of this section."	Cross-reference: "subsection 5.b. of this section."	Scrivener's error
21.04.040B	Cross-reference: <a href="#">SDC 21.04.040B.134</a>	Cross-reference: <a href="#">SDC 21.04.040B.135</a>	Scrivener's error
June 29, 2022			
21.03.050	Surface Water Management (Title 13)	As adopted by City Council	Revision
August 3, 2022			
21.02.060.D.4.c.	Land Division	Cross-reference to subsection <a href="#">b.</a> of this section	Revision
November 17, 2022			
21.02.030.G.	Cross-reference: SDC 21.09.030.E.3.	Cross-reference: <a href="#">SDC 21.09.130.E.3.</a>	Scrivener's error
<i>throughout</i>	Cross-reference <a href="#">SDC 21.06.010</a>	Cross-reference <a href="#">SDC 21.04.030</a>	Scrivener's error
21.03.020.AA.6	Cross reference: subsection 7.	Cross reference: subsection <a href="#">g.</a>	Scrivener's error
21.03.020.AA.6	Cross reference: subsection 7.b. through 7.d.	Cross reference: subsection <a href="#">g.ii</a> through <a href="#">g.iv.</a>	Scrivener's error
21.04.030.C.	<del>R-113.</del>	<a href="#">R-1 (13)</a>	Scrivener's error



## ERRATA CORRECTIONS

Section	Adopted Text	Corrected Text	Reason
21.04.030C.	Maximum structure height (3)(15)(29)	Maximum structure height (3)(15)(28)	Scrivener's error
21.04.030C.	Maximum structure height 35 ft (20)	Maximum structure height 35 ft (21)	Scrivener's error
21.04.030C. FN(17)	Cross-reference: <del>SDC 21.04.040(D)(2)(d)</del>	Cross-reference: <a href="#">SDC 21.05.010C. FN(5)a.</a>	Scrivener's error
21.05.010N.	Amusement and <del>recreation</del> services	Amusement and <u>recreation</u> services	Scrivener's error
21.06.050	Footnotes throughout numbered with . after	Footnotes throughout numbered with ( )	Scrivener's error
21.07.010D.4.	Add School Impact Fees	<u>Added: 21.09.090 School Impact Fees</u>	Scrivener's error
21.07.010K.1.	<del>Type 3</del> Land Use Application	<u>Type 2</u> Land Use Application	Scrivener's error
21.07.030B.3.	Cross-reference: SDC 21.07.060C.7	Cross-reference: SDC 21.07.060C.5	Scrivener's error
21.07.030B.35.	Cross-reference: SDC 21.04.040B.96	Cross-reference: SDC 21.04.040B.97	Scrivener's error
21.07.040.D. FN(1)	Cross-reference: <del>SDC 21.04.040B.125.</del>	Cross-reference: <a href="#">SDC 21.04.040B.126.</a>	Scrivener's error
21.07.090.K.4.	Add cross-reference	Cross reference added: <a href="#">SDC 21.07.060</a>	Scrivener's error
21.07.110D.1.d.	Cross-reference: <del>Chapter 13.20</del> SMC	Cross-reference: <a href="#">SDC 21.03.050D.</a>	Scrivener's error
21.07.010 - end	Title replaced throughout Chapter 21.07	<u>Chapter</u> used throughout to refer to SDC 21.07 Town Center	Scrivener's error
21.09.010.B (Table row: Type 2)	<del>site development permit</del>	<u>Commercial Site Development Permit pursuant to <a href="#">SDC 21.09.050</a></u>	Clarification
21.09.130.C.	Cross-reference: SDC 21.04.040B.(237),	Cross-reference: SDC 21.04.040B.(241),	Scrivener's error
<i>throughout</i>	Double cross-reference: <del>SDC 21.07.100</del>	Deleted duplicate cross-reference	Scrivener's error
<i>throughout</i>	References to Title, Chapter and Section	Revised throughout to use consistently	Scrivener's error
<i>throughout</i>	External hyperlinks shown in <a href="#">blue</a>	Removed <a href="#">blue</a> hyperlink	Scrivener's error

January 19, 2024			
21.03.020.Y.6.c.i.	Cross-reference: "provisions of this section..."	Cross-reference: "provisions of <a href="#">SDC 21.03.020.Y.6.c.i...</a> "	Scrivener's error
21.03.020.Y.6.c.iv.e	Cross-reference: "provisions of this section..."	Cross-reference: "provisions of <a href="#">SDC 21.03.020.Y.6.c.iv...</a> "	Scrivener's error
21.04.030.D	Table Column Title: Standards - C	Table Column Title: Standards - <u>CB</u>	Scrivener's error
21.03.020.W.6.e.iii	Cross-reference: "standards of subsection 5-b..."	Cross-reference: "standards of subsection <a href="#">SDC 21.03.020.W.6.e.ii...</a> "	Scrivener's error



CHAPTER 21.01.

# INTRODUCTION

---

21.01.010 Title . . . . . 2

21.01.020 Authority. . . . . 2

21.01.030 Purpose . . . . . 2

21.01.040 Conformity With This Title Required . . . . . 2

21.01.050 Effective Date . . . . . 2

21.01.060 Minimum Requirements . . . . . 3

21.01.070 Interpretation . . . . . 3

21.01.080 Administration, Review Authority . . . . . 5

21.01.090 Review . . . . . 5

21.01.100 Drawings. . . . . 6

21.01.110 Severability . . . . . 6

### 21.01.010 Title

This Title shall be known as the City of Sammamish Development Code (SDC), hereinafter referred to as “this Title.”

### 21.01.020 Authority

The City of Sammamish Development Code is adopted by City of Sammamish ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution.

### 21.01.030 Purpose

The general purposes of this Title are:

- A. To encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington;
- B. To protect the general public health, safety, and welfare;
- C. To implement the City of Sammamish comprehensive plan’s policies and objectives through land use regulations;
- D. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- E. To provide for adequate public facilities and services in conjunction with development; and
- F. To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

### 21.01.040 Conformity With This Title Required

- A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this Title.
- B. Creation of, or changes to, lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this Title and [SDC 21.02.060](#).
- C. All land uses and development authorized by this Title shall comply with all other regulations and/or requirements of this Title as well as any other applicable local, state, or federal law. Where a difference exists between this Title and other City regulations, the more restrictive requirements shall apply.
- D. Where more than one part of this Title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.
- E. Temporary uses or activities conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this Title.

### 21.01.050 Effective Date

The ordinance codified in this Title shall be published on the City’s website, and shall take effect and be in full force 5 days after the date of publication, or date certain after the expiration of 5 days, as stated in the adopting or amending ordinance.

## 21.01.060 Minimum Requirements

In interpretation and application, the requirements set forth in this Title shall be considered the minimum requirements necessary to accomplish the purposes of this Title.

## 21.01.070 Interpretation

### A. Applicability

This Section and [SDC 21.09.070](#) authorize the Director to issue interpretations on regulations related to controls placed on development or land use activities by the City, including but not limited to zoning ordinances, critical areas ordinances, shoreline master program requirements, official controls, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

1. Nothing in this Section and [SDC 21.09.070](#) shall prevent interpretations related to the applicability of specific regulatory requirements contained within the Sammamish Municipal Code to individual projects.
2. Further, nothing in this Section or [SDC 21.09.070](#) shall preclude the Director or Hearing Examiner from interpreting a regulatory requirement during the course of a public hearing.

### B. Intent

This Section and [SDC 21.09.070](#) establish the procedure by which the City of Sammamish will render a formal interpretation of a development regulation. The purpose of such an interpretation includes clarifying conflicting or ambiguous provisions in the City's development regulations.

### C. General

1. In case of inconsistency or conflict, regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
2. A land use includes the necessary structures to support the use, unless specifically prohibited or the context clearly indicates otherwise.
3. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in [SDC Chapter 21.05 SDC](#) shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.
4. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this Title, all words and terms used in this Title shall have their customary meanings.
5. A written interpretation by the Director of the provisions of the Sammamish Municipal Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of the code. The written interpretation shall control application of the code sections discussed in it to any specific land use application.
6. Written interpretations issued for regulatory requirements that have been legislatively modified, repealed, or otherwise substantially changed, shall be considered null and void.

7. Any written interpretation shall not be applied retroactively, unless specifically required by the terms of the interpretation.
8. Whenever a reference is made to the Sammamish Municipal Code or to any portion of that code, the reference applies to all amendments, corrections and additions adopted by the City Council, regardless of whether such amendments, corrections and additions have been incorporated into the text of the Sammamish Municipal Code by means of codification.

#### D. Standard Industrial Classification (SIC)

1. All references to the standard industrial classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 Edition, prepared by the United States Office of Management and Budget that is hereby adopted by reference. The SIC is used, with modifications to suit the purposes of this Title, to list and define land uses authorized to be located in the various zones, consistent with the Comprehensive Plan land use map.
2. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.
3. An asterisk (\*) in the SIC number column of a land use table means that the SIC definition for the specific land use

identified has been modified by this Title. The definition may include one or more SIC sub-classification numbers, or may define the use without reference to the SIC.

4. The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The Director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this Title and the zone's purpose as set forth in [SDC 21.04.020](#), by considering the following factors:
  - a. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
  - b. Whether or not the use complements or is compatible with other uses permitted in the zone; and
  - c. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

#### E. Zoning Maps

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners,



if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owner's lot;

2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;
3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and
4. If none of the rules of interpretation described in subsections 1. through 3. of this section apply, then the zoning boundary shall be determined by map scaling.

### 21.01.080 Administration, Review Authority

- A. The Hearing Examiner shall have authority to hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals, as set forth in [SDC 21.09.070](#).
- B. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, unless a public hearing is required as set forth in [SDC 21.09.070](#), in which case this authority shall be exercised by the hearing examiner.
- C. The director shall have the authority to issue a written code interpretation in accordance with the review procedures contained within this Chapter and [SDC 21.09.070](#). The director shall issue such interpretations as he or she deems necessary, or upon the request of any person, in cases of any ambiguity,

difference of meaning, unclear procedural requirements, or other unclear regulatory requirements of the SMC.

- D. An interpretation related to a development proposal must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates.
- E. The department shall have authority to grant, condition, or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in [SDC 21.09.070](#).
- F. Except for other agencies with authority to implement specific provisions of this Title, the department shall have the sole authority to issue official interpretations of this Title, pursuant to Chapter 2.55 SMC.

### 21.01.090 Review

#### A. Decision Basis

In issuing an interpretation consistent with this Title, the Director may consider the following:

1. The purpose and intent statements of the Chapters in question;
2. Consistency with other regulatory requirements governing the same or a similar situation;
3. The legislative direction of the City Council, if any, provided with the adoption the code sections in question;
4. The policy direction provided by the Sammamish Comprehensive Plan, or other adopted policy documents;

- 5. Relevant judicial actions related to the interpretation;
- 6. Expected result or effect of the interpretation; and
- 7. Previous implementation of the regulatory requirements governing the situation.

**B. Contents**

Consistent with the requirements of [SDC 21.09.070](#), the Director shall provide facts, findings, and conclusions supporting the interpretation. At a minimum, these shall include the following:

- 1. A brief summary of the issue that requires an interpretation by the Director;
- 2. The context of the interpretation, if not included or implied from the summary;
- 3. Citation of the decision basis from subsection A. of this section; and
- 4. The interpretation, signature, and date.

**C. Classification of Right-of-Way**

- 1. Land contained in rights-of-way for streets or alleys, or railroads shall be considered unclassified, except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this Title.
- 2. Uses within street or alley rights-of-way shall be limited to street purposes as defined by law.
- 3. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals, or other operating devices, movement

of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

- 4. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.

**21.01.100 Drawings**

The City staff is hereby authorized to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this Title; provided, that the adopted provisions of the code shall control over such drawings.

**21.01.110 Severability**

Should any section, paragraph, sentence, clause or phrase of this Title, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of the ordinance codified in this Title be preempted by State or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of the Title or its application to other persons or circumstances.

CHAPTER 21.02.

# NEIGHBORHOOD DESIGN

---

- 21.02.010 Purpose, Intent, Applicability . . . . . 9
- 21.02.020 Design Principles . . . . .10
- 21.02.030 Neighborhood Design Standards . . . . .12
- 21.02.040 Planned Unit Development . . . . .30
- 21.02.050 Residential Density Incentives . . . . .30
- 21.02.060 Land Division . . . . .38

FROM THE CITY'S COMPREHENSIVE PLAN VISION:

Sammamish is a vibrant bedroom community blessed with a well-preserved natural environment, a family-friendly, kid-safe culture, and unrivaled connectedness.

From its expanding tree canopy, to its peaceful neighborhoods, to its multi-modal transportation resources, Sammamish captures the best of the past even as it embraces a burgeoning digital future and meets housing affordability through balanced, sustainable housing.

It is a state-of-the art community—engaged, responsive, and generous in its support for the full range of human endeavor.

## 21.02.010 Purpose, Intent, Applicability

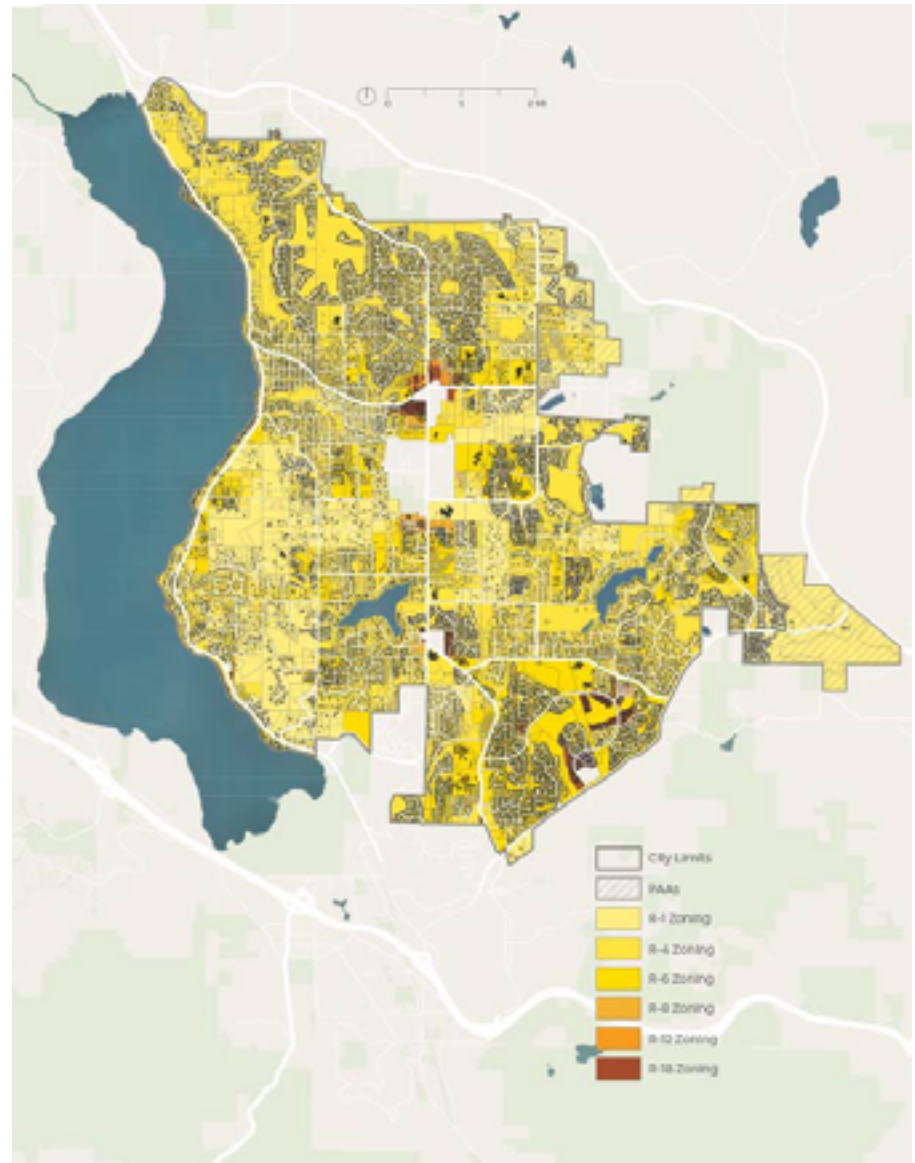
### A. Purpose and Intent

The intent of this section is to provide design standards for residential neighborhoods. These design standards apply to subdivisions, binding site plans, and short subdivisions in the R-1 through R-18 Zoning Districts. The design principles and standards are specifically intended to implement the City's Comprehensive Plan and vision statement.

Neighborhood is defined as the block in which the subject property is located and the area of influence around the residence. For areas of the community that do not have an established block pattern, the neighborhood may be considered an area framed by arterial or collector streets, topographic or other natural features, or typified by one or more common characteristics. The nature of a neighborhood is often determined by the patterns shared between the houses and other structures that formed that neighborhood. These patterns or characteristics include similarities in mass, scale, complexity of form, topography, relationship to the street and to each other.

### B. Applicability

The neighborhood design standards apply to all subdivisions, short-plats, and binding site plans in the Residential Zones (R-Zones). In limited instances standards apply to development on lots existing prior to December 31, 2021. The zoning map below identifies the R- Zones where the neighborhood design standards apply. If there is a discrepancy between the map below and the official zoning map the official zoning map shall apply.



### C. Design Intent

The intent of the Design Principles is to guide future development as closely as possible towards the stated vision of Sammamish as defined in its Comprehensive Plan. Design as defined for this section is a broad term that includes the project layout, utilities, streets and pathways, landscape, and building design.

FROM THE CITY'S COMPREHENSIVE PLAN GOALS:

Goal EC.4  
Protect and promote a diversity of plant, pollinator, and animal species habitat in Sammamish.

Goal EC.10  
Maintain and improve the City's forested character.

### 21.02.020 Design Principles

The design principles illustrate the intent of the design standards and inform project design, particularly during the early stages. The application of the design principles will depend on the characteristics of the site and surrounding context. Applicants will be required to demonstrate how they have incorporated the design principles into their project but are not a basis for decision-making. The design standards in [SDC 21.02.030](#) are used to review projects and determine compliance with this Chapter.

#### A. Preserving Ecological Functions of the Land

Sammamish cares about preserving the ecological function of its land, especially as the City becomes built out and infill projects become more impactful to the character of the neighborhood. Therefore:

1. Site planning should retain the form of the land and the major vegetation to the extent possible, fitting development into its natural context rather than reshaping the land for ease of development.
2. Tree retention is a priority, making sure that trees will remain healthy in the long term by saving groups of trees and leaving undisturbed areas to protect roots.
3. Sustainable solutions for stormwater should be part of all new development, paying careful attention to hydrologic systems and limiting impervious surface.
4. Storm water facilities that will be visible from public and private spaces should be designed as community amenities.



5. Distinct natural features should be highlighted and retained in the site design.

#### B. **Maintaining a Green Northwest Character**

Sammamish cares about keeping their green Northwest character that makes it an attractive place to live. Therefore:

1. Well-landscaped areas should line arterials, with native drought-tolerant plants selected for an ability to provide year-round screening between buildings and traffic.
2. Landscape along residential streets should reflect the Northwest character and be designed for a pleasant streetscape over time.
3. Grade cuts should be limited so that tall walls are not necessary and when required are subtly integrated into the site design.
4. Fencing should be integrated into landscaping rather than standing alone as separation from streets and arterials.
5. Homes should be designed to respect the public interface along the street, with limited frontage devoted to garage entries and massing that avoids the feeling of a wall along the street.

#### C. **A Well-Connected Community**

Sammamish cares about being a well-connected community, where walking and cycling are pleasant and safe. Therefore:

1. New development should improve connections for people walking and biking, with sidewalks and trails, and with consideration of existing and future networks where people

can access public amenities such as parks, playgrounds, and transit.

2. Neighborhood streets should be designed to encourage low vehicle speeds, and where appropriate with low volumes of traffic, streets can be shared by people walking, cycling, and driving slowly.

#### D. **Family-Friendly Neighborhoods with Amenities for All Ages**

Sammamish values its family-friendly neighborhoods, with amenities that people of all ages and abilities can enjoy.

Therefore:

1. Neighborhoods should include places to spend time, with play areas and benches.
2. Open spaces should be accessible, connected, and include a variety of active and passive recreation opportunities.

## 21.02.030 Neighborhood Design Standards

### A. Protection and Integration of Natural Features

#### 1. Design Intent

Sammamish values its well-preserved natural environment and aspires to expand its tree canopy as it balances future development. Natural features, including topography, hydrology, and habitat be respected with new development, minimizing impacts and improving environmental function where possible.

#### 2. Design Standards

##### a. Nature Features Context

In order to fit development into its context, the various elements of context must be understood. For natural features, that means understanding significant topography, hydrology, and habitat corridors on and beyond the site itself.

##### b. Nature Features

Natural features such as wooded stands, topographic features, or wetlands should be integrated into development as assets to the full extent possible, for environmental reasons and to highlight the unique character of each site.

##### c. Hillside Development

Development on hillsides should minimize clearing and grading instead buildings and streets must be designed

to fit the slope rather than using extensive grading and vegetation removal for ease of construction.

#### d. Forested Areas and Habitat

Remaining forested areas in Sammamish are important to the character and ecosystem of the City. Development is expected to prioritize retention of forested areas to the extent possible, in a manner that will support the long-term health of the trees.

#### e. Residential Development

For residential development, there shall be a minimum of one tree per 50 feet of lot frontage. Trees must be planted within 15 feet of the front property line. Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and coniferous and broadleaf evergreens shall be at least 10 feet in height.

### B. Open Space and Recreation

#### FROM THE CITY'S COMPREHENSIVE PLAN GOALS:

Goal P.1 Provide a network of parks, trails, athletic fields, and open spaces that delivers a variety of active and passive recreational opportunities to the Sammamish community.

Goal EC.1 Serve as a leader in environmental stewardship of the natural environment for current and future generations.

**1. Design Intent**

Open space serves a variety of needs including environmental sustainability, and passive and active recreation. The design intent for open space and recreation is to prioritize protection of significant environmental features, and to distribute leisure and recreational opportunities so they are available to all neighborhoods.

**2. Context**

Sammamish’s goal of a network of open spaces, parks, and trails is the context for new development. The size, type, and location of open spaces should be considered as part of the City’s broader open space system . This system should provide future residents with local open space and recreation assets, while also connecting them to citywide open space and recreational assets. Open space opportunities will be determined in part by the context of the site and surrounding area. Applicants must analyze the site and neighborhood context that is summarized as part of an application to provide open space that is counted towards the net developable area for the site. Examples of site and neighborhood context that shall be considered are:

- mature forest that could be preserved.
- an adjacent trail system where a connection is possible.
- protection of a wildlife habitat corridor on-site.
- the presence of soils appropriate for small-scale agriculture.
- protection of landslide hazard areas.

- the need for additional recreation space to serve the development.

**3. Calculation of Density and Public Benefit**

Open space proposed beyond the on-site recreation space required in [SDC 21.02.030I](#). must provide a clear public benefit to be counted towards the project density and approved by the City. Open space that is not counted towards the project density is exempt from this section. Adverse impacts will also be considered in determining compliance with these standards such as views from arterial streets, compatibility with adjacent development, connectivity, and other potential impacts. To be considered for public benefit, projects must use design methods for providing additional open space as outlined below. Alternatives may be proposed that are consistent with the intent of this section, as approved by the City.

**a. Design Intent**

The design intent is to dedicate open space in alignment with Sammamish’s goals and maximize opportunities of each site. For example, open space should be dedicated to preserving significant stands of healthy woodland where possible, providing space for green stormwater infrastructure, or connecting trails. In some developments, localized park or recreation space may be appropriate, or opportunities may arise for other amenities such as benches, viewpoints, or play areas.

**b. Design Standards**

- i. Open space should be integrated throughout the development to provide benefits for homesite

design, such as increased buffers with native forest and vegetation.

- ii. Integrate trail systems and other non-motorized connections within open space areas to increase connectivity where feasible.
- iii. Integrate green infrastructure using low-impact development techniques into the design of open space areas.

#### 4. Open Space Tracts

##### a. Design Intent

The design intent is to allow for larger open space tracts where there are clear public benefits, such as preserving wildlife habitat corridors, extending natural features with off-site connections, preserving mature forest and native vegetation, trail connections, and passive open space opportunities.

##### b. Design Standards

- i. Open space tracts should not be provided for the purposes of reducing development costs, in cases where they prohibit necessary street or non-motorized connections, or where a clear public benefit is lacking.
- ii. Open space tracts should be provided on lands that have existing mature forest and native vegetation.
- iii. Open space tracts must be accessible as passive open space unless determined to be infeasible,

unsafe, or a disturbance to a wildlife corridor or salmonid-bearing stream in a ravine.

#### 5. Neighborhood Buffers

##### a. Design Intent

To integrate buffers into the design of neighborhoods and homesites that contribute positively to the character of Sammamish for all developments.

##### b. Design Standards

- i. Buffers should maximize the preservation of mature forest and native vegetation when determining the appropriate locations.
- ii. Where there is no mature vegetation, buffers should be landscaped with substantial drought-tolerant native vegetation that will provide a year-round screen between traffic and homes. Pedestrian trails are allowed in buffers.
- iii. Buffers should provide benefits to individual homesites such as increased privacy, shading, minimized noise impacts, improved mobility for non-motorized travel, and improved aesthetics.

#### 6. Recreation + Trails

##### a. Design Intent

To maximize opportunities for recreation and trails, enhance neighborhood connectivity and expand access to recreation land and facilities.

**b. Design Standards**

- i. Proposed trails must be designed to connect to adjacent properties where opportunities exist now or in the future and must be publicly accessible at all times. Connections should be consistent with the City’s Trails, Bikeways & Paths Plan unless an alternative is approved by the City. Trail corridors shall be consistent with the requirements in [SDC 21.06.020F.1.](#) through [SDC 21.06.020F.3.](#)
- ii. Recreation areas must be accessible and provide passive or active recreational opportunities. Recreation areas must be consistent with standards in [SDC 21.02.030I.](#) through [SDC 21.02.030M.](#)
- iii. Trails must be designed to be compatible with adjacent development, including providing safe and convenient trail access along the route.
- iv. Trails must be designed in accordance with Public Works Standards . Ownership and management of trails may be taken over by the City at their discretion.

**C. Lots and Sites**

**1. Design Intent**

Layout of lots and sites creates long-term development patterns for the City and should strengthen the mutual relationship between housing units, roads, open space and pedestrian amenities for parcel and site layout that protect the privacy of individuals while creating pedestrian-oriented environments, and environmental stewardship.

**2. Design Standards**

- a. Design parcels and sites to minimize the need for clearing and grading, and to preserve mature forest and native vegetation where feasible.
- b. The size, dimensions, and orientation of parcels must accommodate development that meets site design standards such as the Floor to Area (FAR) ratio, driveway width standards, parking design and location standards, and landscape frontage requirements.
- c. Through lots with two street frontages are prohibited (unless in cases of hardship or provisions of ADUs). Alleys and open spaces are not considered a street frontage.
- d. All lots located within the R-1, R-4, and R-6 zoning districts created under [SDC 21.02.060](#) must abut a public or private street and shall be orientated so that the average street frontage or average front yard width of each lot created equals the minimum lot width requirements pursuant to subsection C. of [SDC 21.04.030](#) with no individual lot having a street frontage or front yard abutting the street of less than 20 feet.

**D. Lot Segregations - Zero Lot Line Development**

In any R zone or in the NB zone on property designated commercial outside of center in the urban area, rear yard and side yard setbacks may be modified during subdivision or short subdivision review as follows:

- 1. If a building is proposed to be located within a normally required rear yard or side yard setback in the NB zone:

- a. An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
  - b. The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
  - c. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
  - d. The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.
2. If a building is proposed to be located within a normally required rear yard or side yard setback in an R zone:
    - a. The residential development must qualify for the attached housing incentive provided in [SDC 21.03.030.D](#);
    - b. An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
    - c. The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
    - d. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
    - e. The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

#### E. Lot Segregations—Clustered Development

All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created.

When residential lot clustering is proposed, the following provisions shall be met:

1. Any open space resulting from lot clustering should be located where existing stands of native vegetation exist and shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to



a third party. When access to the open space is provided, the access shall be located in a separate tract; and

2. In the R-1 zone, open space tracts created by clustering required by [SDC 21.04.030.C.](#) shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan, to connect and increase protective buffers for critical areas as defined in [SDC 21.04.040B.70.](#), to connect and protect wildlife habitat corridors designated by the comprehensive plan, and to connect existing or planned public parks or trails. The City may require open space tracts created under this subsection to be dedicated to the City, an appropriate managing public agency, or qualifying private entity such as a nature conservancy.

**F. Parking**

**1. Design Intent**

The design intent of parking is to right-size the total amount of parking provided through neighborhood design, including on- and off-street parking. Design on-street parking to be compatible with adjacent development, pedestrian-oriented, and not oversized for anticipated traffic and parking volumes.

**2. Parking Program Analysis**

All development applications subject to the Neighborhood Design Standards must provide a parking analysis showing the location and amount of on- and off-street parking proposed, including the number of stalls provided per dwelling unit. All parking, including in garages, must be factored into the parking program analysis.

**3. Design Standards**

- a. On-street parking stalls be right sized and not exceed 100% of the off-street parking requirement within the neighborhood, unless waived by the City upon determination that additional parking is warranted based on information submitted by the applicant for a neighborhood-specific analysis.
- b. Where uninterrupted parallel on-street parking is not warranted by the parking program analysis, provide bulb outs with landscaping and street trees between parking pockets.



- c. Design off-street parking to minimize aesthetic impacts on the street frontage such as setting the parking back behind the face of the building, utilizing alleys, landscaping buffers, and narrow single-lane driveway widths.

**G. Arterial Street Frontages**

**1. Design Intent**

People experience Sammamish through traveling along the city’s arterials. Development alongside these arterials is expected to retain or replant edges that keep or improve the character of Sammamish as a community in harmony with its natural setting. Edge buffers also benefit residents of homes along arterials.

**2. Arterial Street Typologies**



### 3. Arterial Frontages Types

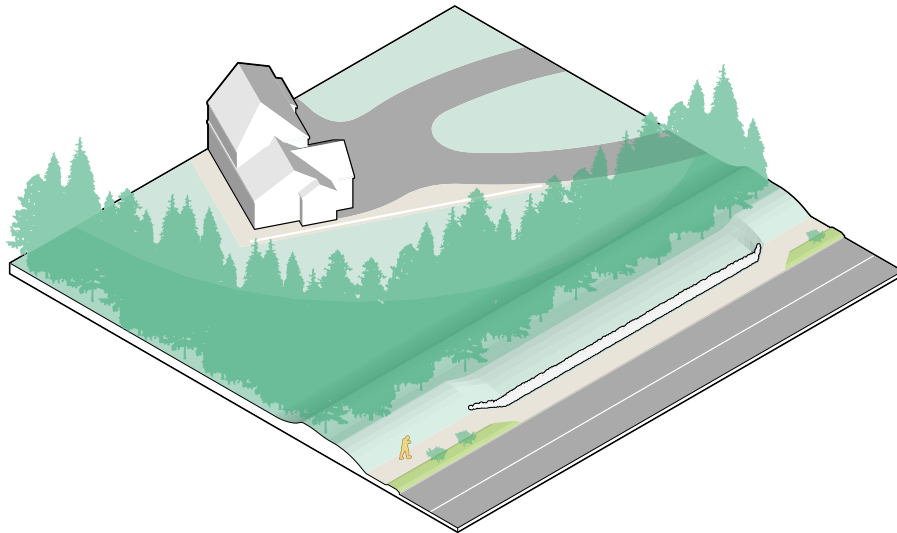
Arterial frontage standards apply to sites that front on an arterial the R- Districts. The following arterial frontage types are permitted along designated arterial streets shown in the map above including major arterials, minor arterials, and collectors. All applicable development must incorporate one or more of the permitted frontage types on designated arterial streets. Development that is more than 100' from the edge of the arterial street public right-of-way is not subject to the arterial buffer standards. The minimum buffer for subdivisions, short subdivisions, and binding site plans on sites without mature forest along the arterial is the landscape frontage. The buffer standards may be modified on projects less than 5 net developable acres where application of the standards would reduce the project density as determined by the City based on information submitted by the applicant. Net developable acres exclude critical areas and buffers, no disturbance areas, and other portions of the site that are restricted from development. Net developable acres include all developable portions of the site including areas for streets, stormwater infrastructure, open space, and recreation space. The buffer area shall count towards the project density as provided in Section 21.04.030.H. even if it is provided in a separate open space tract. If the 100' distance needs to be expanded to accommodate the frontage type and it meets the intent of this section, the additional land also counts toward the net density and project density.

Undeveloped lots existing prior to December 31, 2021 with frontage along an arterial street must use the Front arterial frontage type unless the principal building is located more

than 100' from the arterial street. Sloped sites may also incorporate the Retaining Wall frontage to accommodate sloped sites, in accordance with the standards below. Lots that are developed as of December 31, 2021 and become non-conforming due to these standards may be redeveloped or modified in accordance with [SDC 21.09.030.E.3](#).

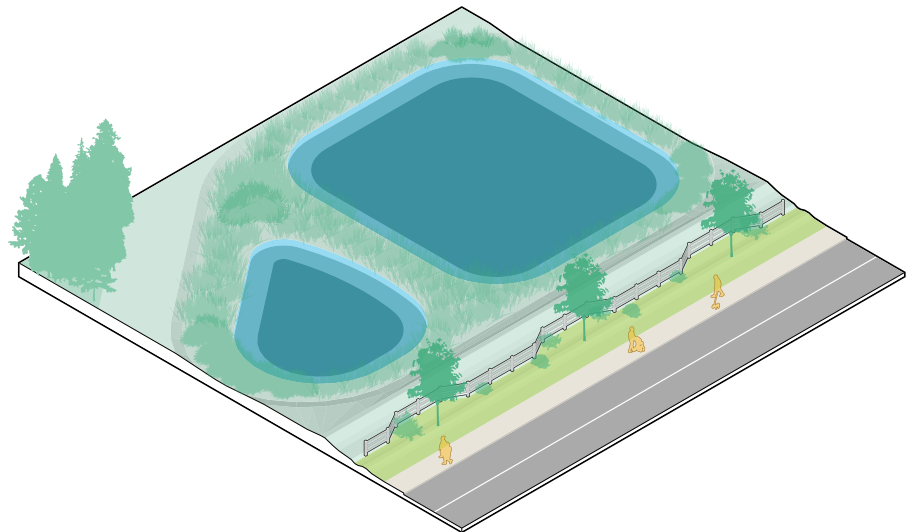
a. Forest

Forest is the required frontage type on sites that have mature trees and native vegetation that can be preserved. The forest buffer shall be a minimum of 100' or the depth of the mature forest from the arterial street right-of-way, whichever is less. The minimum forest buffer is 50'. If the arterial frontage is deforested, then reforestation is also an option consistent with the City of Sammamish's Urban Forest Management Plan. Applicants must submit a reforestation plan by a certified arborist or other qualified expert for review and approval by the City.



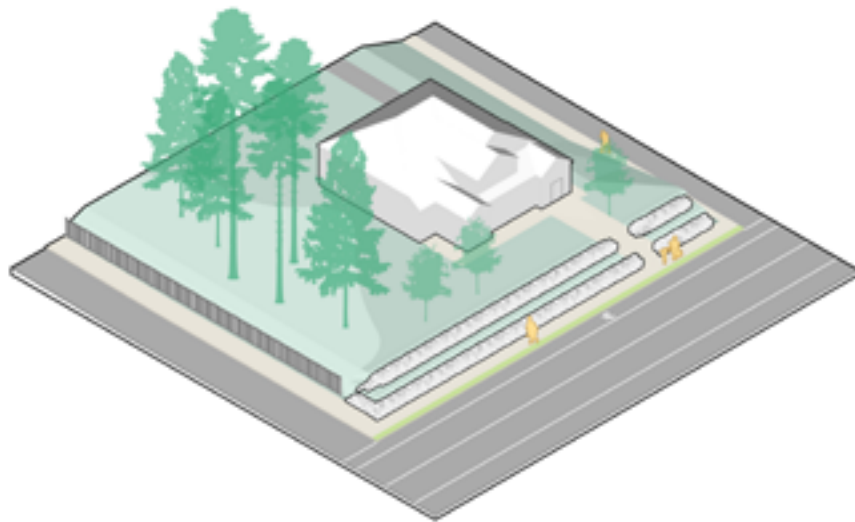
b. Stormwater/Green Infrastructure

The stormwater/green infrastructure frontage type must have a minimum depth of 100' and be designed for both stormwater functions and as an open space amenity using native vegetation and the incorporation of natural habitat features. The diagram below shows a stormwater pond fronting on an arterial street with street trees, natural fencing, and native vegetation which serves as a visual and physical amenity.



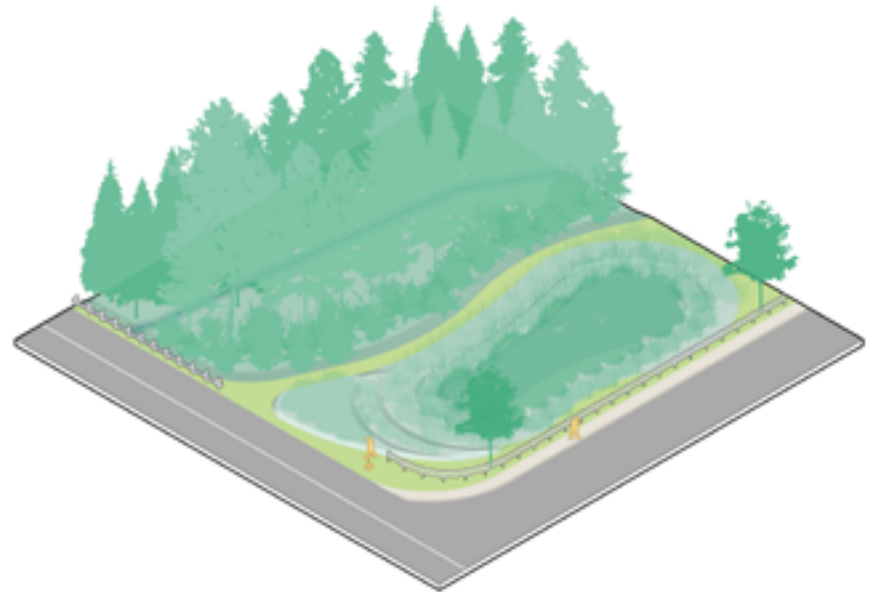
c. **Front-Facing**

For parcels or sites existing prior to December 31, 2021, the only permitted arterial frontage type is Front if the home is within 100’ feet of the arterial street public right-of-way. Vehicle access must be from a non-arterial street unless determined infeasible by the City. The rear or side of a home is not permitted within 100’ from the edge of the arterial street public right-of-way. If the home is separated from the arterial using the landscape frontage type, then homes are exempt from the requirement to use the Front-facing frontage type.



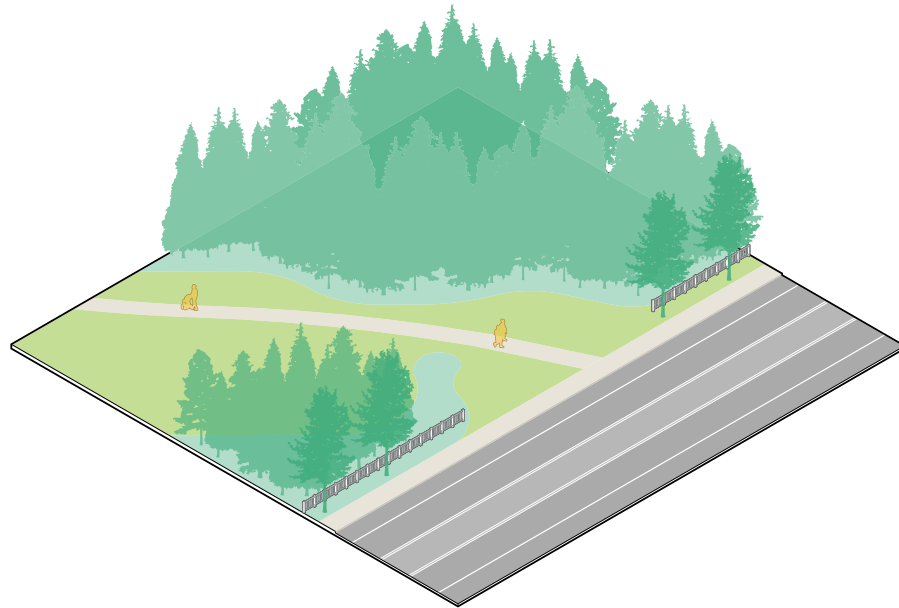
d. **Landscape**

The landscape arterial frontage type is appropriate on sites that do not have a forest condition with existing mature trees and native vegetation. The landscape arterial frontage must be a minimum of 25’ in the R-1 through R-8 zones and 10’ in the R-12 and R-18 zones. Landscaping must screen the development on the remainder of the site within the first three years by using native vegetation for Type I landscaping. Landscape arterial frontage plans must be prepared by a licensed landscape architect in the State of Washington.



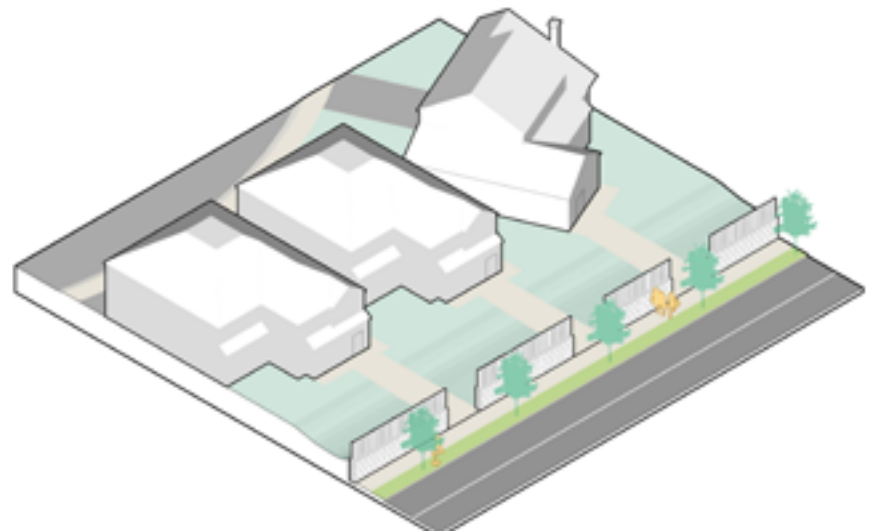
e. Open Space

Open space with natural landscape features can provide for a variety of functions including for wildlife habitat, active and passive recreation, trails, and can be integrated with stormwater and green infrastructure. The Open Space arterial frontage may be used to satisfy the requirements for on-site recreation requirements in [SDC 21.02.030M](#), or be dedicated to the City for parks or open space at the City’s discretion. The Open Space arterial frontage must be a minimum depth of 100’.



f. Retaining Wall

On parcels and sites existing prior to December 31, 2021, the use a retaining wall may be an appropriate design on sloped sites. Retaining walls are limited to four feet in height, and the front of the house or unit must face the arterial street if within 100’ from the public right-of-way. Vehicle access must be taken from a non-arterial street unless determined to be infeasible by the City. This frontage type does not apply to subdivision applications and is only for lots existing prior to the adoption of arterial frontage standards.





**H. Adequacy of Public Facilities and Services**

[Reserved]

**I. On-Site Recreation—Space Required**

1. All single-family, multifamily and townhouse developments of more than four units, and mixed use developments of more than four units, shall provide recreation space excluding environmentally sensitive areas as defined by [SDC 21.03.020](#) for leisure, play or sport activities as follows:
  - a. Residential developments at a density of eight units or less per acre: 390 square feet per unit;
  - b. Attached residential developments at a density of greater than eight units per acre, and mixed use:
    - i. Studio and one bedroom: 90 square feet per unit;
    - ii. Two bedroom: 130 square feet per unit; and
    - iii. Three or more bedroom: 170 square feet per unit.
2. Any recreation space located outdoors shall:
  - a. Be of a grade and surface suitable for recreation;
  - b. Be on the site of the proposed development;
  - c. Have no dimensions less than 20 feet (except trail segments);
  - d. When the required open space is less than 5,000 square feet, the required open space shall be located in a single area or tract;

- e. When the required open space exceeds 5,000 square feet:
  - i. The space shall have a street roadway or parking area frontage along 10 percent or more of the recreation space perimeter (except trail segments);
  - ii. A minimum of 60 percent of the required open space shall be located in a single area or tract;
  - iii. At least one area or tract shall contain a minimum of 5,000 square feet;
- f. Be accessible and convenient to all residents within the development; and
- g. Be accessible by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.
3. Indoor recreation areas may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. For senior citizen assisted housing, indoor recreation areas need not be functionally equivalent but may include social areas, game and craft rooms, and other multi-purpose entertainment and education areas.
4. Storm water runoff tracts may be credited for up to 100 percent of the on-site recreation space requirement, subject to the following criteria, which are intended to create ponds that are more natural in shape and appearance; provide opportunities for passive or active

recreation, wildlife viewing and educational opportunities; or to create more visual interest:

- a. The storm water runoff tract is dedicated or reserved as a part of a recreation space tract;
- b. To earn a 50 percent credit towards the on-site recreation space requirement, the detention pond shall be constructed to meet the following conditions:
  - i. Side slopes shall not exceed 33 percent unless they are existing, natural, or covered with vegetation and meet the design criteria in the Surface Water Design Manual for side slopes.
  - ii. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard.
  - iii. The area surrounding the storm water pond above the live storage shall be landscaped in a manner to enhance passive recreational opportunities such as a trail or pathway around the pond perimeter.
  - iv. The storm water pond shall be designed so that it does not require fencing per the fencing requirements in Chapter 5 of 2016 KCSWDM (page 5-6).
  - v. Split-rail fencing (three feet minimum height) is required around the pond at the emergency overflow elevation of the pond or higher. Wire

mesh backing of the fence is encouraged, but not required.

- c. To receive a 100 percent credit, the storm water pond must meet all the additional requirements in the criteria in subsection G.b. of this section, and provide three or more of the following amenities:
  - i. Provide seating using walls, benches and/or tables and chairs that view the storm water system.
  - ii. Create overlook or destination points with views of the storm water pond.
  - iii. Provide vertical planes (using stairs, platforms, etc. that allow storm water to be interacted with and viewed from different levels.
  - iv. Provide interpretive signage describing the storm water feature, or the landscape features (such as highlighting the pollinator benefits of plantings incorporated into the storm water tract).
  - v. Stack horizontal and vertical planes to create features such as pools and waterfalls.
  - vi. Provide a fountain feature near the pond center.
  - vii. Provide at least one fitness station located near the pond accessible via a trail or pathway.

**J. Recreation space—Fees in lieu of**

If on-site recreation space is not provided, the applicant shall pay a fee-in-lieu of actual recreation space. The City's acceptance of this payment is discretionary, and may be

permitted if the proposed on-site recreation space does not meet the criteria of this chapter, or the recreation space provided within a City park in the vicinity will be of greater benefit to the prospective residents of the development. Fees provided in lieu of on-site recreation space shall be determined annually by the City on the basis of the typical market value of the required recreation space land area prior to the development. Any recreational space provided by the applicant shall be credited toward the required fees.

**K. On-site recreation—Play areas required**

1. All single detached subdivisions, apartment, townhouse and mixed use development, excluding age-restricted senior citizen housing, shall provide children’s play areas within the recreation space on-site, except when facilities are available to the public within one-quarter mile that are developed as parks or playgrounds and are accessible without crossing of arterial streets.
2. Play apparatus provided in the play area shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:
  - a. At least 400 square feet in size with no dimension less than 20 feet; and
  - b. Adjacent to main pedestrian paths or near building entrances.

**L. Storage space and collection points for recyclables**

Developments shall provide storage space for the collection of recyclables as follows:

1. The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple-dwelling developments and any new square feet of building gross floor area in any other developments:
  - a. One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a county-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
  - b. Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
  - c. Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
  - d. Five square feet per every 1,000 square feet of building gross floor area in retail developments.
2. The storage space for residential developments shall be apportioned and located in collection points as follows:
  - a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
  - b. There shall be one collection point for every 30 dwelling units.
  - c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

- d. Collection points located in separate buildings/ structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
  - e. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.
3. The storage space for nonresidential developments shall be apportioned and located in collection points as follows:
- a. Storage space may be allocated to a centralized collection point.
  - b. Outdoor collection points shall not be located in any required setback areas.
  - c. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.
  - d. Access to collection points may be limited, except during regular business hours and/or specified collection hours.
4. The collection points shall be designed as follows:
- a. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.
  - b. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
- c. Collection points shall be identified by signs not exceeding two square feet.
- d. A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.
- e. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
- f. Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
5. Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
6. The director may waive or modify specific storage space and collection point requirements set forth in this section if the director finds, in writing, that an alternate recycling program design proposed by the applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables.

### M. On-site recreation—Maintenance of recreation space or dedication

1. Recreation space as defined in [SDC 21.02.030](#) 1.2. may be dedicated as a park open to the public in lieu of providing the on-site recreation required above when the following criteria are met:
  - a. The dedicated area is at least 20 acres in size, except when adjacent to an existing or planned public park;
  - b. The dedicated land provides one or more of the following:
    - i. Shoreline access;
    - ii. Regional trail linkages;
    - iii. Habitat linkages;
    - iv. Recreation facilities; or
    - v. Heritage sites; and
  - c. The dedicated area is located within one mile of the project site.
2. Unless the recreation space is dedicated to the City pursuant to subsection 1. of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City.

### N. Sustainable Site Planning

#### 1. Compliance with Related Standards

All projects must demonstrate compliance with the latest adopted versions of the King County Surface Water Manual (KCSWM), Surface Water Management regulations, and the City's Public Works Standards for low impact development design techniques.

#### 2. Design Intent

Sustainable site planning techniques mimic a site's predevelopment hydrology by using design techniques that maximize the use of natural systems and functions of the land, minimizing the need for stormwater infrastructure. Stormwater is addressed primarily by relying on BMP's that infiltrate, filter, store, evaporate, and detain stormwater runoff close to its source.

#### 3. Design Standards

- a. a. Neighborhoods must be designed to maximize opportunities for low-impact development through sustainable site planning techniques including the preservation of natural features, restoration of native vegetation, and low-impact development for stormwater management.
- b. b. Neighborhoods must be designed so that all individual parcels greater than 6,000 square feet retain and infiltrate all stormwater runoff on-site, unless determined to be infeasible due to soils or other factors based on information submitted by a qualified professional. Driveways may be exempt in cases where

topography would prohibit retaining all runoff on-site. Techniques may include the use of natural drainage patterns, cisterns, rain gardens, infiltration or grassed swales, retaining natural vegetation, French drains, and similar measures. A registered Landscape Architect in the State of Washington shall develop the sustainable site plan for the application that addresses compliance with these standards.

## O. Streets and Connections

### 1. Purpose and Intent

Sammamish values all forms of mobility and aspires to be a community with unrivaled connectedness. To this end, development should be considered in terms of well-designed neighborhood streets that provide connectivity and pedestrian and cycling routes that are attractive and safe for all ages. These routes should form a connected system and support a mix of uses available to neighborhoods. For all vehicle options, development should consider connectivity that minimizes congestion, “right-sizes” travel lanes and parking, and ensures adequate access for emergency vehicles.

### 2. Design Standards

Sammamish’s street network relies on arterials as through-routes. The system of arterials contributes to a relatively disconnected street system due to topographic constraints, and developments without connections to adjacent sites. Sammamish aspires to increase connectivity by balancing quiet neighborhoods with a more resilient set of connections for all modes of movement.

### a. Street Connections

Streets and alleys provide connections to homes and through neighborhoods. They should be appropriately sized so that the streets support and blend into a well-landscaped neighborhood, discourage drivers from speeding, and assure emergency vehicle access. In designing new subdivisions, alleys and pedestrian-oriented streets should be considered as options for creating neighborhoods where walking is safe and attractive. The street network shall also provide for increased connectivity beyond the site itself, with input from the Community Development and Public Works.

### b. Block Size and Perimeter

Block lengths are related to walkability, with shorter blocks offering permeability and shorter routes to destinations. They can also improve emergency response time. Blocks may be separated with connections for use by pedestrians, bicycles, and emergency vehicles only. Neighborhoods must be designed with block sizes that do not exceed a total perimeter of 1600’ to provide for connectivity. Exceptions to this limit may be permitted due to constraints from topography, critical areas and buffers, the preservation of mature forest, and other factors determined by the City that limit effective street connectivity. Non-motorized connections may be counted towards the block perimeter calculations except where the City determines a full street connection is warranted for access and connectivity. Houses oriented towards pedestrian paths are an option.

c. **Dead-end Streets**

Dead-end streets must be limited to no more than 600' or up to 1,000' if the street serves less than 50 potential lots, and must be designed for future connection unless determined by the City to be infeasible. Where a full street connection is not possible, a non-motorized connection such as a trail or sidewalk must be provided, where the City determines it is feasible.

d. **Curb to Curb Width**

- i. Streets must be right-sized based on the anticipated built project density, anticipated traffic, and the parking program analysis required in [SDC 21.02.030.E](#). The application of the curb-to-curb width in the Public Works Standards may be modified to meet the neighborhood design standards in ways such as requiring one parking lane instead of the standard two lanes through the deviation process outlined in the Public Works Standards in Section 6.2.
- ii. Curb cuts from public and private streets shall be located to allow for usable on-street parking where additional parking is necessary based on the project parking program analysis.

e. **Walking and Biking Connections**

A robust network of pedestrian and bicycle connections is a priority for Sammamish and shall be included in developments in a manner appropriate to the site and the surrounding connections. This may include sidewalks, paths, bike lanes, and "woonerf"-style shared

streets or greenways. Routes that are integrated into the landscape or have a planted buffer from streets are encouraged.

For residential development, the front door shall face the primary street frontage with a clearly defined walkway from the street to the front door/entrance. Duplexes are exempt from this requirement. The City may allow the front door and walkways to front along a secondary street frontage, to be collocated along a driveway, or a waiver of the requirement when a walkway is not feasible from the primary street frontage due to topography, natural features, mature trees, or other factors.



## 21.02.040 Planned Unit Development

### A. Purpose

[Reserved]

### B. Applicability

[Reserved]

### C. Modifications to Development Regulations

[Reserved]

### D. Residential Density

[Reserved]

### E. Planned Development Review

[Reserved]

## 21.02.050 Residential Density Incentives

### A. Purpose

The purpose of this Section is to provide density incentives to developers of residential lands in urban areas and rural activity centers, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, open space protection, and energy conservation, by:

1. Defining in quantified terms the public benefits that can be used to earn density incentives;
2. Providing rules and formulae for computing density incentives earned by each benefit;
3. Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
4. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

### B. Permitted locations of residential density incentives

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

1. In R-4 through R-18 zones; and
2. In NB, CB and O zones when part of a mixed use development.



**C. Maximum densities permitted through residential density incentive review**

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the development site or 200 percent of the base density for RDI proposals with 100 percent affordable units.

**D. Public benefits and density incentives**

1. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection 6. of this section. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided.
2. Bonus dwelling units may be earned through any combination of the listed public benefits.
3. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations will be updated and adopted annually by the council in the comprehensive housing affordability strategy plan.
4. Bonus dwelling units may also be earned and transferred to the project site through the transfer of density credit (TDC) process set forth in [SDC 21.06.070](#), by providing any of the open space, or park site public benefits set forth in subsections 6.2. or 6.3. of this section on sites other than that of the RDI development.
5. Residential development in R-4 through R-18 zones with property specific development standards requiring any

public benefit enumerated in this Section shall be eligible to earn bonus dwelling units as set forth in subsection 6. of this section when the public benefits provided exceed the basic development standards of this Title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

6. The following are the public benefits eligible to earn density incentives through RDI review:

PUBLIC BENEFITS FOR DENSITY INCENTIVES	
Benefit	Density incentive
<b>Affordable Housing</b>	
Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the City of Sammamish shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the City of Sammamish shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.
Benefit units consisting of senior citizen assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to the City of Sammamish on both buyer eligibility and housing prices.	0.75 bonus unit per benefit unit.
Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to the City of Sammamish on both buyer eligibility and housing prices.	1.0 bonus unit per benefit unit.

PUBLIC BENEFITS FOR DENSITY INCENTIVES	
Benefit	Density incentive
Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the City of Sammamish shall be recorded at final approval.	1.5 bonus units per benefit unit.
Projects in which 100 percent of the units are reserved for moderate income- and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to the City of Sammamish on both buyer eligibility and housing prices.	200 percent of the base density of the underlying zone. Limited to parcels five acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.
Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or non-insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.	1.0 bonus unit per benefit unit.
<b>Open Space, Trails and Parks</b>	
Dedication of park site or trail right-of-way meeting the City of Sammamish location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.	0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of <a href="#">SDC 21.07.060</a> for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.
Improvement of dedicated park site to the City of Sammamish standards for developed parks.	0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

PUBLIC BENEFITS FOR DENSITY INCENTIVES	
Benefit	Density incentive
Improvement of dedicated trail segment to the City of Sammamish standards.	1.8 bonus units per quarter-mile of trail constructed to City standard for pedestrian trails; or  2.5 bonus units per quarter-mile of trail constructed to City standard for multipurpose trails (pedestrian/ bicycle/equestrian).  Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
Dedication of open space, meeting the City of Sammamish acquisition standards to the City or a qualified public or private organization such as a nature conservancy.	0.5 bonus unit per acre of open space.
<b>Energy Conservation</b>	
Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.15 bonus unit per benefit unit that achieves the required savings.
Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other non-electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.10 bonus unit per benefit unit that achieves the required savings.
Developments located within one-quarter mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours.	10 percent increase above the base density of the zone.

PUBLIC BENEFITS FOR DENSITY INCENTIVES

Benefit	Density incentive
---------	-------------------

NOTE: When proposed energy conservation bonus units of [SDC 21.02.040D](#) are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the department’s satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the Title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.

### E. Rules for Calculating Total Permitted Dwelling Units

1. The formula for calculating the total number of dwelling units permitted through RDI review is as follows:

$$\begin{aligned} & \text{DUs allowed by RDI site base density} \\ & \quad + \text{ Bonus DUs} \\ + & \text{ DUs allowed by sending site density (if any)} \\ = & \text{ Total RDI DUs} \end{aligned}$$

2. The total dwelling units permitted through RDI review shall be calculated using the following steps:
  - a. Calculate the number of dwellings permitted by the base density of the site in accordance with [SDC 21.04.030](#);
  - b. Calculate the total number of bonus dwelling units earned by providing the public benefits listed in [SDC 21.02.040D](#);
  - c. Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;
  - d. Add the number of dwelling units permitted by the base density of the site sending TDCs, if any;
  - e. Round fractional dwelling units to the nearest whole number; 0.49 or less dwelling units are rounded down; and
  - f. On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be re-allocated within the zones in the same manner set forth for base units in [SDC 21.07.050R](#).

### F. Review Process

1. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:
  - a. For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit or commercial building permit;
  - b. When the primary proposal requires a public hearing under this code or [SDC 21.02.060](#), the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;
  - c. When the primary proposal does not require a public hearing under this code or [SDC 21.02.060](#), the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in [SDC 21.09.070](#) and to the procedures set forth for director/hearing examiner review in this Title; and
  - d. The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.
2. RDI applications that propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable county receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization.

**G. Minor Adjustments in Final Site Plans**

When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

1. Increase the number of dwelling units;
2. Decrease the amount of perimeter landscaping (if any);
3. Decrease residential parking facilities (unless the number of dwelling units is decreased);
4. Locate structures closer to any site boundary line; or
5. Change the locations of any points of ingress and egress to the site.

**H. Applicability of Development Standards**

1. RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development; provided, that an RDI proposal in the R-4 through R-8 zone shall conform to the height requirements of the underlying zone in which it is located.
2. RDI developments in the R-4 through R-8 zones shall be landscaped as follows:
  - a. When 75 percent or more of the units in the RDI development consists of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with [SDC 21.06.020](#) for townhouse or apartment projects.

- b. When less than 75 percent of the units in the RDI consists of townhouses or apartments, the development shall provide landscaping and tree retention in accordance with [SDC 21.06.020](#) for townhouses or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.
  - c. All other portions of the RDI shall provide landscaping or retain trees in accordance with [SDC 21.06.020](#).
3. RDI developments in all other zones shall be landscaped or retain trees in accordance with [SDC 21.06.020](#).
4. RDI developments shall provide parking as follows:
  - a. Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.
  - b. All other RDI proposals shall provide parking for:
    - i. Market rate/bonus units at levels consistent with [SDC 21.06.030](#); and
    - ii. Benefit units at 50 percent of the levels required for market rate/bonus units.
5. RDI developments shall provide on-site recreation space as follows:

- a. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in [SDC 21.07.060](#).
- b. All other RDI proposals shall provide recreation space for:
  - i. Market rate/bonus units at levels consistent with [SDC 21.07.060](#); and
  - ii. Benefit units at 50 percent of the levels required for market rate/bonus units.

## 21.02.060 Land Division

### A. Purpose

The purpose of this Section is to:

1. Establish the authority and procedures for dividing land in the City of Sammamish.
2. Define and regulate divisions of land that are exempt from the short subdivision or subdivision requirements.
3. Ensure consistency with and implement the City of Sammamish Comprehensive Plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.
4. Ensure uniform monumenting of land subdivisions and conveyance by accurate legal description.
5. Protect and preserve the public health, safety and general welfare in accordance with the standards established by City of Sammamish and the state of Washington.
6. Ensure consistency with Chapter 58.17 RCW.

### B. Definitions

1. **Acre.** An area of land equal to 43,560 square feet.
2. **Alteration.** The modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat, except as otherwise allowed by law.



3. **Applicant.** A property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.
4. **Binding site plan.** A plan drawn to scale which 1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies, drainage features, and building envelopes; 2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the director or hearing examiner; and 3. contains provisions requiring any development be in conformity with the site plan; processed in accordance with [SDC 21.02.060F.1.](#) through [SDC 21.02.060F.6.](#) and Chapter 58.17 RCW.
5. **Building envelope.** The area of a lot that delineates the limits of where a building may be placed on a lot.
6. **Building site.** An area of land, consisting of one or more lots or portions of lots, that is:
  - a. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or
  - b. Currently legally developed.
7. **Civil engineer.** An individual registered and licensed as a professional civil engineer pursuant to Chapter 18.43 RCW.
8. **City engineer.** The individual appointed as the City engineer for the City of Sammamish or his or her designee.
9. **Condominium.** Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter 64.32 or 64.34 RCW.
10. **Dedication.** The deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or deed for filing.
11. **Department.** The City of Sammamish department of community development and/or the department of public works as appropriate.
12. **Development review engineer.** The director of the department of public works or his or her designee.

13. **Director.** The director of the City of Sammamish department of community development or department of public works, as appropriate, or his or her designee.
14. **Easement.** A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes, that may include, but are not limited to, road access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space.
15. **Engineered preliminary drainage plan.** A preliminary plan, consistent with the City's adopted drainage manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required detention pond, bioswales, wetponds or other water quality facilities.
16. **Financial guarantee.** A form of financial security posted to ensure timely and proper completion of improvements, compliance with the City of Sammamish code or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, surety bonds and other forms of financial security acceptable to the director.
17. **Homeowners' association (HOA).** Any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan.
18. **Improvements.** Constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, street trees, landscaping, critical areas signage, sidewalks, plat monument signs, survey monuments.
19. **Innocent purchaser.** An individual who has purchased real property for value, has not received actual notice that the lot has not been legally created as a separate lot, and has not previously been granted innocent purchaser status by the City.
20. **Land surveyor.** An individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.
21. **Lot area.** The total area contained within the boundaries of the lot, excluding submerged land.
22. **Nonbuilding lot.** A lot identified as a nonbuilding lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited.
23. **Ownership interest.** Having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor.
24. **Plat, final.** The final drawing of the subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this Section and in Chapter 58.17 RCW and Chapter 332-130 WAC.
25. **Plat, preliminary.** A true and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, tracts, and other elements of a subdivision required by this Section and Chapter 58.17 RCW. The

preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

26. **Revisions.** A change prior to recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.
27. **Separate lot.** A physically separate and distinct parcel of property, which has been created through one of the following processes:
  - a. The lot was created in compliance with the subdivision or short subdivision laws in effect at the time of creation of the lot;
  - b. The lot has been recognized by the department as a lot pursuant to [SDC 21.02.060C.6](#). (Determining and maintaining legal lot status), [SDC 21.02.060C.7](#). (Removing limitations on nonbuilding lots), and [SDC 21.02.060C.8](#). (Lots created in violation of this Title); or
  - c. The lot is a portion of a lot created through the processes cited in subsection 1. or 2. of this section that is separated from the remainder of the lot by one of the following:
    - d. A public road right-of-way; or
    - e. Shorelines as defined in [SMC 25.10.450](#); or
    - f. Another separate lot, or a tract as defined in this Title, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to [SDC 21.02.060F.4](#).
28. **Short plat, final.** The final drawing of the short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this Title and in Chapter 58.17 RCW and Chapter 332-130 WAC.
29. **Short plat, preliminary.** A true and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, and other elements of a short subdivision required by this Title and Chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.
30. **Short subdivision.** A division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.
31. **Street.** A public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.
32. **Subdivision.** A division or redivision of land into two or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership, except as provided by the short subdivision of two to nine lots. A subdivision can also be known as a "long subdivision."
33. **Tract.** Land encompassed by a separate property boundary and reserved on the final plat, final short plat, or binding site plan for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, stormwater facilities, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling or commercial/institutional construction.

34. **Definitions not listed.** For words not defined in this Section, the definitions of this Title shall control. For words not defined in this Title, the usual and customary meaning shall apply.

**C. Administration**

**1. Scope of Chapter**

Any division of land is subject to the provisions of this Title except as stated herein.

**2. Transfer of land or granting of an easement to a public agency**

The transfer of land or granting of an easement to a public agency for road and utility purposes shall not be considered a division of land.

**3. Exemptions – Subdivision and short subdivision**

The subdivision and short subdivision provisions of this Title shall not apply to:

- a. Divisions of lands for cemeteries and other burial plots while used for that purpose.
- b. Divisions of land into lots or tracts each one of which is 20 acres or larger.
- c. Divisions of land into lots or tracts that are one one hundred twenty-eighth of a section, or five acres or larger only for the purpose of allowing fee simple purchase or deeding of such lots or tracts to public agencies.

- d. Divisions of land made by testamentary provisions or laws of descent.
- e. Divisions of land into lots or tracts consistent with RCW 58.17.0407., for which a condominium binding site plan has been recorded in accordance with the binding site plan provisions set forth in this Title.
- f. An adjustment of boundary lines in accordance with the provisions of this Title.
- g. Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a binding site plan for the use of the land as a mobile home park has been approved by the director.
- h. Divisions of land by binding site plan into lots or tracts classified for commercial use consistent with the binding site plan provisions of this Title.
- i. A parcel that is a portion of a lot that is separated from the remainder of the lot by one of the following: a public road right-of-way; shorelines as defined in SMC 25.10.450; or another separate lot; or a tract as defined in [SDC 21.02.060B.33.](#), including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to this Title.
- j. A division meeting the provisions of RCW 58.17.0408. for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

- k. A division of land meeting the provisions of RCW 58.17.0409. into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.

#### 4. Recording map and legal descriptions

The final recording map and legal description of a plat, short plat, boundary line adjustment or binding site plan shall be prepared by a land surveyor in accordance with Chapter 58.09 RCW and Chapter 332-130 WAC, Surveys and Recording, and be recorded with the King County office of records and elections as required by this Title.

#### 5. Review for conformity with other codes, plans and policies

Applications for approvals pursuant to this Title shall be reviewed in accordance with the applicable procedures set forth in this Title and [Chapter 21.09 SDC](#). A preliminary subdivision, short subdivision or binding site plan may be approved, approved with conditions or denied based on findings in accordance with City, special district and state rules, regulations, plans and policies including, but not limited to:

- a. Chapter 43.21C RCW (SEPA).
- b. Chapter 58.17 RCW (Subdivisions), including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- c. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review).
- d. [Chapter 21.08 SDC](#) (Public Works and Facilities).
- e. [Chapter 21.03 SDC](#) (Environment and Sustainability).
- f. SMC Title 16 (Buildings and Construction).
- g. [Chapter 21.09 SDC](#) (Administrative Procedures/ Environmental Policy).
- h. SMC Title 21 (Development Code).
- i. [Chapter 21.07 SDC](#) (Town Center).
- j. SMC Title 23 (Code Enforcement).
- k. Applicable shoreline master program, including SMC Title 25.
- l. City of Sammamish public works standards.
- m. Administrative rules adopted pursuant to Chapter 2.55 SMC.
- n. King County board of public health rules and regulations.
- o. Applicable water/sewer district requirements.
- p. City of Sammamish comprehensive plan.
- q. City of Sammamish stormwater comprehensive plan.
- r. SMC Title 27A (Financial Guarantees).
- s. This Title.

**6. Determining and maintaining legal lot status**

- a. A property owner may request that the department determine whether a lot was legally created. The property owner shall demonstrate to the satisfaction of the department that a lot was created in compliance with applicable state and local land use statutes or codes in effect at the time the lot was created.
- b. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:
  - i. Recorded subdivisions, or division of land into four lots or less;
  - ii. King County or City of Sammamish documents indicating approval of a short subdivision;
  - iii. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2);
  - iv. Tax records or other evidence, describing the lot as an individual parcel. The department shall give weight to the existence of historic tax records or tax parcels in making its determination.
- c. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner aggregates or merges the lot with another lot or lots in order to:
  - i. Create a parcel of land that would qualify as a building site; or

- ii. Implement a deed restriction or condition, a covenant or court decision.

- d. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in [SDC 21.02.060B.6](#).

**7. Removing limitations on nonbuilding lots**

Limitations placed on a nonbuilding lot may be removed and the lot recognized by the City of Sammamish as a building lot by approval of a subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding site plan.

**8. Lots created in violation of this Title**

- a. All contiguous lots created in violation of this Title and that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.
- b. A lot that has been determined to meet the requirements for innocent purchaser status by the City, including filing of a notarized affidavit of innocent purchase with the department on forms satisfactory to the director, shall be treated as follows for purposes of determining zoning compliance and for establishing eligibility for building permits and future subdivisions:
  - i. A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area and lot width;

- ii. Innocent purchaser lots that do not meet current zoning requirements, but that did meet zoning requirements in effect at the time that they were created, will be treated the same as legally created substandard lots as provided in the City's development code;
- iii. Innocent purchaser lots that do not meet current zoning requirements and that did not meet the zoning requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits; and
- iv. A determination by the department of innocent purchaser status of a lot shall not relieve a property owner or applicant from compliance with all other codes, requirements and restrictions applicable to the lot.

## 9. Public street rights-of-way

The City engineer shall have the authority to make determinations under this section whether dedication or deeding of right-of-way is required. Right-of-way widths shall comply with current public works standards. Dedication or deeding to the City of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:

- a. Where the current six-year Transportation Improvement Program (TIP), or projects identified in the City's adopted comprehensive plan transportation element will require a new right-of-way or portion thereof for street purposes; or
- b. Where necessary to extend or to complete the existing or future neighborhood street pattern, including connection to existing adjacent right-of-way stubs; or
- c. Where necessary to provide additional or new right-of-way to existing City right-of-way network; or
- d. Where necessary to comply with the City's current public works standards; or
- e. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the City of Sammamish Comprehensive Plan or this Title; provided, that the right-of-way shall:
  - i. Provide for vehicular and pedestrian circulation within and between neighborhoods; or
  - ii. Provide local traffic alternatives to the use of arterial streets.

## 10. Limitations within future road corridors

In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the City may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the



construction of buildings, driveways, drainage facilities or other improvements within the specified areas.

#### 11. Public trail rights-of-way

In conformance with [SDC 21.06.020F.1](#). (Trail corridors – Applicability), a dedication, deeding or easement to the City for public trail purposes shall be required where a binding site plan, subdivision, or short subdivision or portion thereof is located on properties that include trail corridors shown within an adopted City parks or trails plan. The trail corridor dedication, deeding, or easement shall be in an appropriate location and of sufficient width and dimension to meet the requirements of [SDC 21.06.020F.2](#). (Trail corridors – Development standards) and the trails, bikeways and paths plan.

#### 12. Adequacy of access

Each lot within the subdivision, short subdivision, or binding site plan shall have acceptable access conforming to the current public works standards. In order to assure safe and adequate access, the City engineer:

- a. 1. May limit direct access to certain streets and require on-site public streets in lieu of private streets, individual driveways or access panhandles, in accordance with the City street standards as set forth in the current public works standards;
- b. 2. May require off-site improvements to public or private streets as necessary to provide access from the subdivision, short subdivision or binding site plan to a road acceptable to the City engineer;

- c. 3. May require off-site mitigation of identified significant impacts to neighborhood streets; and
- d. 4. May assure that the number of lots, units or commercial space to be served by the street system complies with the street standards as set forth in the current public works standards.

#### 13. Affidavit of correction

- a. Any map page or document recorded with the King County records and elections division, or its successor agency, under the provisions of this Title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:
  - i. Any courses, distances or elevations omitted from the recorded document;
  - ii. An error in any courses, distances or elevations shown on the recorded document;
  - iii. An error in the description of the real property shown on the recorded document;
  - iv. An error in the field location of any shown easement; or
  - v. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.
- b. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.



- c. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.
- d. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.
- e. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval. After department approval, the affidavit shall be recorded with the King County records and elections division, or its successor agency.

#### 14. Vertical and horizontal survey controls

- a. Vertical Requirements. The vertical datum on all engineering plans, plats, binding site plans and short plats shall be the North American Vertical Datum of 19A88 (NAVD 88) and shall be tied to at least one King County survey control network benchmark. The benchmark will be shown on the plans.
- b. Horizontal Requirements. The horizontal component of all plats, binding site plans and short plats shall have the North American Datum of 19A83/91 (NAD 83/91) as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County survey horizontal control monuments. The basis of bearing shall be shown on the plans.

#### 15. Financial guarantees

Notwithstanding any other provision of this Title, the director is authorized to require all applicants issued permits or approvals under the provisions of this Title to post financial guarantees consistent with the provisions of SMC Title 27A.

#### 16. Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans

The application requirements shall be set forth in an official application packet approved by the director, and shall identify all items necessary for a complete application. The determination that an application is complete shall not preclude the department from requesting additional information in order to determine compliance with applicable standards and regulations.

#### 17. Violations and enforcement

Any person or entity violating any provision of this Title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of SMC Title 23.

#### 18. Circumvention of zoning density prohibited

A lot, which has been created through a legally recognized process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further subdivided. Provided, however, further division of a lot or alteration of a tract shall only be permitted to the extent that the total number of lots contained within the external boundaries of the original short subdivision, subdivision or binding site

plan does not exceed the density allowed under current zoning.

## 19. Rules

The director is authorized to adopt rules to implement the provisions of this Title pursuant to Chapter 2.55 SMC.

## D. Subdivisions and Short Subdivisions

### 1. Purpose

The purpose of this chapter is to specify the requirements for the division of land through short subdivisions and subdivisions, in accordance with applicable Washington State and City of Sammamish laws, rules and regulations, including permit processing procedures required by [Chapter 21.09.SDC](#).

### 2. Preliminary approval of subdivisions and short subdivisions – Filing of final plat or final short plat

a. Preliminary subdivision approval shall be effective for the period of time set forth in RCW 58.17.140, as currently enacted or as may be subsequently amended, and preliminary short subdivision approval shall be effective for the same period of time as a subdivision approval. If any condition is not satisfied and/or the final plat or final short plat is not recorded within the approval period identified herein, the subdivision or short subdivision shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days for the processing and recording of the final documents.

b. Preliminary subdivision or short subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision or short subdivision and preparation of the final plat or short plat subject to all the conditions of the preliminary approval.

c. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

### 3. Limitations for short subdivisions

- a. A maximum of nine lots may be created by a single application.
- b. An application for further division may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots, in which case an alteration application may be submitted to create a cumulative total of up to nine lots within the original short plat boundary.
- c. A maximum of nine lots may be created from two or more contiguous parcels with any common ownership interest.

#### 4. Revisions of preliminary short subdivisions and subdivisions

Applications to revise short subdivisions or subdivisions that have received preliminary approval shall comply with the following:

- a. Revisions that result in any substantial changes, as determined by the department, shall be treated as a new application for purposes of vesting. Short subdivisions shall be reviewed as a Type 2 land use decision and subdivisions as a Type 3 land use decision pursuant to [SDC 21.09.010B](#). For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, substantial change in access, drainage adjustment applications for projects subject to “full drainage review” or “large project drainage review” in [SMC Chapter 13.10](#), or changes to conditions of approval on an approved preliminary short subdivision or subdivision.
- b. Approval of the following modifications by the department shall not be considered revisions:
  - i. Engineering design, unless the proposed design alters or eliminates features required as a condition of preliminary approval.
  - ii. Changes in lot or tract dimensions that are consistent with this Title.
  - iii. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of this Title, if applicable.

- c. The department shall have the authority to administratively review and approve modifications described in subsection b. of this section through review procedures established by the department.

#### E. Final Plat and Final Short Plat Maps for Preliminarily Approved Subdivisions and Short Subdivisions

##### 1. Purpose

The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of final plat and final short plat maps, for preliminarily approved subdivisions and short subdivisions, also referred to herein as plats and short plats.

##### 2. Phased development

Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording in phases. All phases shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular phase must be met. The department may require certain features, including but not limited to stormwater facilities, open space or access, be included in the first phase or in subsequent phases as necessary to assure compliance with applicable standards and regulations.

##### 3. Construction plan review requirements

- a. Construction plans for streets, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval prior to the issuance of a site development permit. No on-site

clearing or construction activities shall occur prior to issuance of a site development permit.

- b. Construction plans shall conform to the requirements of the department as set forth in the adopted Surface Water Design Manual and current public works standards. Plans and technical information reports shall be submitted to the City and prepared consistent with the requirements of the Sammamish Municipal Code, City of Sammamish current public works standards, adopted Surface Water Design Manual, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer licensed in the state of Washington.
  - c. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the applicable water/sewer district will be required prior to the approval of the construction plans. Approval of the King County department of public health will be required when applicable.
  - d. Prior to approval of construction plans, and issuance of a site development permit, the applicant shall post a site restoration guarantee consistent with the provisions of SMC Title 27A, and shall pay any mitigation and/or impact fee amounts due, and all applicable fees due as set forth in the City fee resolution.
- 4. Minimum subdivision and short subdivision improvements**
- a. Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, and shall be

approved by the City, or in the case of water and sewer facilities, by the applicable district, unless otherwise approved by the City engineer. Applicants may choose to file a financial guarantee for preliminary plat improvements in lieu of constructing the improvements prior to recording the final plat. Financial guarantees shall be in conformance with the requirements of SMC 27A.20.060 and RCW 58.17.130.

- i. Public drainage facilities and erosion control measures consistent with the adopted surface water design manual;
- ii. Water mains and hydrant(s) installed and fire flow available, if required by water and sewer district;
- iii. Sewer mains installed if served by public sewer;
- iv. Streets graded and paved, with the exception of the final lift of asphalt, to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
- v. Specific site improvements required by the preliminary plat approval or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
- vi. Delineation and required signage and fencing of critical areas;
- vii. Temporary control monuments set by a land surveyor, located in conformance with this Title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land

surveyor within 90 days of the final lift of asphalt;  
and

viii. Improvements without which the director determines a safety hazard would exist.

b. The City shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum improvements required in subsection 1. of this section.

#### 5. Final plat and final short plat review procedures

a. Upon the City's inspection and determination that the site improvements required by [SDC 21.02.060E.4](#) have been substantially completed pursuant to the approved plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval. Substantial completion of site improvements, for purposes of final plat or final short plat submittal, shall mean street and lot rough grading has been completed and water, sewer, stormwater, and natural gas utilities have been installed.

b. All final plats and final short plats shall demonstrate conformance to the conditions of preliminary approval in a compliance matrix, as well as Chapter 58.17 RCW and Chapter 332-130 WAC.

c. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW shall be provided to the department prior to recording. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not

recorded within 30 days of the original certificate or supplemental certificate date.

d. All applicable processing fees specified by City fee resolution, applicable mitigation and impact fee amounts, and any civil penalty assessed pursuant to [SMC Title 23](#) against a site being reviewed under this section shall be paid, and all required financial guarantees posted prior to recording.

e. Prior to recording, all site improvements required by [SDC 21.02.060E.4](#) shall be complete and approved by the City. Applicable performance bonds and written final approval from the applicable water/sewer district and health department shall be obtained, if required.

f. A copy of protective deed covenants shall accompany the final plat or short plat, if applicable.

g. Upon approval by the department, the City council shall consider the final plat at a public meeting to confirm the conformance of the final plat to the conditions of preliminary approval imposed by the hearing examiner. Upon approval, the final plat or short plat shall be recorded with the county records and elections division.

#### 6. Contents of final plat and final short plat

The final plat or short plat shall comply with the requirements of Chapter 58.17 RCW and be in a form prescribed by the department and shall include all information as described in an official application packet approved by the director.

## 7. Final forms

- a. A final plat or final short plat shall be prepared on forms 18 inches by 24 inches in size, allowing for a two-inch border on one of the 18-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.
- b. Forms shall be printed with materials acceptable for filing as specified in WAC 332-130-050 and be formatted consistent with forms provided by the department.

## 8. Alterations of final plats

- a. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with the regulations in effect at the time the alteration application is submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or portion to be altered.
- b. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or alter the relevant covenants in order to accomplish the proposed alteration.

- c. An application shall be processed as a Type 3 permit pursuant to [SDC 21.09.010B.](#), except that a public hearing is not required unless requested by a person receiving notice within 14 days of receipt of the notice. The application may be approved if the proposed alteration is consistent with the required findings of [SDC 21.09.020T.1.](#) and [SDC 21.09.020T.3.](#)
- d. After approval of an alteration, the applicant shall submit a revised drawing of the approved alteration of the final plat, to be processed in the same manner as set forth for final plats in this Title.

## 9. Alterations of final short plats

Alteration of a final short plat may be approved by the department when consistent with the following requirements:

- a. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application.
- b. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or portion to be altered.
- c. If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or



alter the relevant covenants in order to accomplish the proposed alteration.

- d. An application shall be processed as a Type 2 permit pursuant to [SDC 21.09.010B](#).
- e. An alteration may be allowed to remove nonbuilding lot status on short subdivisions; provided, that no public dedications are required and original conditions of approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review.

#### 10. Vacations of a final plat or final short plat

- a. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.
- b. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration pursuant to [SDC 21.09.020T.5](#). Following the public hearing, the hearing examiner shall determine if the proposed vacation is consistent with the requirements of [SDC 21.09.020T.2](#). If the proposal is found to be consistent, the hearing examiner may recommend that the City council approve the application.
- c. Applications for vacations of City roads may be processed pursuant to this chapter only when such

road vacations are proposed in conjunction with the vacation of a plat. Vacations limited to City roads shall be processed in accordance with Chapter 36.87 RCW and the current public works standards.

#### F. Binding Site Plans

##### 1. Purpose

The purposes of this chapter are:

- a. To provide an alternative method for division of land for commercial zoned property or condominiums;
- b. To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar codes adopted by the City and allow use of the entire site for the purpose of satisfying these requirements;
- c. To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
- d. To specify administrative requirements for binding site plans in addition to the procedural requirements of [SDC 21.09.010](#) and in accordance with applicable Washington State and City of Sammamish laws, rules and regulations.

##### 2. Applicability

- a. Any person seeking the use of a binding site plan process to divide property for the purpose of sale, lease or transfer of ownership of commercial zoned property,

or creation of condominium units, is required to have an approved binding site plan prior to any property division, as provided for in Chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A binding site plan for a condominium shall be based on a building permit, an as-built site plan for developed sites, a site development permit issued for the entire site, or an approved site plan showing the anticipated development plan for the entire site, notwithstanding the provisions of [SDC 21.09.050](#).

- b. An application for a binding site plan approval shall be processed as a Type 2 permit pursuant to [SDC 21.09.010B](#).
- c. The site that is subject to the binding site plan shall consist of one or more contiguous lots.
- d. The site that is subject to the binding site plan may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.
- e. The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

### 3. Requirements and limitations

- a. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

b. The binding site plan shall:

- i. Identify the areas and locations of all streets, roads, improvements, utilities, water and sewer facilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features, and building envelopes;
  - ii. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the director or the hearing examiner; and
  - iii. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.
- c. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms.

### 4. Alterations

- a. Alteration of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.
- b. Changes to a building permit, subdivision, short subdivision, or site development permit within a binding site plan area shall also require alteration of the binding site plan unless the director determines that such



changes are consistent with the approved binding site plan.

## 5. Vacations

- a. Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another binding site plan.
- b. If a building permit or commercial site development permit is revised or expires, then the binding site plan shall be vacated unless the director determines that the revision or expiration is consistent with the approved binding site plan.

## 6. Recording

- a. Plat certificates or owner's duplicate certificates for registered land pursuant to Chapter 65.12 RCW shall be provided to the department by the owner.
- b. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared in a format prescribed by the department.

- c. The binding site plan shall contain all information as set forth in an official submittal checklist signed by the director.
- d. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
- e. No person shall sell, transfer or lease any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan.
- f. The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and contain a provision that any development of the site shall be in conformity with the approved binding site plan.

## G. Boundary Line Adjustments

### 1. Purpose

The purpose of this chapter is to provide procedures and criteria for the review and approval of adjustments to boundary lines of legal lots or tracts in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

2. **Procedures and limitations of the boundary line adjustment process**

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

- a. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in [SDC 21.09.010](#). The review shall include examination for consistency with this Title, the shoreline master program including SMC Title 25 and for developed lots building and fire codes and may include review by the applicable agency for department of health regulations and water and sewer district requirements;
- b. Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;
- c. May require modification or sharing of access from public works to be approved by the City engineer;
- d. A boundary line adjustment proposal shall not:
  - i. Result in the creation of an additional lot;
  - ii. Result in a lot that does not qualify as a building site pursuant to this Title;
  - iii. Reduce conforming lot dimensions such as area or width to nonconforming dimensions;
  - iv. Reduce the overall area in a plat or short plat devoted to open space;
  - v. Result in a lot that previously met sewer/water district standards for sewer/water service no longer meeting district standards;
  - vi. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
  - vii. Involve lots which do not have a common boundary; or
  - viii. Circumvent the subdivision or short subdivision procedures set forth in this Title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;
- e. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site shall be considered an adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this Title; and
- f. Recognized lots in an approved site plan for a conditional use permit, special use permit or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development

without additional conditional use permit, special use permit or commercial site development review and approval.

### 3. Final approval and recording required

- a. A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- b. Final boundary line adjustment documents shall be in a form prescribed by the department and be reviewed and approved by the department prior to recording with the King County auditor. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment and submittal to the City of the recorded boundary line adjustment documents. Lot lines within lots under different ownership shall be adjusted upon submittal to the City of the recorded boundary line adjustment and real estate conveyance documents transferring ownership of the adjusted land area. Approved boundary line adjustment approvals shall expire if the approved boundary line adjustment and real estate documents transferring property ownership are not recorded and a copy submitted to the City within one year from the date of approval.
- c. Final record-of-survey document must be prepared by a land surveyor in accordance with Chapter 332-130 WAC

and Chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

- d. The final map page shall contain the following approval blocks:
  - i. The King County department of assessments; and
  - ii. The City of Sammamish department of community development.

### 4. Boundary line agreement

Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, as evidenced by survey performed by a land surveyor as defined by [SDC 21.02.060](#) B.20. that demonstrates the following:

- a. The current legal description incorrectly identifies a property line location that is inconsistent with a location recognized by property owners through established use; or
- b. There is a defect in the recorded legal description that creates gaps or overlaps between existing lot lines;

the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by the procedure below, in conformance with RCW 58.04.007.

If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument,

using appropriate legal descriptions and including a survey map, filed in accordance with Chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with King County, and a copy of the recorded boundary line correction and/or agreement shall be submitted to the City for the record.

## CHAPTER 21.03.

# ENVIRONMENT & SUSTAINABILITY

---

21.03.010 Purpose and Intent . . . . .	.60
21.03.020 Environmentally Critical Areas. . . . .	.60
21.03.030 Low Impact Development . . . . .	124
21.03.040 State Environment Policy Act (SEPA) . . . . .	132
21.03.050 Surface Water Management (Title 13). . . . .	132
21.03.060 Trees . . . . .	166
21.03.070 Clearing and Grading. . . . .	176

### 21.03.010 Purpose and Intent

[Reserved]

### 21.03.020 Environmentally Critical Areas

#### A. Purpose

The purpose of this chapter is to implement the goals and policies of the Washington State Growth Management Act, Chapters 36.70A and 36.70B RCW, the State Environmental Policy Act, Chapter 43.21C RCW, and the City of Sammamish Comprehensive Plan, as amended, that call for protection of the functions and values of the natural environment and the public health and safety by:

1. Establishing development standards to protect defined critical areas;
2. Protecting members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic events, soil subsidence or steep slope failures;
3. Protecting unique, fragile, and valuable elements of the environment including, but not limited to, wildlife and its habitat;
4. Requiring mitigation of unavoidable impacts on environmentally critical areas by regulating alterations in or near critical areas;
5. Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater, wetlands, and streams;

6. Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions and values;
7. Protecting the public trust as to navigable waters and aquatic resources;
8. Meeting the requirements of the National Flood Insurance Program and maintaining the City as an eligible community for federal flood insurance benefits;
9. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of critical areas;
10. Establishing special district overlays with alternative development standards for increasing minimum requirements to address unique site characteristics in areas of increased sensitivity;
11. Providing City officials with sufficient information to protect critical areas; and
12. Providing the public with a clear review and approval process for the development of sites constrained by critical areas.

#### B. Applicability

1. The provisions of this chapter shall apply to all land uses in the City of Sammamish, and all persons within the City shall comply with the requirements of this chapter.
2. The City shall not approve any development proposal or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any

structure or improvement without first assuring compliance with the requirements of this chapter.

3. Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
4. When any provision of any other chapter of the Sammamish Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision that provides more protection to environmentally critical areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations.
5. The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and WAC Title 222.

**C. Appeals**

Any decision to approve, condition or deny a development proposal based on the requirements of this chapter may be appealed according to and as part of the appeal procedure for the permit or approval involved.

**D. Critical areas rules**

Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such administrative rules and regulations as are necessary and appropriate to implement this chapter and to prepare and require the use of such forms as are necessary to its administration.

**E. Fees**

1. Consistent with the City’s adopted fee schedule, the City shall establish fees for the application filing, review and other services provided by the City for critical areas review. Basis for these fees shall include, but not be limited to, the cost of engineering and planning review time, cost of inspection time, costs for administration, costs for third-party peer review, and any other special costs attributable to the critical areas review process.
2. Unless otherwise indicated in this Title, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessments, studies, plans, reconnaissances, or other work prepared in support of or necessary to review the application.

**F. Complete exemptions**

The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder except as provided in SMC 25.01.070 which excludes specific environmentally critical areas rules from application within the City of Sammamish shoreline jurisdiction:

1. Alterations in response to emergencies that threaten the public health, safety, and welfare or that pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the department immediately. The director shall confirm that an emergency exists and determine what, if any, mitigation shall be required to protect the health, safety, welfare and environment and to repair any resource damage;



2. Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices, as follows:
    - a. Normal and routine maintenance or repair of existing utility structures or rights-of-way;
    - b. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency that approves the new location of the facilities;
    - c. Replacement, operation, repair, modification, installation, or construction in existing developed utility corridors, an improved City street right-of-way or City-authorized private street of all electric facilities, lines, equipment, or appurtenances, not including substations;
    - d. Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances, only when required by a local governmental agency that approves the new location of the facilities; and
    - e. Replacement, operation, repair, modification, installation, or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances when such facilities are located within an improved public right-of-way or authorized private street;
  3. Maintenance, operation, repair, modification, or replacement of publicly improved streets as long as any such alteration does not involve the expansion of streets or related improvements into previously unimproved rights-of-way or portions of rights-of-way;
  4. Maintenance, operation, or repair of parks, trails and publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved areas or new clearing of native vegetation beyond routine pruning and related activities; and
  5. All clearing and grading activities that are exempt from the requirement for a clearing and grading permit as specified in [SDC 21.03.070E.](#), unless these activities require other permits or authorizations as specified in [SDC 21.03.020B.](#)
- G. Allowances for existing urban development and other uses**
- Subject to the limitations set forth in subsection 1. of this section the following developments, activities, and uses are allowed in critical areas and associated buffers and building setbacks as specified in the following subsections, provided such activities are otherwise consistent with this program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.
1. Change of Use and Existing Improvements. Approval of a preliminary subdivision, short subdivision or binding site plan shall require that an existing improvement, or nonconformance, as that term is defined in [SDC 21.04.040B.237.](#), be removed or discontinued prior to

recording of the final plat, final short plat, or binding site plan resulting in five or more lots in the following circumstances:

- a. The existing improvement or nonconformance is located within environmentally critical areas or buffers. This includes, but is not limited to, a nonconformance within an area proposed to be included in an averaged or reduced buffer; and
  - b. Removal of the existing improvement or nonconformance will result in a reduced impact to environmentally critical areas; or
  - c. One of or more of the following criteria are met:
    - i. Removal or discontinuance of the existing improvement or nonconformance is necessary to meet water quality, drainage, or revegetation requirements or to qualify for incentives.
    - ii. The existing improvement or nonconformance is a use no longer allowed in the zoning designation or would be incompatible with a proposed use.
    - iii. Removal or discontinuance of the existing improvement or nonconformance is necessary for public health, safety, or welfare, including but not limited to adequate sanitation, access, and/or safe walking conditions for school children.
2. Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according

to the regulations in place at their time of establishment, may be maintained and no critical areas study or review is required.

3. Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:
  - a. Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.
  - b. Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following:

- i. If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with the provisions of [SDC 21.03.020K.3.](#) and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;
  - ii. If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and
  - iii. If an existing legally created single detached dwelling unit and an accessory dwelling unit and associated impervious surfaces are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:
    - a) No portion of the modification, addition or replacement may be located closer to a wetland or stream than the nearest extent of the existing single detached dwelling unit, except as provided under subsection 2.b.iii.(B) of this section.
    - b) When there is an intervening single detached dwelling unit(s) or accessory dwelling unit(s) on a perpendicular line in between the subject wetland or stream and a single detached dwelling unit or accessory dwelling unit that is proposed to be modified, added to, or replaced, the modification, addition or replacement may be located closer to the wetland or stream, provided no portion of the modification, addition or replacement is located closer than 50 feet to the wetland or stream.
- c) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:
    - 1) A critical areas study approved by the City demonstrates a net improvement in hydrologic and habitat values to the subject affected wetland, stream, fish and wildlife habitat conservation area through restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and
    - 2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter.
- c. Expansions of Buildings in Commercial Zoning Districts. Structural modification of, addition to, or replacement of legally created buildings and associated impervious surfaces located in the community business, neighborhood business, office, and Town Center A zones, that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation area, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the building

and associated impervious surface areas lying within the buffer or building setback subject to the following:

- i. If the existing legally created building(s) and associated impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with the provisions of [SDC 21.03.020K.3.](#) and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;
- ii. If the existing legally created building(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and
- iii. If an existing legally created building(s), and associated impervious surfaces, are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:
  - a) No portion of the modification, addition or replacement may be located closer to a wetland or stream than the nearest extent of the existing building(s), except as provided under subsection 2.c.iii.(B) of this section.
  - b) When there is an intervening building(s) on a perpendicular line in between the subject wetland or stream and building(s) that is proposed to be modified, added to, or replaced,

the modification, addition or replacement may be located closer to the wetland or stream, provided no portion of the modification, addition or replacement is located closer than 50 feet to the wetland or stream.

- c) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:
  - 1) A critical areas study approved by the City demonstrates that the proposed modification, addition, or replacements authorized by this subsection will also result in a net improvement in hydrologic and habitat values to the subject affected wetland, stream, fish and wildlife habitat conservation area through restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and
  - 2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter.
4. Revisions to existing legally established landscaping are allowed subject to the following:
  - a. The landscaped area shall not be increased within the critical area or buffer; and
  - b. Landscaping features may be revised or replaced with similar features or features with less impact to the critical area or buffer, such that the remaining functions of the critical area and/or buffer are maintained or

- improved (e.g., plant material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape replaced with plant material, etc.); and
  - c. Revisions authorized under this subsection shall not require a critical areas study.
5. Conservation, preservation, restoration and/or enhancement is allowed within critical areas or buffers subject to the following:
- a. Conservation and preservation of soil, water, vegetation, and other fish and wildlife habitat is allowed where it does not include alteration of the location, size, dimensions or functions of an existing critical area or buffer.
  - b. Restoration and enhancement of critical areas or buffers is allowed; provided, that actions do not alter the location, dimensions or size of the critical area or buffer, that actions improve and do not reduce the existing quality or functions of the critical areas or buffers, and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.
6. Select Vegetation Removal Activities.
- a. Removal of nonnative or invasive Washington State and/or King County listed noxious weeds in an area of up to 2,500 square feet within a critical area or buffer is allowed with no permit requirement if the following provisions are met:
    - i. The plants are removed using hand labor and/or light equipment;
    - ii. Soil disturbance is minimized and no filling or modification of soil contours occurs;
    - iii. Water quality is protected and there is no modification of hydrology patterns within the critical area or buffer;
    - iv. Native plants are protected from removal or damage;
    - v. Appropriate erosion-control measures are used;
    - vi. The area is replanted with a like kind and density of native vegetation following nonnative plant removal. For example, if dense nonnative blackberry is removed, at a minimum, dense native shrubs must be replanted following blackberry removal, though native trees and groundcover could also be included and are encouraged if desired; and
    - vii. Removal of nonnative or invasive plants authorized under this subsection shall not require a critical areas study.
  - b. For removal of nonnative vegetation in an area greater than 2,500 square feet, a clearing and grading permit is required and must be accompanied by a native plant restoration plan in accordance with applicable provisions of this chapter. A critical areas study may be required by the director.
7. Reconstruction or replacement of the exterior footprint of an existing, legally established structure not meeting

current regulations is allowed; provided, that the addition or reconstruction does not increase the noncompliance to current regulations. A critical areas study may be required by the director.

- a. Replacement may be allowed in a different location not meeting current regulations if a determination is made by the City that the new location results in less impact to environmentally critical area functions and values than replacement in the existing footprint.
- b. Existing structures that were legally established but which are not meeting current regulations may be maintained, reconstructed, or repaired; provided, that the maintenance/reconstruction/repair does not increase the extent of noncompliance with current regulations by encroaching upon or extending into the environmentally critical areas or other area where new construction or use would not be allowed.
- c. If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural disaster or is otherwise demolished, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred or in accordance with subsection 7.a. of this section; provided, that all of the following criteria are met:
  - i. The owner(s) submit a complete application within 24 months of the date the damage occurred; and
  - ii. All permits are issued within two years of initial submittal of the complete application, and the restoration is completed within two years of permit

issuance. This period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

- d. A structure not meeting current regulations that is moved outside the existing footprint must be brought into conformance with this chapter, except as allowed by subsection 7.a. of this section.
8. A permit or approval sought as part of a development proposal where previous critical areas review has been completed is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, [SDC 21.03.020S.](#) and [SDC 21.03.020T.](#), if:
- a. The City previously reviewed all critical areas on the site;
  - b. There is no material change in the development proposal since the prior review that would affect a critical area;
  - c. There is no new information available that is important to any critical area review of the site or particular critical area;
  - d. No more than five years have lapsed since the issuance of the permit or approval under which the prior review was conducted; provided, that the director may allow a longer time period if new review would be unlikely to provide new information about the critical area; and



- e. The prior permit or approval, including any conditions, has been complied with.

#### H. Exceptions

Except as prohibited in the City of Sammamish shoreline jurisdiction under [SMC 25.01.070](#), the following are exceptions from the provisions of this chapter when applicable criteria and performance standards are met:

1. Public Agency and Utility Exception. If the application of this chapter would prohibit an activity or a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this section:
  - a. The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
  - b. The director may approve alterations to critical areas, buffers and critical area setbacks by an agency or utility not otherwise allowed by this chapter when the following criteria are met:
    - i. There is no other reasonable alternative to the activity or proposed development with less impact on the critical area; and
    - ii. The activity or development proposal is designed to avoid, minimize, and mitigate the impact on environmentally critical areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and, if applicable:
      - iii. The proposed development or activity is of a linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.
2. Reasonable Use Exception. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:
  - a. The director may approve alterations to critical areas, critical area buffers and setbacks to allow a reasonable use not otherwise allowed by this chapter when the following criteria are met:
    - i. The application of this chapter would deny all reasonable use of the property;
    - ii. There is no other reasonable economic use with less impact on the critical area;
    - iii. The proposed development does not pose an unreasonable threat to the environment or public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
    - iv. Any alterations permitted to the critical area or buffer shall be the minimum necessary to allow for reasonable use of the property and the project consistent with the provisions of [SDC 21.09.010](#).



design must follow mitigation sequencing as outlined in [SDC 21.03.020M](#), and achieve no net loss of ecological functions; and any authorized alteration of a critical area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan.

- v. The lack of a reasonable economic use alternative is not the result of actions taken by the applicant after December 31, 2021.
- b. The following must be submitted with a request for a reasonable use exception:
  - i. A critical area report from a qualified professional detailing how the project has been designed to avoid and minimize impacts to the critical area and buffer. The report shall detail the anticipated impact on the critical area and buffer along with specific mitigation measures that may include restoration of previously impacted critical area.
  - ii. A site plan showing the critical area, buffer, natural features, topography, and proposed development area.
  - iii. A proposed monitoring plan for a minimum of five years including submittal of an annual report the City outlining how proposed mitigation measures are functioning such as plantings.
  - iv. The applicant shall submit a detailed review of the permitted uses allowed in the underlying zoning district with supporting information explaining why

all other permitted uses that may have less impact on the critical area and buffer are not feasible.

- c. Development Limitations in R- zones.

In the R- zones where no other permitted uses allow for reasonable use of the property the City may allow up to a 2,250 square foot single-family home inclusive of accessory structures. Maximum developable area may not exceed 2,500 square feet inclusive of all structures and impervious surfaces, pursuant to an approved RUE, with applicable mitigation.

#### I. **Critical areas maps and inventories**

Not all of the critical areas in the City of Sammamish are fully mapped. Field verification and, if appropriate, evaluation and mapping by a qualified professional of the location of critical areas will be required. The distribution of many environmentally critical areas in the City of Sammamish is displayed in the City's critical areas map folio, as amended. Additionally, the following maps are referenced and/or maintained by the City:

1. Many of the wetlands located within the City's boundaries are inventoried in the King County wetlands inventory notebooks.
2. Flood hazard areas are mapped by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County."
3. The wetland management, erosion hazard near sensitive water bodies, critical aquifer recharge area, and lake management special overlay districts are designated on

maps maintained by the City of Sammamish department of community development.

All maps are deemed advisory with the exception of the critical aquifer recharge area, flood insurance study for King County, wetland management area and erosion hazard near sensitive water bodies overlay maps. If there is a conflict among the advisory maps, inventory and/or site-specific features, the department of community development shall verify the actual presence or absence of the features defined in this Title as environmentally critical areas. The determination may be challenged by the property owner pursuant to [Chapter 21.01 SDC](#).

**J. Disclosure by applicant**

1. The applicant shall disclose to the City the presence of critical areas on the development proposal site and any mapped or identifiable critical areas within the distance equal to the largest potential required buffer applicable to the development proposal area on the applicant’s property.
2. If the development proposal site contains or is within a critical area or buffer, the applicant shall submit an affidavit that declares whether the applicant has knowledge of any illegal alteration to any or all critical areas or their buffers on the development proposal site and whether the applicant previously has been found in violation of this chapter, pursuant to SMC Title 23. If the applicant previously has been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the City.

**K. Critical area review and study requirements**

**1. Critical area review**

- a. The City shall perform a critical area review prior to issuing any approval for a development proposal permit application or other request for permission to proceed with an alteration on a site that includes a critical area or is within an identified critical area buffer or building setback area.
- b. As part of the critical area review, the City shall:
  - i. Confirm whether critical areas or buffers have been mapped or identified within the distance equal to the largest potential required buffer applicable to the development proposal area;
  - ii. Confirm the nature and type of the critical area;
  - iii. Determine whether a critical areas study is required;
  - iv. Evaluate the critical areas study and require third party review, if necessary;
  - v. Determine whether the development proposal is consistent with this chapter;
  - vi. Determine whether any proposed alteration to the critical area is necessary; and
  - vii. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals, purposes, objectives, and requirements of this chapter.

## 2. Critical areas study requirement

- a. An applicant for a development proposal where impacts to or alteration of an environmentally critical area or modification or reduction of a buffer associated with an environmentally critical area is proposed or may occur as a consequence of proposed actions shall submit a critical areas study at a level determined by the director to adequately evaluate the proposal and probable impacts.
- b. The director may waive or modify the requirement for a critical areas study if the applicant shows, to the director's satisfaction, that:
  - i. There will be no alteration of the critical area or buffer;
  - ii. The development proposal will not have an impact on the critical area in a manner contrary to the goals, purposes, objectives, and requirements of this chapter; and
  - iii. The minimum standards required by this chapter are met; or
  - iv. Critical areas are located off site and access to applicable off-site property is restricted.
- c. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical areas study to include only that area that is affected by the development proposal.

- d. If necessary to ensure compliance with this chapter, the director may require additional information from the applicant, separate from the critical areas study.
- e. A development proposal may be allowed to utilize past studies from neighboring properties, if confirmed that the study findings remain accurate and applicable to proposed development.
- f. A wetland delineation completed over five years ago needs to be revisited. Revisiting a wetland delineation that is five or more years old does not necessarily mean that a new wetland delineation needs to be completed. It means that a field verification by the City may need to be performed to determine whether the delineation is still accurate or whether it needs to be redone based on existing conditions.

## 3. Contents of critical area study

- a. The critical areas study shall be in the form of a written report prepared by a qualified professional using guidance based on best available science per Chapter 36.70A RCW and shall contain the following, as determined to be applicable by the director:
  - i. The applicant shall disclose to the City the presence of critical areas on the development proposal site and any mapped or identifiable critical areas within the distance equal to the largest potential required buffer applicable to the development proposal area on the applicant's property;
  - ii. Assessment of the impacts or risks to an environmentally critical area or buffer:

- a) Related to the development proposal and associated alterations to the subject property; and
  - b) Affecting other properties and any environmentally critical areas or buffers located on them;
  - iii. A description of efforts made to apply mitigation sequencing pursuant to [SDC 21.03.020M](#). to avoid, minimize and mitigate impacts to environmentally critical areas;
  - iv. Studies that propose adequate mitigation, maintenance, monitoring, and contingency plans and bonding measures as necessary to offset impacts to the critical area from the development proposal;
  - v. A scale map of the development proposal site;
  - vi. Photographic records of the site before the proposed alteration occurs;
  - vii. Detailed studies, as required by this chapter, for individual critical areas or as otherwise deemed necessary for critical areas protection by the director;
  - viii. Assessment of potential impacts that may occur downstream or downhill from the development site, such as sedimentation or erosion, where applicable;
  - ix. Assessment of potential impacts to wetland management areas, lake management areas, and other areas designated for special protection, where applicable; and
  - x. Consideration of the protection recommendations of the East Lake Sammamish Basin and Nonpoint Action Plan (1994), the Lake Washington/ Cedar/Sammamish Watershed Chinook Salmon Conservation Plan – WRIA 8 Steering Committee, and adopted sub-basin plans.
- b. A critical areas study may be combined with any studies required by other laws and regulations.
- L. Recording residential site plans and notices on title**
1. All projects in the R- zones with the presence of critical areas and/or buffers shall record the site plan approved by the City of Sammamish to the project site parcel with King County Records. The site plan shall clearly show the limits of all critical areas and buffers, all structures and impervious surfaces, trees and driplines, clearing limits, and landscaping. Applicants shall provide proof the site plan was recorded to the City of Sammamish to be documented in City records. The site plan may be accompanied by supporting information detailing the critical areas and buffers present.
  2. In addition to recording the site plan and supporting information a notice of title must be filed with King County noting the presence of critical areas and/or buffers for future property owners. Applicants must provide proof to the City of Sammamish that the Notice of Title has been recorded to be documented in City records.

**M. Avoiding impacts to critical areas**

1. Except as otherwise provided in [SDC 21.03.020G.](#), an applicant for a development proposal, activity, or alteration shall document the consideration of and subsequently shall implement the following sequential measures, which appear in order of preference, to avoid, minimize, and mitigate impacts to environmentally critical areas and associated buffers:

- a. Avoiding the impact or hazard by not taking a certain action, or redesigning the proposal to eliminate the impact. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid critical area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, conditional, or special use in the SMC. In determining the extent to which the proposal should be redesigned to avoid the impact, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified modifications to the proposal.

The department may also consider the extent to which the avoidance of one type or location of an environmentally critical area could require or lead to impacts to other types or locations of nearby or adjacent environmentally critical areas. The department should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of the relevant environmentally critical areas and based on the

recommendations of a critical areas study. If impacts cannot be avoided through redesign, or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in subsections 1.b. through g. of this section.

- b. Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact with appropriate technology or by changing the timing of the action.
  - c. Restoring the impacted critical areas by repairing, rehabilitating or restoring the affected critical area or its buffer.
  - d. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through plantings, engineering or other methods.
  - e. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal, activity or alteration.
  - f. Compensating for the adverse impact by enhancing critical areas and their buffers or creating substitute critical areas and their buffers as required in the SMC.
  - g. Monitoring the impact, hazard or success of required mitigation and taking remedial action based upon findings over time.
2. In addition to the above steps, the specific development standards, permitted alteration requirements, and mitigation requirements of this chapter and elsewhere in the SMC apply.

3. The department shall document the decision-making process used under this section as a part of the critical areas review conducted pursuant to [SDC 21.03.020K.1](#).

**N. Mitigation, maintenance, monitoring and contingency**

1. When mitigation is required by this chapter to compensate for adverse impacts, unless otherwise provided, mitigation, maintenance, monitoring measures and contingency plans shall be in place to protect critical areas and buffers from alterations occurring on the development proposal site.
2. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.
3. Mitigation shall be in kind and on site where on-site mitigation is feasible, sufficient to maintain critical area and buffer functions, and where applicable to prevent risk from a hazard posed by a critical area.
4. The City may approve off-site mitigation if an applicant demonstrates that:
  - a. It is not feasible to mitigate on the development proposal site; and
  - b. The off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or aquatic area habitat functions.
5. When off-site mitigation is authorized, the City shall give priority to locations in the following order of preference:

- a. Within the same drainage sub-basin;
- b. Within the City limits;
- c. Within the Sammamish service area boundaries of an approved fee-in-lieu mitigation program;
- d. Within the Sammamish service area boundaries of an approved mitigation bank program.

6. Mitigation shall not be implemented until after the City of Sammamish approves the applicable critical areas study, mitigation plan and any required permits. Following City approval, mitigation shall be implemented in accordance with the provisions of the approved critical areas study and mitigation plan.

**O. Mitigation plan requirements**

When mitigation is required, the applicant shall submit, for approval by the City of Sammamish, a mitigation plan as part of, or in addition to, the critical areas study. The mitigation plan shall include, or be accompanied by, a report with the following information as determined to be applicable by the director:

1. Existing Conditions and Proposed Impacts. A description of existing critical area(s) and/or buffer(s) conditions, functions, and values and a description of the anticipated impacts;
2. Proposed Mitigation. A description of proposed mitigating actions and mitigation site selection criteria;
3. Environmental Goals and Objectives. A description of the goals and objectives of proposed mitigation. The goals and objectives shall be related to the functions and values of the impacted critical area(s) and/or buffer(s);



4. **Best Available Science.** A review of the best available science supporting proposed mitigation, a description of the plan/report author's experience to date in restoring or creating the type of critical area proposed, and an analysis of the likelihood of success of the mitigation project;
5. **Performance Standards.** A description of specific measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met;
6. **Detailed Construction Plans.** Detailed site diagrams, cross-sectional drawings, topographic elevations at one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. In addition, plans should include specifications and descriptions of:
  - a. Proposed construction sequence, timing, and duration;
  - b. Grading and excavation details;
  - c. Erosion and sediment control features;
  - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
  - e. Measures to protect and maintain plants until established;
7. **Monitoring Program.** Mitigation plans shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included that outlines the schedule for site monitoring and how the monitoring data will be evaluated

to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met. The monitoring period shall be five years; provided, that the director may approve a greater period when needed to ensure mitigation success or a lesser period for minor mitigation;

8. **Contingency Plan.** The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met; and
9. **Fee-in-Lieu Program.** If fee-in-lieu mitigation is proposed, a critical areas study shall be supplied that demonstrates how proposed impacts and mitigation meet the requirements of [SDC 21.03.020N](#), and [SDC 21.03.020Y.3](#), or [SDC 21.03.020AA.3.](#), whichever is applicable, and also the specific requirements of the fee-in-lieu mitigation program to be utilized.

**P. Financial guarantees**

Financial guarantees shall be required consistent with the provisions of SMC Title 27A.

**Q. Vegetation management plan**

1. For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior



to issuance of the permit or other request for permission to proceed with an alteration. The plan shall address vegetation preservation both during and after construction is complete. All critical areas and buffers shall be maintained in perpetuity and failure to maintain critical areas and buffers in their natural state is considered a violation and subject to enforcement by the City.

2. The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a critical area or its buffer is proposed to be disturbed.
3. Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-01028., the vegetation management plan shall include a description of proposed logging practices that demonstrates how all critical areas will be protected in accordance with the provisions of this chapter.
4. Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.
5. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.
6. Submittal requirements for vegetation management plans shall be set forth by the department.

**R. Critical area markers, signs and fencing**

1. Markers. Permanent survey stakes delineating the boundary between adjoining property and critical area tracts shall be set, using markers capable of being magnetically located and as established by current survey standards.
2. Signs. Development proposals approved by the City shall require that the boundary between a critical area buffer and contiguous land shall be identified with permanent signs. Permanent signs shall be a City-approved type designed for high durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner or homeowners' association in perpetuity. The wording, number and placement of the signs may be modified by the director based on specific site conditions.
3. Fencing. Permanent fencing shall be required at the outer edge of the critical area buffer under the following circumstances:
  - a. As part of any development proposal for:
    - i. Plats;
    - ii. Short plats;
    - iii. Parks;
    - iv. Other development proposals, including but not limited to multifamily, mixed use, and commercial development where the director determines that such fencing is necessary to protect the functions of the critical area;

- b. When buffer reductions are employed as part of a development proposal;
- c. When buffer averaging is employed as part of a development proposal; and
- d. At the director's discretion to protect the values and functions of a critical area.

Fencing installed in accordance with this section shall be designed to not interfere with fish and wildlife migration and shall be constructed in a manner that minimizes critical areas impacts.

#### S. Notice on title

1. The owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the records and elections division of King County. The required contents and form of the notice shall be determined by the director. The notice shall inform the public of the presence of critical areas, buffers or mitigation sites on the property, of the application of this chapter to the property and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land.
2. The applicant shall submit proof that the notice has been filed for public record before the City shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording.

#### T. Critical area tracts and designations on site plans

1. Critical area tracts shall be used to delineate and protect those critical areas and buffers listed below in development proposals for subdivisions, short subdivisions, or binding site plans and shall be recorded on all documents of title of record for all affected lots:
  - a. All landslide hazard areas and buffers that are one acre or greater in size;
  - b. All wetlands and buffers;
  - c. All streams and buffers; and
  - d. All fish and wildlife habitat conservation areas and buffers.
2. Any required critical area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowners' association or other legal entity which assures the ownership, maintenance, and protection of the tract, or dedicated to the City of Sammamish, at the City's discretion.
3. Site plans submitted as part of development proposals for building permits, master plan developments, and clearing and grading permits shall include and delineate all flood hazard areas (if they have been mapped by FEMA or if a critical areas study is required), landslide hazard areas, streams and wetlands, buffers, and building setbacks. If only a part of the development site has been mapped pursuant to [SDC 21.03.020K.2.c.](#), the part of the site that has not

been mapped shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by [SDC 21.03.020S](#).

**U. Alteration**

Recodified to [SDC 21.04.040B.12](#). by Ord. O2005-172.

**V. Building setbacks**

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of a critical area buffer. The following may be allowed in the building setback area:

1. Landscaping;
2. Uncovered decks, less than 18 inches above grade;
3. Building overhangs if such overhangs do not extend more than 18 inches into the setback area;
4. Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions adopted for the various critical areas; and
5. Trails.

**W. Erosion, flood, landslide, and seismic hazard areas**

**1. Erosion hazard areas – Development standards and permitted alterations**

- a. Land clearing, grading, filling, and foundation work in an erosion hazard area is allowed only from May 1st to September 30th, except that:

- i. Construction outside of this seasonal development limitation may be authorized if the director determines that the hazard area will not be adversely impacted by the proposed construction work or the applicant demonstrates that erosion hazards will be fully mitigated through a temporary erosion and sediment control management plan that includes:

a) The minimum requirements from the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management:

- 1) Provisions to store site construction runoff and treat runoff sufficiently to meet water quality standards prior to discharge;
- 2) Daily and post-storm inspections of temporary erosion and sediment control best management practices;
- 3) Establishment of a manager, who is a Certified Erosion and Sediment Control Lead (CESCL) in the state of Washington, and will be available on call to respond to temporary erosion and sediment control noncompliance;
- 4) A water-quality monitoring plan for site discharges, where the applicant is responsible for measuring turbidity of storm water released from the site and maintaining records of monitoring data that shall be available upon request by the City or Ecology. Monitoring protocols shall conform to the

- monitoring requirements of the construction storm water general permit;
- 5) A contingency plan incorporated into the temporary erosion and sediment control plan that identifies corrective actions and BMPs that will be implemented if monitoring shows discharge water quality exceeds water quality standards, and that specifies materials to be stockpiled on site for use in an erosion and sediment control response;
  - 6) A seasonal suspension plan for suspending work until the end of the rainy season if temporary erosion and sediment control measures are found to be inadequate;
- b) Pre-design site inspection by a licensed engineer or geologist to identify erosion hazard areas, no-disturbance areas, other environmentally critical areas, and resources downstream of the site that are to be protected;
  - c) Construction storm water systems and temporary erosion and sediment control best management practices are to be sized for a minimum of a 10-year storm interval;
  - d) The owner must provide a financial guarantee in accordance with Chapter 27A.15 SMC, and in an amount sufficient to cover all costs of implementing the approved temporary erosion and sediment control plan, monitoring site discharges, permanently stabilizing the site, and restoring any off-site impacts, including materials, labor, and City costs, and include a mechanism allowing the City to use the financial guarantee if the development is stalled or not completed;
  - e) Preparation and implementation of site grading, stabilization, and restoration plans by a licensed engineer, with certification by a geotechnical engineer that these plans are sufficient to prevent erosion and sedimentation of susceptible soils; and
  - f) Preparation of a vegetation management plan by a qualified professional for establishment of permanent vegetation on the site following completion of clearing and grading work.
- ii. In addition to the requirements of subsection 1.a. of this section, the director may require additional studies of the site hydrology, soils and storm water retention, and may also require grading, structural improvements, erosion control measures, restoration plans, and/or an indemnification/release agreement.
  - iii. Timber harvest may be allowed pursuant to an approved forest practice Type II and III permit issued by the Washington Department of Natural Resources.
  - iv. Construction activity associated with subdivisions, short subdivisions, and similar projects that drain to Lake Sammamish during the wet season shall

provide water quality monitoring reports to the City consistent with [SDC 21.03.020W.1.a\)4](#)), and shall include monitoring of water temperature.

- v. The director may halt wet season construction as necessary to protect the hazard area and/or to prevent downstream impacts.
- b. All development proposals on sites containing erosion hazard areas shall include a temporary erosion and sediment control plan as specified in subsection 1.a. of this section consistent with this section and other laws and regulations prior to receiving approval. Specific requirements for such plans shall be set forth in the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, or as otherwise specified by the department.
- c. All subdivisions, short subdivisions, or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
  - i. Existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
  - ii. If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to the department for review and approval. Following approval, the applicant shall be required to implement the plan;
  - iii. Where the City determines that erosion from a development site poses a significant risk of damage

to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site as required by the adopted surface water design manual and City of Sammamish addendum. If the project does not meet the applicable provisions of the adopted water quality standards as established by law, the City may suspend further development work on the site until such standards are met.

- d. The use of hazardous substances, pesticides, and fertilizers in erosion hazard areas may be prohibited by the City.

## 2. Erosion Hazards Near Sensitive Water Bodies Overlay

- a. The purpose of the erosion hazards near sensitive water bodies overlay is to provide a means to designate sloped areas posing erosion hazards that drain directly to lakes or streams of high resource value that are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development.

### b. General Development Standards

The following development standards shall be applied to all properties within the erosion hazard near sensitive water body overlay:

- i. The one-acre exemption in the storm water design manual addendum shall not apply within the erosion hazards near sensitive water body overlay.

- ii. If the application of this section would deny all reasonable use of property, the applicant may apply for a reasonable use exception pursuant to [SDC 21.03.020H.2](#).
- iii. The director may modify the property-specific development standards required by this section when a critical areas study is conducted by the applicant and approved by the director which demonstrates that the proposed development substantially improves water quality by showing all of the following:
  - a) Water quality on site is improved through site enhancements and/or other innovative management techniques;
  - b) The development project will not subject downstream channels to increased risk of landslide or erosion; and
  - c) The development project will not subject the nearest sensitive water body to additional hazards resulting from erosion.

**c. No-Disturbance Area Development Standards**

The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the no-disturbance area:

- i. Development shall not occur in the no-disturbance area, except for the development activities listed in [SDC 21.03.020.W.2.i.a](#)). Development activities

listed in [SDC 21.03.020.W.2.i.a](#)) shall only be permitted if they meet the requirements of [SDC 21.03.020.W.2.i.b](#)).

- a) Development activities may be permitted as follows:
  - 1) For single-family residences, associated landscaping and any appurtenances on preexisting separate lots;
  - 2) For utility corridors to service existing development along existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way, or for the construction of utility corridors identified within an adopted water, storm water, or sewer comprehensive plan;
  - 3) For streets providing sole access to buildable property and associated utility facilities within those streets; or
  - 4) For public park facilities including parking lots, restrooms or recreational structures and pedestrian trails/sidewalks.
- b) The development activities listed in [SDC 21.03.020.W.2.i.a](#)) may be permitted only if the following requirements are met:
  - 1) Where applicable under [SDC 21.03.020K.2.](#), a report that meets the requirements of [SDC 21.03.020K.3.](#) shall show that the development activities will not subject the

- area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;
- 2) The development activities shall be mitigated, monitored and bonded consistent with the mitigation requirements applicable to environmentally critical areas;
  - 3) The development activities are limited to the minimal area and duration necessary for construction; and
  - 4) The development activities are consistent with this chapter.
- ii. New single-family home construction or modifications or additions to existing single-family homes on existing legal lots that will result in a total site impervious surface of more than 2,000 square feet shall provide a drainage design, using the following sequential measures, which appear in order of preference:
- a) Infiltration of all site runoff shall be required to the maximum extent technically feasible in existing soil conditions, consistent with the infiltration system design requirements of the KCSWDM;
  - b) Development proposals that meet the goals of low impact development, as follows:
    - 1) Sixty-five percent of the site shall remain as open space.
    - 2) No more than 10 percent of the gross site area may be covered with impervious surface.
    - 3) The development proposal's storm water system shall limit storm water discharge volumes to match the average annual volume discharged from the predeveloped 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 storm water 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;
    - c) For development proposals that cannot infiltrate all site runoff, the applicant shall design a drainage system that provides a drainage outlet designed using the best available science techniques in addition to the applicable flow control and water quality treatment standards



of the adopted surface water design manual to minimize the risk of landslide or erosion within the no-disturbance area and minimize the risk of water quality impacts to any sensitive water body located downstream of the no-disturbance area; and

- d) Structural modification of, addition to or replacement of legally created single detached residences and improvements in existence before January 1, 2006, that do not increase the existing total footprint of the residence and associated impervious surface by more than 400 square feet over that existing before January 1, 2006, shall be exempt from the provisions of this subsection.
- d. Development Standards for Properties Draining to the No-Disturbance Area. The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the erosion hazards near sensitive water body overlay that drain to a no-disturbance area:
- i. New proposed subdivisions, short subdivisions, public institutions, commercial site development permits, and binding site plans for sites that drain predeveloped runoff to the no-disturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly constructed impervious surfaces shall be retained on site unless this requirement precludes a proposed subdivision or short subdivision from achieving 75 percent of the maximum net density as identified in [SDC 21.04.030](#).

When 75 percent of the maximum net density cannot be met, the applicant shall retain runoff on site and a perforated tightline (per the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management) shall be used to connect each lot to the central drainage system. The following drainage systems shall be evaluated, using the following sequential measures, which appear in order of preference:

- a) Infiltration of all site runoff shall be required in granular soils as defined in the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management;
- b) Infiltration of downspouts shall be required in granular soils and in soil conditions defined as allowable in the KCSWDM when feasible to fit the required trench lengths on site. All flows not going to an individual infiltration system shall be detained on site using the most restrictive flow control standard; and
- c) When infiltration of downspouts is not feasible, the applicant shall design a drainage system that will detain flows on site using the applicable flow control standard and shall install an outlet from the drainage system designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; provided, that in no case shall development proposals generating more than 2,000 square feet of impervious surface create point

discharges in or upstream of the no-disturbance or landslide hazard areas.

- ii. For the portions of proposed subdivisions, short subdivisions and binding site plans that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent of the portion of the site that cannot infiltrate shall remain undisturbed and set aside in an open space tract consistent with [SDC 21.03.020Q](#) through [SDC 21.03.020T](#). The open space tract shall be located adjacent to any required critical area tracts and shall be designed to maximize the amount of separation between the critical area and the proposed development. If no critical areas tracts are required, the open space tract shall be located to provide additional protection to the no-disturbance area.
- iii. For the portions of all subdivisions and short subdivisions that cannot infiltrate runoff up to the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage should be specified for subsequent residential building permits on individual lots.

### 3. Frequently flooded areas

- a. Frequently flooded areas include all areas of special flood hazards within the jurisdiction of the City of Sammamish. The areas of special flood hazard are identified by the Federal Insurance Administration in a scientific and engineering report entitled "the Flood

Insurance Study for King County," as amended, as stated in [SMC 15.10.060](#). The flood insurance study is on file at Sammamish City Hall. The best available information for flood hazard area identification as outlined in [SMC 15.10.1302](#) shall be the basis for regulation until a new flood insurance rate map (FIRM) is issued that incorporates the data utilized under [SMC 15.10.1302](#).

- b. Development in frequently flooded areas shall be subject to the provisions in [Chapter 15.10 SMC](#).

### 4. Flood hazard areas – Certification by engineer or surveyor

Repealed by Ord. O2005-193.

### 5. Channel relocation and stream meander areas

Repealed by Ord. O2005-193.

### 6. Landslide hazard areas – Development standards and permitted alterations

A development proposal containing, or within 50 feet of, a landslide hazard area shall meet the following requirements:

- a. A minimum buffer of 50 feet shall be established from the top and toe of the landslide hazard area. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare.
  - i. The buffer may be reduced to a minimum of 15 feet if, based on a critical areas study, the City determines that the reduction will adequately protect the proposed development and other properties, the critical area and other critical areas off site.

- ii. For single-family residential building permits only, the City may reduce the scope of the critical areas study if other development in the area has already provided sufficient information or if such information is otherwise readily available.
- b. In addition to the general requirements for critical areas studies that may be required consistent with [SDC 21.03.020K.3.](#), the critical areas study for a landslide hazard area shall include a geotechnical report prepared by a qualified professional consistent with [SDC 21.04.040B.153.](#), unless otherwise approved by the City, which also includes the following:
  - i. A description of the extent and type of vegetative cover;
  - ii. A description of subsurface conditions based on data from site-specific explorations;
  - iii. Descriptions of surface and groundwater conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
  - iv. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
  - v. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on downslope properties;
  - vi. Recommendations for building siting limitations;
- vii. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion; and
  - viii. A comprehensive study of slope stability including an analysis of proposed cuts, fills, and other site grading and construction effects where the overall minimum factor of safety for slope stability is 1.5 for static conditions and 1.1 for seismic conditions as based on current building code seismic design conditions.
- c. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe by the City. The City may require the applicant to submit a report prepared by a certified arborist to confirm hazard tree conditions. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection.
- d. Vegetation on slopes within a landslide hazard area or buffer that has been damaged by human activity or infested by noxious weeds may be replaced with native vegetation pursuant to an enhancement plan approved by the City pursuant to [SDC 21.03.020G.](#) The use of hazardous substances, pesticides, and fertilizers in landslide hazard areas and their buffers may be prohibited by the City.
- e. Alterations to landslide hazard areas and buffers may be allowed only as follows:

- i. A landslide hazard area located on a slope 40 percent or steeper may be altered only if the alteration meets the following standards and limitations:
  - a) Approved surface water conveyances, as specified in the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, may be allowed in a landslide hazard area if they are installed in a manner to minimize disturbance to the slope and vegetation;
  - b) Public and private trails may be allowed in a landslide hazard area subject to the standards and mitigations contained in this chapter, development standards in [SDC 21.07.060](#), and requirements elsewhere in the SMC, when locating outside of the hazard area is not feasible;
  - c) Utility corridors may be allowed in a landslide hazard area if a critical areas study shows that such alteration will not subject the area to the risk of landslide or erosion;
  - d) Limited trimming and pruning of vegetation may be allowed in a landslide hazard area pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed;
  - e) Stabilization of sites where erosion or landsliding threatens public or private structures, utilities, roads, driveways or trails, or where erosion and landsliding threaten any lake, stream, wetland, or shoreline. Stabilization work shall be performed in a manner that causes the least possible disturbance to the slope and its vegetative cover; and
  - f) Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed; provided:
    - 1) If within the buffer, the structure is located no closer to the landslide hazard area than the existing structure; and
    - 2) The existing impervious surface within the buffer or landslide hazard area is not expanded as a result of the reconstruction or replacement.
- ii. A landslide hazard area located on a slope less than 40 percent may be altered only if the alteration meets the following requirements:
  - a) The development proposal will not decrease slope stability on contiguous properties; and
  - b) Mitigation based on the best available engineering and geological practices is implemented that either eliminates or minimizes the risk of damage, death, or injury resulting from landslides.

iii. Neither buffers nor a critical area tract shall be required if the alteration meets the standards of subsection SDC 21.03.020.W.6.e.ii of this section.

f. The following are exempt from the provisions of this section:

- i. Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a licensed geologist or geotechnical engineer; and
- ii. The approved regrading of any slope that was created through previous legal grading activities.

#### 7. Seismic hazard areas – Development standards and permitted alterations

A development proposal containing a seismic hazard area shall meet the following requirements:

- a. All applicable building code requirements; and
- b. Alterations to seismic hazard areas may be allowed only as follows:
  - i. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
  - ii. Mitigation based on the best available engineering and geological practices is implemented that either eliminates or minimizes the risk of damage, death, or

injury resulting from seismically induced settlement or soil liquefaction.

#### X. Critical aquifer recharge areas - Development standards

1. Groundwater Quantity Protection Standards. For developments in all CARA classes, the applicant shall provide surface water infiltration as follows:
  - a. Seventy-five percent of on-site storm water volume generated from the proposed development shall be infiltrated; provided, that a lesser standard may apply or on-site infiltration may be waived when:
    - i. The applicant demonstrates that infiltration is not a reasonable alternative due to site-specific soil and/or geologic conditions;
    - ii. It is determined that increased saturation of soils would result in an increased risk to existing facilities and/or adjacent properties;
    - iii. Infiltration would result in significant unavoidable impacts to other critical areas or result in an excessive loss of native vegetation; or
    - iv. The applicant proposes an addition of no more than 700 square feet of total new impervious surface compared cumulatively to 2005 levels.
  - b. If infiltration is not feasible or required, then storm water facilities shall be constructed in accordance with City standards.
  - c. The design and implementation of infiltration facilities shall follow the ecology infiltration guidelines specified

- in the Western Washington Stormwater Manual (2005), or other technical guidance as approved by the City.
- d. To prevent groundwater contamination, storm water infiltration may be prohibited for all or a portion of a site that includes use of hazardous substances.
2. Groundwater Quality Protection Standards. The following provisions shall apply to development in all CARA classes:
    - a. Activities may only be permitted in a critical aquifer recharge area if the proposed activity will not result in a significant increased risk of contamination of drinking water supplies;
    - b. The City shall impose development conditions when necessary to prevent degradation of groundwater. Conditions to permits shall be based on known, available and reasonable methods of prevention, control and treatment; and
    - c. The proposed activity must comply with the water source protection requirements and recommendations of the Federal Environmental Protection Agency, State Department of Ecology, State Department of Health, and the Seattle-King County health district.
  3. Regulation of Facilities Handling and Storing Hazardous Materials Regulated by the State Department of Ecology.
    - a. New and existing commercial and industrial land uses and activities located in Class 1 and Class 2 CARAs shall submit a hazardous materials inventory statement with a development proposal.
    - b. Report Requirement. Commercial and industrial land uses and activities that involve the use, storage, transport or disposal of hazardous materials as regulated by the state of Washington, in quantities equal to or greater than 20 gallons or the equivalent of 200 pounds, located in Class 1 and Class 2 CARAs, shall submit a critical areas study in accordance with [SDC 21.03.020K.3](#), including, as necessary, a hydrogeologic critical area assessment report, spill containment and response plan and/or groundwater monitoring plan, except for the following uses/activities:
      - i. Retail sale of containers five gallons or less in size, where there are less than 500 total gallons; and
      - ii. Hazardous materials of no risk to the aquifer.
    - c. A hydrogeologic critical area assessment report, when required by subsection 3.b. of this section, shall be prepared by a qualified professional to determine potential impacts of contaminants on the aquifer. The report shall include the following site- and proposal-related information, at a minimum:
      - i. Information regarding geologic and hydrogeologic characteristics of the site including the surface location of all CARA classes located on site or immediately adjacent to the site and permeability of the unsaturated/vadose zone;
      - ii. Groundwater depth, flow direction and gradient;
      - iii. Data on wells and springs within 1,300 feet of the project area;

- iv. Location of other critical areas, including surface waters, within 1,300 feet of the project area;
  - v. Historic hydrogeologic data for the area to be affected by the proposed activity;
  - vi. Best management practices (BMPs) and integrated pest management (IPM) proposed to be used; and
  - vii. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:
    - a) Predictive evaluation of groundwater withdrawal and recharge effects on nearby wells and surface water features;
    - b) Predictive evaluation of contaminant transport based on potential releases to groundwater; and
    - c) Predictive evaluation of changes in the infiltration/recharge rate.
  - d. A spill containment and response plan, when required by subsection 3.b. of this section, is required to identify equipment and/or structures that could fail and shall include provisions for inspection as required by the applicable state regulations, repair and replacement of structures and equipment that could fail.
  - e. A groundwater monitoring plan, when required by subsection 3.b. of this section, may be required to monitor quality and quantity of groundwater, surface water runoff, and/or site soils. The City may require the owner of a facility to install one or more groundwater monitoring wells to accommodate the required groundwater monitoring.
    - i. Criteria used to determine the need for site monitoring shall include, but not be limited to, the proximity of the facility to production or monitoring wells, the type and quantity of hazardous materials on site, and whether or not the hazardous materials are stored in underground vessels.
    - ii. The City may employ an outside consultant at the applicant's expense to review the monitoring plan and analysis, to ensure that the monitoring plan is followed, and that corrective actions are completed.
4. Prohibited Uses. Where land uses or materials prohibited in this section are allowed in the Table of Permitted Land Uses ([Chapter 21.05 SDC](#)), this section shall control and the use shall be prohibited.
- a. Table 21.03.020X.4.a identifies land uses and materials prohibited in Class 1, 2 and 3 CARAs for new uses; and
  - b. Table 21.03.020X.4.b identifies land uses and materials that should be discontinued, removed and decommissioned where existing in Class 1, 2 and 3 CARAs. The City shall require discontinuation, removal and decommissioning of these uses from Class 1, 2 and 3 CARAs at the time of development and redevelopment, in proportion to the degree and nature of the proposal.



PROHIBITED LAND USES AND MATERIALS			
Prohibited Land Uses and Materials (New Uses / Activities)	Class 1 1- and 5-year WHPA	Class 2 10-year WHPA	Class 3 High Recharge Areas
Hazardous liquid transmission pipelines	prohibited	allowed subject to compliance with federal and state standards	
Mining, processing and reclamation of any type	prohibited	prohibited	reviewed under development permit
Processing, storage, and disposal of radioactive substances (except certain medical uses)	prohibited	prohibited	prohibited
Underground storage tanks (UST)	prohibited	prohibited	prohibited
UST with double walls, vault and monitor	prohibited	allowed subject to compliance with federal and state standards	
Above ground storage tanks for hazardous substances or hazardous waste with primary and secondary containment area and spill protection plan		allowed subject to compliance with federal and state standards	
Wells for class B and private water systems, when located in a water service area	prohibited	prohibited	allowed subject to compliance with federal and state standards
Golf courses	prohibited	**	**
Land use activities that require the use of nitrates, phosphorus, pesticides, and other chemicals that have a potential to degrade groundwater and surface water quality when used inappropriately or in excess	prohibited	**	**
Closed loop geothermal/heat exchange wells used to recirculate a chemical heat transfer fluid other than potable water		prohibited	**
Closed loop geothermal/heat exchange wells used to recirculate potable water*		prohibited	**
Open loop geothermal/heat exchange wells		prohibited	prohibited
Closed loop geothermal/heat exchange systems (surface)		allowed subject to compliance with federal and state standards**	**
Injection wells (storm water or reclaimed water)	prohibited	prohibited	**
Cemeteries	prohibited	**	**
Wrecking yards	prohibited	prohibited	prohibited
Landfills with hazardous waste, municipal solid waste, or special waste	prohibited	prohibited	prohibited

PROHIBITED LAND USES AND MATERIALS			
Prohibited Land Uses and Materials (New Uses / Activities)	Class 1 1- and 5-year WHPA	Class 2 10-year WHPA	Class 3 High Recharge Areas
Dry cleaning using chlorinated solvents	prohibited	prohibited	prohibited

\* Closed loop geothermal/heat exchange wells shall register their location with the City.

\*\* Best management practices (BMPs) and integrated pest management (IPM), as applicable, are required for these uses.

RESTRICTED LAND USES AND MATERIALS			
Restricted Land Uses and Materials (New Uses / Activities)	Class 1 1- and 5-year WHPA	Class 2 10-year WHPA	Class 3 High Recharge Areas
UST (underground storage tank)	Remove, decommission or upgrade to comply with federal and state standards		
Abandoned wells	Decommission to comply with federal and state standards		
Existing uses that have a long-term potential to degrade water quality in the WHPA	Discontinue, remove or mitigate potential impacts		

5. Requirements for Specific Uses and Activities.

a. Commercial Vehicle Repair and Servicing.

- i. In all CARA classes, vehicle repair and servicing must be conducted over impermeable pads, with containment curbs, and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
- ii. In all CARA classes, no dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.

b. Use of Pesticides, Herbicides, and Fertilizers.

- i. Residential Use. In all CARA classes, application of household pesticides, herbicides, and fertilizers shall not exceed times, rates, concentrations and locations specified on the packaging.
- ii. Other Uses. In Class 1 and 2 CARA areas, proposed developments with maintained landscape areas greater than 10,000 square feet in area shall prepare an operations and maintenance manual using best management practices (BMPs) and integrated pest management (IPM) for fertilizer and pesticide/herbicide applications. The BMPs shall include recommendations on the quantity, timing and type

of fertilizers applied to lawns and gardens to protect groundwater quality.

- c. Spreading or Injection of Storm Water or Reclaimed Water. Water reuse projects for reclaimed water and storm water are regulated in accordance with the adopted water, sewer or storm water comprehensive plans that have been approved by the Departments of Ecology and Health. Injection wells are prohibited in Class 1 and 2 CARA areas. Injection wells are allowed, subject to City review and approval, in Class 3 CARA areas provided injection wells shall comply with the requirements of Chapters 173-200 and 173-218 WAC and the Sammamish Municipal Code.
- d. Construction Activity. In all CARA classes, if construction vehicles will be refueled on a construction site and/or the quantity of hazardous materials that will be used or stored on a site exceeds 20 gallons, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles, then persons obtaining construction permits shall provide information to the public works department regarding the types and quantities of hazardous materials that will be on site and then use BMPs to prevent and respond to spills. Construction site refueling must be conducted over impermeable pads, with containment curbs. The operator of the site shall immediately report to the City any spills and is responsible for complete recovery and cleanup.
- e. Fill Quality Standards and Imported Fill Source Statement. In all CARA classes, fill material shall not contain concentrations of contaminants that exceed

cleanup standards for soil as specified in the Model Toxics Control Act (MTCA). An imported fill source statement is required for all projects where more than 100 cubic yards of fill will be imported to a site. The City may require analytical results to demonstrate that fill materials do not exceed cleanup standards. The imported fill source statement shall include:

- i. Source location of imported fill;
  - ii. Previous land uses of the source location; and
  - iii. Whether or not fill to be imported is native, undisturbed soil.
- f. In Class 1 and 2 CARAs, on lots smaller than one acre, new on-site septic systems are prohibited, unless:
- i. The system is approved by the Washington State Department of Health and the system either uses an upflow media filter system or a proprietary packed-bed filter system or is designed to achieve approximately 80 percent total nitrogen removal for typical domestic wastewater; or
  - ii. The Seattle-King County department of public health determines that the systems required under subsection 5.f.i. of this section will not function on the site.
- g. Geothermal/heat exchange wells are allowed, subject to City review and approval, provided:
- i. The system is approved by the Washington Department of Ecology as compliant with the provisions of Chapter 173-160 WAC; and

- ii. A notice on title is recorded documenting the maintenance requirements of the geothermal/heat exchange wells.

## Y. Wetlands

### 1. Wetlands – Development standards

A development proposal on a parcel or parcels containing a wetland or associated buffer of a wetland located on site or off site shall meet the following requirements:

- a. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2014, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:
  - i. Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 23 through 27 points based on functions, or those that are rated Category 1 based on special characteristics as defined in the rating form.
  - ii. Category 2. Category 2 wetlands include those that receive a score of 20 through 22 points based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.
  - iii. Category 3. Category 3 wetlands include those that receive a score of 16 through 19 points based on functions.

- iv. Category 4. Category 4 wetlands that score equal to or less than 15 points based on functions.
- b. The following standard buffers shall be established from the wetland edge:

WETLAND STANDARD BUFFERS	
Wetland Category	Standard Buffer Width
<b>Category 1:</b>	
Natural heritage or bog wetlands	215'
Habitat score 8 – 9	200'
Habitat score 5 – 7	150'
Not meeting above criteria	125'
<b>Category 2:</b>	
Habitat score 8 – 9	150'
Habitat score 5 – 7	100'
Not meeting above criteria	75'
<b>Category 3*:</b>	
Habitat score 8 – 9	75'
Not meeting above criteria	50'
<b>Category 4*:</b>	
All land use types	50'

\* Subject to [SDC 21.03.020Y.5](#).

- i. Where a legally established and constructed street transects a wetland buffer, the department may approve a modification of the standard buffer width to the edge of the street if the isolated part of the buffer does not provide additional protection of the wetland and provides insignificant biological, geological or hydrological buffer functions relating to the wetland. If the resulting buffer distance is

less than 50 percent of the standard buffer for the applicable wetland category, no further reduction shall be allowed.

- ii. In addition to the provisions of [SDC 21.03.020G.](#), where a buffer has been previously established on a legally created parcel or tract that was legally established according to the regulations in place at the time of establishment, and is permanently recorded on title or placed within a separate tract, the buffer shall remain as previously established, provided it is equal to or greater than 50 percent of the current required standard buffer distance for the applicable wetland category.
- iii. Where wetland functions have been improved due to voluntary implementation of an approved stewardship, restoration and/or enhancement plan that is not associated with required mitigation or enforcement, the standard wetland buffer width shall be determined based on the previously established wetland category and habitat score as documented in the approved stewardship and enhancement plan.
- c. Removal of any native vegetation or woody debris from a wetland or wetland buffer may be allowed only as part of an approved alteration. Only native vegetation can be planted in wetland or buffer areas, unless the planting is otherwise allowed by [SDC 21.03.020G.](#), Allowances for existing urban development and other uses.
- d. Activities and uses shall be prohibited from wetlands and associated buffers, except as provided for in this chapter.

- e. Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the buffer required for the highest wetland class involved.
- f. For a wetland buffer that includes a landslide hazard area, the buffer width shall be the greater of either the buffer width required by the wetland's category in this section or 25 feet beyond the top of the landslide hazard area.
- g. **Buffer Averaging.** Buffer width averaging may be allowed by the department if:
  - i. It will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease (see also [SDC 21.06.020F.2.e.](#) for buffer compensation requirements for trails);
  - ii. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
  - iii. The buffer width is not reduced to less than 50 percent of the standard buffer width at any location;
  - iv. The buffer width is decreased on one part of a wetland and increased on another part of the same wetland feature; and
  - v. The buffer is associated with a development proposal and it will not further encumber a neighboring property not owned by the applicant.
  - vi. Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of standard buffer width at any location.
- h. **Increased Buffers.** Increased buffer widths may be required by a distance necessary to protect wetland functions and provide connectivity to other wetland and habitat areas when the following occur:
  - i. When a Category 1 or 2 wetland with a habitat score of greater than 29 points (per Washington State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is located within 200 feet of the wetland subject to the increased buffer;
  - ii. Fish and wildlife habitat conservation area and habitat connections are present;
  - iii. Landslide or erosion hazard areas are contiguous to wetlands;
  - iv. Groundwater recharge and discharge areas are at risk;
  - v. Or to offset buffer impacts, such as trail and utility corridors; and
  - vi. Ecological wetland functions are at risk including, but not limited to, the following:

- a) Habitat complexity, connectivity and biological functions;
  - b) Seasonal hydrological dynamics as provided in the adopted surface water design manual;
  - c) Sediment removal and erosion control;
  - d) Pollutant removal;
  - e) Large wood debris (LWD) recruitment;
  - f) Water temperature;
  - g) Wildlife habitat; and
  - h) Microclimate.
- i. Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in [SDC 21.03.020M](#). A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
- i. Up to 20 percent reduction in the standard buffer width may be allowed if water quality is improved in excess of the requirements of the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, through the use of created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements.
  - ii. Removal of existing impervious surfaces:
    - a) Up to 10 percent reduction in standard buffer width if impervious surfaces within the to-be-remaining buffer area are reduced by at least 50 percent; or
    - b) Up to 20 percent reduction in standard buffer width if the to-be-remaining buffer area is presently more than 50 percent impervious and all of it is to be removed.
  - iii. Removal of invasive, nonnative vegetation: up to 10 percent reduction in standard buffer width for the removal and extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area.
  - iv. Restoration, preservation and maintenance of the existing wetland and buffer vegetation if the following conditions are present and/or attainable as a result of action:



- a) An undisturbed vegetated buffer is preserved in the remaining buffer width; and
  - b) Existing buffer conditions are degraded such that more than 40 percent of the buffer is covered by nonnative/invasive plant species and the buffer is restored according to a City-approved restoration plan to improve wetland buffer functions; and
  - c) Native tree or shrub vegetation covers less than 25 percent of the total buffer area and the area will be revegetated according to a City-approved restoration plan with native trees and shrubs; and
  - d) The wetland buffer has slopes of less than 25 percent; and
  - e) The buffer reduction determination and percentage shall be on a site-by-site basis based on the applicant's plan and demonstration of improvement to water quality and habitat functions.
- v. If not already required under an existing development proposal, installation of oil/water separators for storm water quality control: up to 10 percent reduction in standard buffer width.
  - vi. Use of pervious material for driveway/road construction: up to 10 percent reduction in standard buffer width.
  - vii. Restoration of on-site buffer and wetland areas, or restoration of off-site buffer and wetland areas within the same sub-basin of the impacted wetland if no on-site restoration is possible:
    - a) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or
    - b) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or greater.
  - viii. Removal of significant refuse or sources of toxic material: up to 10 percent reduction in standard buffer width.
  - ix. Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed 50 percent of the standard buffer width.
  - j. The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the City.
  - k. The introduction of livestock into a wetland or wetland buffer is prohibited.
2. **Wetlands – Permitted alterations**
- Alterations to wetlands and wetland buffers are not allowed, except as provided for by complete exemptions, allowances for existing urban development and other uses and exceptions in this chapter or as allowed for by this section.
- a. Alterations may be permitted if the department determines, based upon its review of critical areas

studies completed by qualified professionals, that the proposed development will:

- i. Protect, restore or enhance the wildlife habitat, natural drainage, or other valuable functions of the wetland resulting in a net improvement to the functions of the wetland system;
  - ii. Design, implement, maintain, and monitor a mitigation plan prepared by a qualified professional;
  - iii. Perform the mitigation under the direction of a qualified professional; and
  - iv. Will otherwise be consistent with the purposes of this chapter.
- b. If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration.
  - c. There shall be no introduction of any nonnative or invasive plant or wildlife into any wetland or wetland buffer except as required by a state or federal permit or approval or as otherwise allowed by [SDC 21.03.020G.](#), Allowances for existing urban development and other uses.
  - d. Utilities may be allowed in wetland buffers if:
    - i. The director determines that no reasonable alternative location is available; and
    - ii. The utility corridor meets any additional requirements for installation, replacement of vegetation and maintenance, as needed to mitigate impacts.
  - e. Sewer utility corridors may be allowed in wetland buffers only if:
    - i. The applicant demonstrates that the sewer line location is necessary for gravity flow;
    - ii. The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the state or federal government or containing critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;
    - iii. The corridor alignment including, but not limited to, any allowed maintenance roads follows a path farthest from the wetland edge as feasible;
    - iv. Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than 12 inches in diameter at breast height, when possible, and pesticides, herbicides and other hazardous substances are not used;
    - v. An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor, including any allowed maintenance roads, is provided to protect the wetland;
    - vi. The corridor is revegetated with appropriate native vegetation at preconstruction densities or greater immediately upon completion of construction or

as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;

- vii. Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and
  - viii. The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than 15 feet; the road is maintained without the use of herbicides, pesticides or other hazardous substances; and the location of the road is contiguous to the utility corridor on the side away from the wetland.
- f. Joint use of an approved sewer utility corridor by other utilities may be allowed.
  - g. Where technically feasible, surface water discharge shall be located outside of the wetland and wetland buffer. Where surface water management is authorized within a wetland or wetland buffer it shall be consistent with Appendix I-D: Guidelines for Wetlands when Managing Stormwater Manual for Western Washington, Volume I, August 2012, Publication No. 12-10-030, as such publication may be amended or revised by the Department of Ecology from time to time.
  - h. Public and private trails may be allowed in the outer 25 percent of wetland buffers consistent with the standards and requirements in this chapter, development standards in [SDC 21.07.060](#), and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas study may be required.
- i. A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25, if:
    - i. The existing and zoned density around the wetland is three dwelling units per acre or more;
    - ii. At least 75 percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and
    - iii. Open water is a significant component of the wetland.
  - j. Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way within wetlands or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New wetland road and trail crossings may be allowed if:
    - i. The director determines that:
      - a) The crossing is identified as a part of a corridor shown in a City-adopted parks or trails plan, park master plan, transportation plan, or comprehensive plan, or otherwise is necessary to connect or construct the road or trail to publicly owned lands, utility corridors, rights-of-way or other public infrastructure, or is required to provide access to property where no other reasonable alternative access is possible; or

- b) The applicant demonstrates that the new crossing creates less overall or less incremental impacts to critical areas and habitat than the use of an existing corridor while still achieving overall project goals and objectives;
  - ii. All crossings avoid or minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas as described in this chapter and in the SMC;
  - iii. Crossings do not significantly change the overall wetland hydrology;
  - iv. Crossings do not diminish the flood storage capacity of the wetland; and
  - v. All crossings are constructed during summer low water periods.
- k. Enhancement and Restoration. Wetland enhancement or restoration not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by and carried out under the direction of a qualified professional. Restoration or enhancement must result in a net improvement to the functions of the wetland system.
- l. Wetland Restoration Project. A wetland restoration project for habitat enhancement may be allowed if:
- i. The restoration is approved by all agencies with jurisdiction;
  - ii. The restoration is not associated with mitigation of a specific development proposal;
  - iii. The restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements that result in a net improvement to the functions of the wetland system;
  - iv. The restoration should be completed in accordance with best management practices (BMPs) and acceptable standards consistent with best available wetland science to minimize impacts to wetlands; and
  - v. The restoration is performed under the direction of a qualified professional.

### 3. Wetlands – Mitigation requirements

When mitigation for wetland and/or wetland buffer impacts is required, mitigation shall meet the requirements listed in [SDC 21.03.020O](#). in addition to the following supplementary requirements:

- a. Equivalent or Greater Biological Functions. Mitigation for alterations to wetland(s) and/or wetland buffer(s) shall achieve equivalent or greater biologic functions and shall be consistent with the Department of Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No. 06-06-11a and b), as such publication may be amended or revised by the Department of Ecology from time to time.

- b. No Net Loss. Wetland mitigation actions shall not result in a net loss of wetland area.
- c. Functions and Values. Mitigation actions shall address and provide equivalent or greater wetland and buffer functions and values compared to wetland and buffer conditions existing prior to the proposed alteration.
- d. Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-basin and on the same site as the alteration except when the following apply:
  - i. There are no reasonable on-site opportunities for mitigation, or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
  - ii. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
  - iii. Off-site locations have been identified and evaluated in the following order of preference:
    - a) Within the same drainage sub-basin;
    - b) Within the City limits;
    - c) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank program sites within the City limits in accordance with [SDC 21.03.020Y.4.](#);
- d) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank program sites within the WRIA 8 in accordance with [SDC 21.03.020Y.4.](#)
- e. Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
- f. Mitigation Ratios.
  - i. Wetland Mitigation Ratios. The following ratios shall apply to required wetland mitigation. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

- a) Permanent Wetland Mitigation. The following ratios of area of mitigation to area of alteration apply to mitigation measures for permanent alterations.

PERMANENT WETLAND MITIGATION			
Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)
Category 1			
Bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case
Natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case
Based on score for functions	4:1	8:1	1:1 R/C and 6:1 E
Forested	6:1	12:1	1:1 R/C and 10:1 E
Category 2	3:1	8:1	1:1 R/C and 4:1 E
Category 3	2:1	4:1	1:1 R/C and 2:1 E
Category 4	1.5:1	3:1	1:1 R/C and 2:1 E

- b) Temporary Wetland Mitigation. The following ratios of area of mitigation to area of alteration apply to mitigation measures for temporary alterations where wetlands will not be impacted by permanent fill material:

TEMPORARY WETLAND MITIGATION						
Category and type of wetland	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	ENHANCEMENT	REHABILITATION	CREATION OR RESTORATION	ENHANCEMENT	REHABILITATION	CREATION OR RESTORATION
Category 1	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category 2	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category 3	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category 4	1.5:1	1:1	.75:1	Not applicable	Not applicable	Not applicable

- ii. Wetland Buffer Replacement Ratio. Altered wetland buffer area shall be replaced at a minimum ratio of one-to-one; provided, that the replacement ratio may be increased at the director's discretion to replace lost functions and values.
- iii. Increased Mitigation Ratio. The director may increase the ratios under the following circumstances:
  - a) Uncertainty exists as to the probable success of the proposed restoration or creation; or
  - b) A significant period of time will elapse between impact and replication of wetland functions; or
  - c) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
  - d) The impact was an unauthorized impact.
- iv. Decreased Mitigation Ratio. The director may decrease these ratios under the following circumstances:
  - a) Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high likelihood of success. This documentation should specifically identify how the proposed mitigation actions are similar to other known mitigation projects with similar site-specific conditions and circumstances that have been shown to be successful;
  - b) Documentation by a qualified professional demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
  - c) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful over the course of at least one full year.
- v. Minimum Mitigation Ratio. In all cases of permanent wetland impacts, a minimum acreage replacement ratio of one to one shall be required.
- g. Wetland Enhancement as Mitigation. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance wetlands must produce a critical areas study that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland function at the impact site.
- h. Restoration Required. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City in accordance with the following provisions:
  - i. A mitigation plan for restoration conforming to the requirements of this chapter and section shall be provided.
  - ii. On sites where nonnative vegetation was cleared, restoration shall include installation of native



vegetation with a density equal to or greater than the pre-altered site conditions.

#### 4. Wetlands – Alternative mitigation

##### a. Wetland Banking.

- i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
  - a) Criteria in [SDC 21.03.020Y.3.d.](#) are met;
  - b) The bank is certified under Chapter 173-700 WAC;
  - c) The department determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts;
  - d) The proposed use of credits is consistent with the terms and conditions of the bank's certification; and
  - e) The compensatory mitigation agreement occurs in advance of authorized impacts.
- ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
- iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include

portions of more than one adjacent drainage basin for specific wetland functions.

- iv. Implementation of a mitigation bank is subject to City council review and approval.

##### b. Fee-in-Lieu Mitigation.

- i. Fee-in-lieu mitigation may be approved for use as compensation for approved impacts to wetlands, when:
  - a) The approved wetland impact is related to the approval of a single-family home, City of Sammamish capital improvement project, or development proposal within the Town Center;
  - b) Criteria in [SDC 21.03.020Y.3.d.](#) are met;
  - c) The fee-in-lieu mitigation program is state certified;
  - d) The department determines that the wetland fee-in-lieu mitigation provides appropriate compensation for the authorized impacts;
  - e) The proposed use of fee-in-lieu mitigation is consistent with the terms and conditions of the fee-in-lieu mitigation program; and
  - f) The compensatory mitigation agreement occurs in advance of authorized impacts.
- ii. Fee-in-lieu mitigation may be authorized in the City based upon the following order of preference:

- a) A City approved program that utilizes receiving mitigation sites within the same sub-basin as the approved wetland impact.
- b) The King County mitigation reserves program, or other approved program that gives priority to sites within the same sub-basin.
- c) A City approved program, the King County mitigation reserves program, or other approved program that gives priority to sites that will expand or improve habitat for Lake Sammamish Kokanee.
- d) The King County mitigation reserves program, or other approved program that gives priority to sites within the same sub-basin and/or a predefined service area that includes the City of Sammamish.

## 5. Wetlands – Development flexibilities

The following alterations shall be authorized if the director determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan:

- a. Isolated wetlands, as defined in [SDC 21.04.040B.393.](#), and evaluated in a written and approved critical areas study meeting the requirements of [SDC 21.03.020K.3.](#), with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of [SDC 21.03.020M.1.a.](#) This provision is not applicable within the City of Sammamish shoreline jurisdiction.

- b. Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet, provided:
  - i. The wetland does not score four points or less for habitat in the adopted Western Washington rating system; and
  - ii. The buffer functions associated with the area of the reduced buffer width are mitigated through the enhancement of the wetland, the remaining on-site wetland buffer area, and/or other adjoining high value habitat areas as needed to replace lost buffer functions and values; and
  - iii. No subsequent buffer reduction or averaging is authorized.
- c. Pilot Program. In accordance with SMC 25.01.070, this pilot program is not applicable within the City of Sammamish shoreline jurisdiction.
  - i. Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of [SDC 21.03.020M.1.a.](#) and the provisions of [SDC 21.03.020Y.1.](#), subject to the provisions of this section.
  - ii. Purpose. The purpose of this pilot program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values.

- iii. Application. Applications for eligible projects meeting the provisions of subsections 3.d. through h. of this section must be submitted within two calendar years from the effective date of the revision to the Sammamish shoreline master program.
- iv. Pilot Program Administration.
  - a) Three projects associated with the construction of a single-family home are authorized by this pilot project, subject to the provisions of this section.
  - b) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the City's application material and [SDC 21.09.010](#), and completed any necessary preliminary steps prior to application as set forth in [SDC 21.09.010](#).
  - c) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the director prior to the expiration of the pilot program, the next submitted application shall be accepted into the pilot program.
  - d) The director shall use the authority under [SDC 21.09.010M](#). to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.
- v. Eligible Projects. Subject to the limitation in the total number of projects in subsection 3.d. of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of [SDC 21.03.020M.1.a.](#) and the provisions of [SDC 21.03.020Y.1.](#) and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:
  - a) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and
  - b) The total area of the isolated wetland is 4,000 square feet or less; and
  - c) The wetland is not adjacent to a riparian area; and
  - d) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and
  - e) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.
- vi. Mitigation. Mitigation to replace lost wetland functions and values, consistent with [SDC](#).

[21.03.020Y.3.](#), shall be prepared for review and approval by the director; and

- vii. Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and assessment of the performance of required mitigation shall be provided by the applicant for five years following the completion of pilot projects authorized by this section. Annual monitoring reports shall be provided to the City for review and approval. Monitoring shall include the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.
- viii. No subsequent exemption from the avoidance sequencing provisions of [SDC 21.03.020M.1.a.](#) or [SDC 21.03.020Y.1.](#) is authorized for the property participating in this pilot program.

#### 6. Wetland management area – Special district overlay

- a. The purpose of the wetland management area special overlay district is to provide a means to designate certain unique and outstanding wetlands when necessary to protect their functions and values from the impacts created from geographic and hydrologic isolation and impervious surface.
- b. The wetland management area special overlay district shall be designated on critical areas maps maintained by the department of community development.

- c. The following development standards shall be applied in addition to all applicable requirements of this chapter to development proposals located within a wetland management area district overlay:
  - i. All development proposals on properties zoned R-1 in wetland management areas shall have a maximum impervious surface area of eight percent of the gross acreage of the site. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of existing streets need not be counted towards the allowable impervious area. The provisions of [SDC 21.03.020Y.6.c.i](#) shall not apply to the Sammamish Town Center Study Area as identified in Ordinance O2005-185;
  - ii. All subdivisions and short subdivisions on properties identified in a management area for clustering and set aside requirements in the East Lake Sammamish Basin and Nonpoint Action Plan (1994) shall be required to cluster away from wetlands or the axis of corridors along stream tributaries and identified swales connecting wetlands. At least 50 percent of all portions of the property located within wetland management areas identified for vegetation retention shall be left in native vegetation, preferably forest, and placed in a permanent open space tract. The open space tract shall be designed to maximize the amount of separation between any critical areas and the proposed development. If no critical area tracts are required, the open space tract shall be

located to provide additional protection to nearby wetlands;

- iii. Clearing and grading activity from October 1st through April 30th shall meet the provisions of [SDC 21.03.070.L.4.](#) wherever not already applicable;
- iv. All R-1 zoned properties within wetland management areas, as identified in the East Lake Sammamish Basin and Nonpoint Action Plan, shall retain native vegetation, or revegetate with trees to meet the following standards:
  - a) Fifty percent of the site area shall be used to retain trees or revegetate with trees;
  - b) Retained vegetation shall be located primarily within the 50 percent open space area required by [SDC 21.04.030.C](#);
  - c) Retained vegetation shall consist primarily of trees with 0.0096 significant trees per square foot;
  - d) Areas revegetated shall provide 0.012 trees per square foot. Planted trees shall be planted primarily in the required open space area and shall be of a caliper or height approved by the director;
  - e) The provisions of [SDC 21.03.020.Y.6.c.iv](#) shall not apply to the Sammamish Town Center Study Area as identified in Ordinance O2005-185; and

- v. The director may, based upon review and approval of a critical areas special study, modify the provisions of this chapter to allow for:
  - a) The installation of site access; provided, that the applicant shall limit impervious surfaces to the minimum required to grant access; or
  - b) Development using low impact development techniques to achieve standards adopted by the City that will demonstrably minimize development impacts consistent with subsections 3.a. through c. of this section.

**Z. Fish and wildlife habitat conservation areas**

**1. Fish and wildlife habitat conservation areas – Development standards**

A development proposal that includes a fish and wildlife habitat conservation area or buffer shall meet the following requirements:

- a. When appropriate due to the type of habitat or species present or the project area conditions, the director may require a critical areas study that includes a habitat management plan consistent with the latest guidance from the Department of Fish and Wildlife. If the habitat conservation area is also classified as a stream, lake or wetland, then the stream, lake or wetland protection standards shall apply and habitat management shall be addressed as part of the stream, lake or wetland review; provided, that the City may impose additional requirements when necessary to provide for protection

of the habitat conservation areas consistent with this chapter.

- b. The director may require the following site- and proposal-related information with the critical areas study:
  - i. Identification of any endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and an assessment of potential project impacts to the species;
  - ii. A discussion of any federal or state management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
  - iii. A discussion of any ongoing management practices that will protect habitat after the project site has been developed, including any proposed monitoring, maintenance, and adaptive management programs;
  - iv. When appropriate due to the type of habitat or species present or the project area conditions, the director may also require the habitat management plan to include an evaluation by the State Department of Fish and Wildlife, local Native American Indian Tribe, or other qualified professional regarding the applicant’s analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and
- v. When appropriate, information from the Washington Department of Fish and Wildlife’s backyard wildlife sanctuary program shall be included.
- c. General Requirements. Habitat conservation areas that are on Lake Sammamish, Pine Lake, and Beaver Lake shall be governed by the requirements of the Sammamish shoreline master program. Other habitat conservation areas are subject to the following provisions:
  - i. The department shall require the establishment of buffer areas for development activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity and functions of the habitat. Required buffer widths shall consider the management recommendations identified in subsection 2. of this section and reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Development activities may be further restricted and buffers may be increased during the specified season.
  - ii. Where applicable, a fish and wildlife habitat corridor shall be established as required in [SDC 21.03.020Z.2.](#)

- iii. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not reduce the quantitative and qualitative functions and values of the habitat, except in accordance with this chapter.
- iv. In addition to the provisions of [SDC 21.03.020G.](#), removal of any native vegetation or woody debris from the habitat conservation area may be allowed only as part of an approved habitat management plan, critical areas study, and/or alteration plan.
- v. Low impact uses and development activities which are consistent with the purpose and function of the habitat conservation area and do not detract from its integrity may be permitted within the conservation area depending on the sensitivity of the habitat area. Examples of uses and development activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, storm water management facilities such as grass-lined swales, utility easements and other similar uses and development activities; provided, that any impacts to the habitat resulting from such permitted facilities shall be fully mitigated.
- vi. Whenever development activities are proposed in or adjacent to a habitat conservation area with which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical areas report prepared by a qualified professional and approved by the City of Sammamish, with guidance provided by the appropriate state and/or federal agencies.
- vii. Plant, wildlife, or fish species not indigenous to the coastal region of the Pacific Northwest shall not be introduced into habitat conservation areas unless authorized by this chapter and by any required state or federal permit or approval.
- viii. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
- ix. The director shall condition approvals of development activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary, to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:
  - a) Establishment of buffer zones;
  - b) Preservation of critically important vegetation;
  - c) Limitation of public access to the habitat area, including fencing to deter unauthorized access;
  - d) Seasonal restriction of development activities;
  - e) Establishment of a duration and timetable for periodic review of mitigation activities; and



- f) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
- x. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic functions, and shall include mitigation for adverse impacts from the proposed development as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per-function basis.

## 2. Fish and wildlife habitat corridors

On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to eight, that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to eight, a fish and wildlife habitat corridor shall be set aside and protected as follows:

- a. Subdivisions and short subdivisions shall either place the corridor in a contiguous permanent open space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots so that conservation easements on individual lots can form a contiguous easement covering the corridor.
- b. Individual lots shall place the corridor in a conservation easement.
- c. The fish and wildlife habitat corridor shall be sited on the property in order to meet the following conditions, where feasible:

- i. Forms one contiguous tract that connects on-site high value habitat areas to other on-site or off-site high value habitat areas;
- ii. New development proposals shall provide a minimum fish and wildlife habitat corridor width of 300 feet or a corridor width that is consistent with an approved habitat management plan;
- iii. In addition to the provisions of [SDC 21.03.020G.](#), development proposals on sites constrained by a fish and wildlife habitat corridor and where development already exists shall maintain a minimum fish and wildlife habitat corridor width of 300 feet unless, through an approved habitat management plan, it can be shown that a lesser habitat corridor width supports and maintains the corridor's function and value;
- iv. Be contiguous with and include and/or connect critical areas, buffers, and open space tracts or wooded areas on site or on adjacent properties, if present; and
- v. The director may modify corridor widths based on supporting documentation from an approved habitat management plan.
- d. Fish and wildlife habitat corridors do not parallel Type Np streams, except as required to provide a connection between two features as described above.
- e. A management plan for the wildlife corridor contained within a tract or tracts shall be prepared that specifies the permissible extent of recreation, forestry or other

uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the department. The approved management plan for a subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the department for review and approval, and recorded with the conservation easement.

- f. Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan or as otherwise allowed by this chapter. No clearing, including the removal of woody debris, shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.
- g. Where feasible, a homeowners' association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with the management plan. The association shall provide homeowners with information on the Washington Department of Fish and Wildlife's backyard wildlife sanctuary program.
- h. Wildlife corridors set aside in tracts or conservation easements shall meet the provisions in [SDC 21.03.070L](#).
- i. The permanent open space tract containing the wildlife corridor may be credited toward the other applicable requirements such as surface water management and

the recreation space requirement of [SDC 21.02.030I](#)., provided the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife corridor tract shall be clearly identified in the management plan.

- j. Low impact uses and activities which are consistent with the purpose and function of the habitat corridor and do not detract from its integrity may be permitted within the corridor depending on the sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, storm water management facilities such as grass-lined swales, utility easements and other similar uses, or activities otherwise described and approved by the Washington Department of Fish and Wildlife; provided, that any impacts to the corridor resulting from such permitted facilities shall be fully mitigated.
- k. At the discretion of the director, these standards may be waived or reduced for public facilities such as schools, fire stations, parks, and public road projects.

#### AA. Waterbodies

##### 1. Streams – Development standards

A development proposal on a parcel or parcels containing a stream or associated buffer of a stream located on site or off site shall meet the following requirements:

- a. 1. The following standard buffers shall be established from the ordinary high water mark or from the top of

the bank if the ordinary high water mark cannot be identified:

STREAM BUFFERS	
Stream Type	Standard Buffer (ft)
Type S	150'
Type F	150'
Type Np	75'
Type Ns	50'

- i. Where a legally established and constructed street transects a stream buffer, the department may approve a modification of the standard buffer width to the edge of the street if the isolated part of the buffer does not provide additional protection of the stream and provides insignificant biological, geological or hydrological buffer functions relating to the stream. If the resulting buffer distance is less than 50 percent of the standard buffer, no further reduction shall be allowed.
  - ii. Where a buffer has been previously established on a legally created parcel or tract that was legally established according to the regulations in place at the time of establishment, and is permanently recorded on title or placed within a separate tract, the buffer shall remain as previously established, provided it is equal to or greater than 50 percent of the required standard buffer distance for the applicable stream category.
- b. Any stream with an ordinary high water mark within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:
- i. The minimum buffer required for the stream class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope, including small benches and terraces, is within the buffer for that stream class; or
  - ii. A 25-foot buffer beyond the minimum buffer width required for the stream class involved if the horizontal length of the slope, including small benches and terraces, extends beyond the buffer for that stream class.
- c. Any stream adjoined by a riparian wetland or other contiguous critical area shall have the buffer required for the stream type involved or the buffer that applies to the wetland or other critical area, whichever is greater.
- d. Buffer Averaging. Buffer width averaging may be allowed by the City if:
- i. It will provide additional natural resource protection, as long as the total area contained in the buffer on the development proposal site does not decrease (see also [SDC 21.06.020F.2.d.](#) for buffer compensation requirements for trails);
  - ii. The stream contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the stream would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
  - iii. The buffer width is not reduced to less than 50 percent of the standard buffer;

- iv. The buffer is associated with a development proposal and it will not further encumber a neighboring property not owned by the applicant; and
  - v. Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of the standard buffer width at any location.
- e. Increased Buffers. Increased buffer widths may be required by a distance necessary to protect:
- i. Fish and wildlife habitat conservation areas and habitat connections based on an approved habitat management plan as defined by the Department of Fish and Wildlife;
  - ii. Landslide or erosion hazard areas contiguous to streams;
  - iii. Groundwater recharge and discharge area;
  - iv. Or to offset buffer impacts, such as trail and utility corridors; and
  - v. At-risk ecological stream functions including, but not limited to, the following:
    - a) Habitat complexity, connectivity and biological functions;
    - b) Seasonal hydrological dynamics as provided in the adopted surface water design manual;
    - c) Sediment removal and erosion control;
    - d) Pollutant removal;
    - e) Large wood debris (LWD) recruitment;
    - f) Water temperature;
    - g) Wildlife habitat; and
    - h) Microclimate.
- f. Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in [SDC 21.03.020M](#). A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
- i. Up to 20 percent reduction in the standard buffer width may be allowed if water quality is improved in excess of the requirements of the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, through the use of created

and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water quality requirements.

- ii. Removal of existing impervious surfaces:
  - a) Up to 10 percent reduction in standard buffer width if impervious surfaces within the to-be-remaining buffer area are reduced by at least 50 percent; or
  - b) Up to 20 percent reduction in standard buffer width if the to-be-remaining buffer area is presently more than 50 percent impervious and all of it is to be removed.
- iii. Removal of invasive, nonnative vegetation: up to 10 percent reduction in standard buffer width for the removal and extended (minimum five-year) monitoring and continued-removal maintenance of relatively dense stands of invasive, nonnative vegetation from significant portions of the remaining buffer area.
- iv. Restoration, preservation and maintenance of the existing stream and buffer vegetation if the following conditions are present and/or attainable as a result of action:
  - a) An undisturbed vegetated buffer is preserved in the remaining buffer width; and
  - b) Existing buffer conditions are degraded such that more than 40 percent of the buffer is covered by nonnative/invasive plant species and the buffer is restored according to a City-approved restoration plan to improve wetland buffer functions; and
- c) Native tree or shrub vegetation covers less than 25 percent of the total buffer area and the area will be revegetated according to a City-approved restoration plan with native trees and shrubs to replace impacted buffer functions; and
- d) The stream buffer has slopes of less than 25 percent; and
- e) The buffer reduction determination and percentage shall be on a site-by-site basis based on the applicant's plan and demonstration of improvement to water quality and habitat functions.
- v. In-stream habitat enhancement:
  - a) Up to 20 percent reduction in standard buffer width for log structure placement, bioengineered bank stabilization, or culvert removal; or
  - b) Up to 30 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.
- vi. If not already required under an existing development proposal, installation of oil/water separators for storm water quality control: up to 10 percent reduction in standard buffer width.

- vii. Use of pervious material for driveway/road construction: up to 10 percent reduction in standard buffer width.
- viii. Restoration of on-site buffer and habitat areas, or restoration of off-site buffer and habitat areas within the same sub-basin of the impacted stream if no on-site restoration is possible:
  - a) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or
  - b) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or greater.
- ix. Removal of significant refuse or sources of toxic material: up to 10 percent reduction in standard buffer width.
- g. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be prohibited by the City.
- h. The introduction of livestock into a stream or stream buffer is prohibited.
- i. In addition to the provisions of [SDC 21.03.020G.](#), 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.

## 2. Streams – Permitted alterations

Alterations to streams and stream buffers are not allowed except as provided for by complete exemptions, allowances for existing urban development and other uses, and exceptions in this chapter or as allowed for by this section.

- a. Alterations may only be permitted if based upon a critical areas study conducted in accordance with [SDC 21.03.020K.3.](#) that determines the proposed development will:
  - i. Protect, restore or enhance the habitat, natural drainage, or other valuable functions of the stream resulting in a net improvement to the stream and stream buffer;
  - ii. Design, implement, maintain and monitor a restoration or enhancement plan prepared by a qualified professional;
  - iii. Perform the restoration or enhancement under the direction of a qualified professional; and
  - iv. Will otherwise be consistent with the purposes of this chapter.
- b. The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration.
- c. There shall be no introduction of any plant or wildlife which is not indigenous to the coastal region of the Pacific Northwest into any stream or buffer unless

required by a state or federal permit or approval or as otherwise allowed by [SDC 21.03.020G.](#), Allowances for existing urban development and other uses.

d. Utilities may be allowed in stream buffers if:

- i. No reasonable alternative location is available;
- ii. The utility corridor meets any additional requirements for installation, replacement of vegetation and maintenance, as needed to mitigate impacts;
- iii. The requirements for sewer utility corridors in [SDC 21.03.020Y.2.](#) shall also apply to streams; and
- iv. Joint use of an approved sewer utility corridor by other utilities may be allowed.

e. Where technically feasible, surface water discharge shall be located outside of the stream and stream buffer. If surface water discharge to a stream or stream buffer is unavoidable, the following management activities and provisions shall apply:

- i. Surface water discharge to a stream from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the applicable City-adopted storm water requirements.
- ii. A Type Ns stream buffer may be used as a regional storm water management facility if:

- a) A public agency and utility exception is granted pursuant to [SDC 21.03.020H.](#);
- b) All requirements of the applicable City-adopted storm water requirements are met;
- c) The use will not lower the rating or alter the factors used in rating the stream; and
- d) There are no significant adverse impacts to the stream or habitat.

f. Except as provided in subsection 2. of this section, public and private trails may be allowed in stream buffers consistent with the standards and requirements in this chapter, the development standards in [SDC 21.07.060](#), and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas study may be required.

g. Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way across streams or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New stream crossings may be allowed and may encroach on the otherwise required stream buffer if:

- i. Bridges, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection shall be used for stream crossings and the applicant shall demonstrate that such methods and their implementation will pose no harm to the



- stream habitat or inhibit migration of anadromous fish;
- ii. All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;
- iii. Crossings do not occur over spawning areas used by resident or anadromous fish including salmonids unless the City determines that no other reasonable crossing site exists;
- iv. Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
- v. Crossings do not diminish the flood-carrying capacity of the stream;
- vi. Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the state of Washington. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in [SDC 21.03.020AA.1](#). Crossing of Type Ns streams when dry may be made with open cuts;
- vii. Trail crossings shall use bridges and boardwalks consistent with the design requirements of the Washington Department of Fish and Wildlife (WDFW, 2003, Design of Road Culverts for Fish Passage, as amended); and
- viii. The number of crossings is minimized and consolidated to serve multiple purposes and properties whenever possible.
- h. Relocations. Stream relocations may be allowed only for:
  - i. Type F, Np, and Ns streams as part of a public road, trail, or park project for which a public agency and utility exception is granted pursuant to [SDC 21.03.020F](#); and
  - ii. Type F, Np and Ns streams for the purpose of enhancing resources in the stream if:
    - a) Appropriate floodplain protection measures are used; and
    - b) The relocation occurs on site, except that relocation off site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream.
- i. For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by qualified professionals, including a civil engineer and a biologist, that:
  - i. The equivalent base flood storage volume and function will be maintained;

- ii. There will be no adverse impact to local groundwater;
  - iii. There will be no increase in velocity;
  - iv. There will be no interbasin transfer of water;
  - v. There will be no increase in sediment load;
  - vi. Requirements set out in the mitigation plan are met;
  - vii. The relocation conforms to other applicable laws; and
  - viii. All work will be carried out under the direct supervision of a qualified biologist.
- j. A stream channel may be stabilized if:
- i. Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property;
  - ii. The stabilization is done in compliance with the requirements of [SDC 21.03.020W.3.](#); and
  - iii. Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank techniques are not a reasonable alternative due to site-specific soil, geologic and/or hydrologic conditions.
- k. Replacement of existing culverts to enhance stream habitat, not associated with any other development proposal, may be allowed if accomplished according to a plan for its design, implementation, maintenance, and monitoring prepared by qualified professionals, including a civil engineer and a biologist, and carried out under the direction of a qualified biologist.
- l. Stream and habitat restoration or enhancement may be allowed if:
- i. The restoration is sponsored or approved by a public agency with a mandate to do such work;
  - ii. The restoration is unassociated with mitigation of a specific development proposal;
  - iii. The restoration is limited to placement of rock weirs, log controls, spawning gravel, and other specific habitat improvements for resident or anadromous fish including salmonids;
  - iv. The restoration only involves the use of hand labor and light equipment; or the use of helicopters and cranes that deliver supplies to the project site; provided, that they have no contact with critical areas or their buffers;
  - v. The restoration is performed under the direction of qualified professionals; and
  - vi. Stream relocation, if proposed, may be approved pursuant to subsection 2. of this section as part of an approved restoration plan.
- m. Roadside ditches that carry streams with salmonids may be maintained through the use of best management practices developed in consultation with relevant City, state, and federal agencies.

### 3. Streams – Mitigation requirements

When mitigation for stream or stream buffer impacts is required, mitigation shall meet the requirements listed in [SDC 21.03.020O](#). in addition to the following supplementary requirements:

- a. Equivalent or Greater Functions. Mitigation for alterations to stream(s) and/or stream buffer(s) shall achieve equivalent or greater functions including, but not limited to:
  - i. Habitat complexity, connectivity, and other biological functions;
  - ii. Seasonal hydrological dynamics, water storage capacity and water quality; and
  - iii. Geomorphic and habitat processes and functions.
- b. Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-basin and on the same site as the alteration, except when the following apply:
  - i. There are no reasonable on-site opportunities for mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
  - ii. Off-site mitigation has a greater likelihood of providing equal or improved functions than the impacted stream; and

iii. Off-site locations have been identified and evaluated in the following order of preference:

- a) Within the same drainage sub-basin;
  - b) Within the City limits;
  - c) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank program sites within the City limits in accordance with the provisions of this section;
  - d) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank program sites within the WRIA 8 in accordance with the provisions of this section.
- c. Fee-In-Lieu Stream Mitigation Program. Fee-in-lieu mitigation may be authorized for approved stream impacts; provided, that the impact is related to the approval of a single-family home, City of Sammamish capital improvement project, or development proposal within the Town Center. Fee-in-lieu mitigation shall be subject to the avoidance sequence requirements and mitigation measures of this title, and the approval of a program by the City, to be used in the following order of preference:
- i. A City approved program that utilizes receiving mitigation sites within the same sub-basin as the approved wetland impact.
  - ii. The King County mitigation reserves program, or other approved program that gives priority to sites within the same sub-basin.

- iii. A City approved program, the King County mitigation reserves program, or other approved program that gives priority to sites that will expand or improve habitat for Lake Sammamish Kokanee.
  - iv. The King County mitigation reserves program, or other approved program that gives priority to sites within the same sub-basin and/or a predefined service area that includes the City of Sammamish.
- d. Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb streams. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
- e. Restoration Required. Restoration shall be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for restoration shall conform to the requirements of this chapter and demonstrate that:
- i. The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
  - ii. The restoration will have no lasting significant adverse impact on any stream functions; and
  - iii. On sites where nonnative vegetation was cleared, restoration shall include installation of native vegetation with a density equal to or greater than the pre-altered site conditions.
- f. Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved.
4. **Ponds – Development standards**  
[Repealed]
5. **Lake Sammamish buffer – Permitted alterations**  
[Repealed]
6. **Lake management areas – Special district overlay**
- a. The purpose of lake management areas is to designate the Beaver Lake and Pine Lake watersheds as special management areas for total phosphorus loading control and to establish standard procedures for evaluating drainage plans and related materials for applications of development within the Beaver Lake and Pine Lake Watersheds (within the East Lake Sammamish drainage basin).
  - b. The lake management areas special overlay district shall be designated on critical areas maps maintained by the department of community development.
  - c. The Beaver Lake watershed as generally identified in the Beaver Lake management plan, which is available at the City of Sammamish community development department, is a sensitive lake and is hereby designated a critical drainage area. This designation is:
    - i. Existing whole-lake total phosphorus concentration for the combined Beaver Lake system is 23 micrograms/liter. Beaver Lake 1 and Beaver Lake

- 2, individually, have whole-lake total phosphorus concentrations of 36 ( $\pm 2$ ) micrograms/liter and 20 ( $\pm 1$ ) micrograms/liter, respectively;
  - ii. Whole-lake total phosphorus concentration, chlorophyll a, and Secchi depth indicate that the Beaver Lake system is bordering on eutrophic conditions;
  - iii. Modeling of the Beaver Lake system's future trophic status indicates that the lake will become hypereutrophic with a whole-lake total phosphorus concentration predicted to be 36 micrograms/liter without additional phosphorus removal via storm water treatment; and
  - iv. Maintaining existing trophic status is a management plan goal. To maintain existing trophic status, an 80 percent total phosphorus annual loading removal goal was established for new impervious surface development prior to storm water discharges to Beaver Lake.
- d. The Pine Lake watershed is generally identified in the City of Sammamish Comprehensive Plan (Figure IV-1 in the Comprehensive Plan or as updated). All appropriate Beaver Lake specific water quality regulations shall be extended to the Pine Lake drainage basin.
- i. These regulations shall only be in effect until such time that a customized Pine Lake water quality strategy is developed and development regulations are adopted based on approved findings of the study.
    - ii. An applicant for development within the Pine Lake drainage basin may apply for a variance from the standards specified in subsection g. of this section if it can be proven that conditions are clearly different than at Beaver Lake.
- e. The standards specified in subsection g. of this section shall apply to all development proposals located within the Beaver Lake and Pine Lake watersheds which require drainage review as specified in the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management.
- f. Development proposals within the Beaver Lake or Pine Lake watersheds may be exempt from management plan requirements if they demonstrate to the satisfaction of the community development department that on-site surface and storm water runoff drainage does not in fact drain into the basin in question.
- g. Phosphorous Control Required.
- i. Applicability. Unless the conditions identified in subsection f. of this section are documented to the satisfaction of the department, the following development proposals are subject to the conditions and standards contained in subsections g.ii. through g.iv. of this section:
    - a) Projects that create greater than 5,000 square feet of new impervious surface subject to vehicular use in the Beaver Lake or Pine Lake watersheds; or

- b) Projects that create greater than one acre of pollution generating pervious surface, as defined in the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, in the Beaver Lake or Pine Lake watersheds.
- ii. The proposed storm water facilities shall be designed to remove 80 percent of all new total phosphorus loading on an annual basis due to new development (and associated storm water discharges) in the Beaver Lake or Pine Lake watersheds where feasible or utilize AKART if infeasible.
- iii. The AKART standard or best management practices for phosphorus-sensitive lakes can be fulfilled by achieving the 50 percent phosphorous removal standard from the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management, together with additional applicant proposed measures:
  - a) For all development proposals subject to this section, the applicant shall demonstrate that a reduction of 80 percent total phosphorous is achievable through the use of engineering design computations.
  - b) As the adopted King County surface water design manual is updated and additional treatment options and designs for total phosphorus removal become available, new treatment systems may be approved by the City if the AKART standard for phosphorus removal can be demonstrated using the Department of Ecology's Technology Assessment Protocol – Ecology (TAPE protocol).
- c) Where soils are suitable, on-site infiltration of storm water runoff can be pursued through the variance process as an AKART alternative using methods described in the manual, as well as providing an organic soil layer consistent with the standards of the adopted surface water design manual and [SDC 21.03.050](#), Surface Water Management.
- d) Development proposals using on-site infiltration that do not comply with shall demonstrate that 80 percent, or better, phosphorus treatment can be expected with the designed on-site infiltration system, rather than by methods described in subsection 6.c.iii. of this section.
- iv. Hydrologic analysis shall be determined using a continuous hydrologic model such as the Hydrologic Simulation Program – Fortran (HSPF) or the King County runoff time series program (KCRTS) methodology. These methodologies may be revised or superseded by other methodologies for achieving the same performance goal as stipulated by future revision to the surface water design manual.

## 21.03.030 Low Impact Development

### A. Intent and goals

Low impact development (LID) is an approach to land use planning and project design that seeks to:

1. Increase the ability of a developed site to effectively emulate predevelopment hydrologic conditions, including without limitation, storm water retention, water quality treatment, and infiltration functions;
2. Minimize overland storm water runoff from a developed site;
3. Maximize the retention of trees, native vegetation, understory plants, and native soils;
4. Minimize soil disturbance;
5. Minimize the conversion of site surfaces from vegetated to nonvegetated surfaces; and
6. Maximize the quantity and use of appropriate native plants on site.

The purpose of this chapter is to encourage development proposals to incorporate LID planning and design approaches into project development by providing incentives tied to LID's use.

This chapter seeks to guide land use planning decisions only and does not replace any federal, state or local storm water flow control and water quality treatment regulations. Applicants are responsible for ensuring that their project proposal complies with all applicable regulations.

### B. Applicability

All new development subject to drainage review shall be required to comply with the adopted Surface Water Design Manual (SWDM). The SWDM requires low impact development (LID) flow control best management practices (BMPs) to mitigate the impacts of storm and surface water runoff generated by new impervious surfaces, new pervious surfaces, existing impervious surfaces, and replaced impervious surfaces.

In addition to the use of these required BMPs, new development may also have the option to incorporate LID site planning approaches described in [SDC 21.03.030C](#). into project design in order to accumulate sufficient technique points to allow the applicant to take advantage of the incentives identified in [SDC 21.03.030.D](#).

The City of Sammamish shall apply this chapter to all City projects and encourage other governmental entities to utilize LID in accordance with this chapter in their projects.

### C. Low impact development approaches

The following list identifies preferred LID approaches that may be proposed within any zoning designation and the technique points associated with the successful use of each approach. Whether the implementation of any LID approach is sufficient to earn technique points shall be subject to the review and approval of the director.

1. Retention of Existing Forested Condition – Up to 25 Technique Points.
  - a. The applicant may earn up to 25 technique points for retaining up to 50 percent of the subject site's remaining

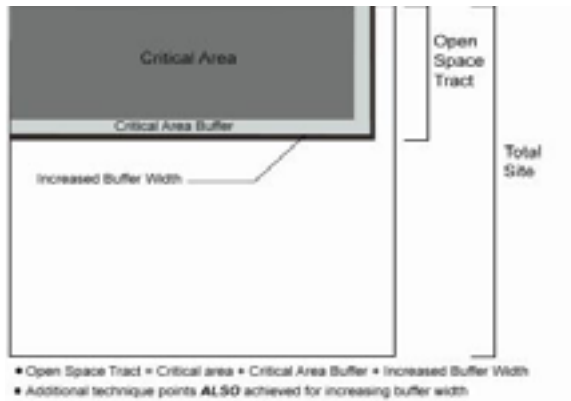


existing forested area after meeting retention standards in accordance with Development Standards – Trees, [SDC 21.03.060](#).

- b. Existing forested areas shall be subject to Development Standards – Trees, [SDC 21.03.060](#), and the maintenance and irrigation requirements of [SDC 21.06.020H](#). through [SDC 21.06.020J.2](#).
  - c. Technique points shall be awarded for retention as follows:
    - i. Retention of 10 percent of existing forested condition: five technique points.
    - ii. Retention of 20 percent of existing forested condition: 10 technique points.
    - iii. Retention of 30 percent of existing forested condition: 15 technique points.
    - iv. Retention of 40 percent of existing forested condition: 20 technique points.
    - v. Retention of 50 percent of existing forested condition: 25 technique points.
2. Restoration of Vegetated Area – Up to 20 Technique Points.
- a. The applicant may earn up to 20 technique points for restoring up to 50 percent of the subject site in one or more permanent open space tracts after meeting retention standards in accordance with Development Standards – Trees, [SDC 21.03.060](#);
  - b. Technique points shall be awarded for restoration as follows:
    - i. Restoration of 10 percent of vegetated area: four technique points.
    - ii. Restoration of 20 percent of vegetated area: eight technique points.
    - iii. Restoration of 30 percent of vegetated area: 12 technique points.
    - iv. Restoration of 40 percent of vegetated area: 16 technique points.
    - v. Restoration of 50 percent of vegetated area: 20 technique points;
  - c. Restoration of vegetated areas shall be subject to Development Standards – Trees, [SDC 21.03.060](#), and the maintenance and irrigation requirements of [SDC 21.06.020H](#). through [SDC 21.06.020J.2](#). Landscaping plans for open space tracts shall be designed consistent with [SDC 21.06.020C.7](#). and [SDC 21.06.020C.9](#);
  - d. Restoration areas shall be landscaped as part of the site’s development and meet the following requirements:
    - i. The site design shall maximize the amount of existing mature vegetation retained on site;
    - ii. The revegetation plan shall be designed by a licensed professional or ISA certified arborist;

- iii. The plantings shall provide a multilayer canopy of large trees (50 percent), small trees, shrubs, and ground cover at maturity;
  - iv. A minimum of 75 percent of the open space tract shall be planted with trees, shrubs and groundcover. Groundcover does not include pasture or turf;
  - v. All invasive plants on the site shall be removed;
  - vi. No more than 15 percent of the proposed open space tract shall be pasture or turf;
  - vii. Plants shall be selected by a licensed professional based upon site suitability;
  - viii. For proposed open space tracts exceeding one-half acre in area, a ratio of two evergreens to one deciduous tree is required;
  - ix. Three trees shall be planted per 1,000 square feet of proposed open space tract area;
  - x. Trees shall be native to the coastal Pacific Northwest. On planting, deciduous trees shall have a minimum caliper of three-quarters inch and coniferous and broadleaf evergreen trees shall be at least five feet in height;
  - xi. Eighty percent of shrubs and 80 percent of groundcover shall be species native to the coastal Pacific Northwest;
  - xii. Shrubs shall be spaced a maximum of four feet on center and ground cover shall be spaced a maximum of two feet on center; and
  - xiii. Significant trees retained in an open space tract may also be counted towards total tree retention requirements for the parcel.
3. Restoration of Critical Area Buffers – Up to 20 Technique Points.
    - a. The applicant may earn up to 20 technique points for restoring up to 50 percent of the critical area buffers within a development site.
    - b. Technique points shall be awarded for restoration as follows:
      - i. Restoration of 10 percent of vegetated area: four technique points.
      - ii. Restoration of 20 percent of vegetated area: eight technique points.
      - iii. Restoration of 30 percent of vegetated area: 12 technique points.
      - iv. Restoration of 40 percent of vegetated area: 16 technique points.
      - v. Restoration of 50 percent of vegetated area: 20 technique points.
    - c. Restoration of critical area buffers shall be subject to mitigation standards in accordance with [SDC 21.03.020](#) and the maintenance and irrigation requirements of [SDC 21.06.020H](#) through [SDC 21.06.020J.2](#).
  4. Increased Width of Critical Area Buffer – 10 Technique Points.

- a. The applicant may increase the width of a critical area buffer required under [SDC 21.03.020](#) by 35 percent.
- b. Any such increased width may also be included as part of a contiguous critical area tract counting as open space tract under subsection 2. of this section (see Diagram B).



5. Limited Site Disturbance – 12 Technique Points.

- a. Soil disturbance of the site shall be limited to 50 percent of the site area otherwise unconstrained by environmentally critical areas and associated buffers and tree protection standards during plat and subsequent building construction;
- b. Limited clearing may occur within the area where soil is undisturbed, subject to the following limitations:
  - i. The top four inches of soil may be disturbed but not removed from the site or lot, as needed, to allow for removal of unsuitable vegetation; provided, that the disturbed soil is moved to an isolated location

where it will not be driven upon and such soil is then returned and respread on the parcel;

- ii. Six inches of arborist chippings are placed on top of in-place soil areas that may be subject to construction activities or operations;
- iii. Soil that is not protected as set forth in subsection 5.b.i. or 5.b.ii. of this section shall be tilled to a depth of 12 inches upon completion of all site disturbance;
- iv. Stump removal shall consist of grinding the stump in the existing location; and
- v. In no case shall the natural grade of the undisturbed area be modified by more than four inches.

6. Reforestation – Eight Technique Points.

- a. No storm water facility modeling credits to reduce sizing of required flow control or water quality facilities in accordance with the adopted Surface Water Design Manual shall be provided for reforestation unless reforestation areas are contained within a designated tract as approved by the director;
- b. Residential Development. All of the lots within a residential development shall be reforested prior to final occupancy is issued on the development;
- c. Commercial/Institutional Development. The site shall be reforested;
- d. Reforestation shall consist of:

- i. For lots of 4,000 square feet or less, a minimum of two trees planted per lot;
    - ii. For lots greater than 4,000 square feet in area, a minimum of two trees plus one additional tree planted per 1,000 square feet over 4,000 square feet;
    - iii. Trees shall be native to the coastal Pacific Northwest. On planting, deciduous trees shall have a minimum caliper of three-quarters inch and coniferous and broadleaf evergreen trees shall be at least five feet in height.
7. Reduced Impervious Surface – Up to 12 Technique Points.
  - a. Lots created through a development proposal shall qualify for points under this subsection if each lot’s total impervious surface area is less than the applicable maximum allowable impervious surface area pursuant to [SDC 21.04.030.C](#) or [SDC 21.04.030D.](#), as applicable and after meeting maximum impervious surface standards in accordance with the adopted Surface Water Design Manual;
  - b. Technique points shall be awarded for reduced impervious surface as follows:
    - i. Each lot total impervious surface is five percent less than the applicable maximum allowable impervious surface area: three technique points.
    - ii. Each lot total impervious surface is 10 percent less than the applicable maximum allowable impervious surface area: six technique points.
    - iii. Each lot total impervious surface is 15 percent less than the applicable maximum allowable impervious surface area: nine technique points.
    - iv. Each lot total impervious surface is 20 percent less than the applicable maximum allowable impervious surface area: 12 technique points;
  - c. Impervious surface areas which are public roads or public sidewalks shall be excluded from the calculation of the site’s total impervious surface area hereunder; and
  - d. The allowed increases in the maximum permitted impervious surface area for smaller lots pursuant to [SDC 21.04.030.C](#) and [SDC 21.04.030D.](#) shall not apply to this subsection.
8. Minimal Foundation Excavation – 12 Technique Points.
  - a. All of the structures within a residential development shall be designed with minimal foundation excavation which shall include:
    - i. Limited or no disturbance of the natural soil profile within the footprint of all proposed structures. “Limited disturbance” shall have the meaning set forth in subsection 5. of this section;
    - ii. Using a foundation that consists of a combination of driven piles and a connection at or above the existing grade of the subject site.
  - b. Compliance with this technique shall require review and approval by the building official.

9. Joint Use Driveway – Six Technique Points.

- a. Sixty-five percent of lots within a proposed residential development shall be accessed from a joint use driveway. A “joint use driveway” is defined by the current Public Works Standards.

10. Hollywood Driveway – Eight Technique Points.

- a. Sixty-five percent of lots within a proposed residential development shall be accessed from a Hollywood driveway. A Hollywood driveway consists of two paved wheel tracks between two and one-half and three and one-half feet wide separated by a planted strip at least three feet wide.

**D. LID incentives**

Technique points earned by installing one or more of the LID approaches described in [SDC 21.03.030C](#), may be used to obtain the following LID incentives. Technique points are cumulative and may be combined to gain the use of one or more incentives below. Technique points may only be used for obtaining incentives for the development proposal that generates the points and may not be used for other development proposals. Except as otherwise noted in this section, technique points may only be used once.

1. Twenty Percent Increased Density. Subject to compliance with the provisions of [SDC 21.03.020](#), Environmentally Critical Areas, this density incentive may be used to increase the site density permitted under [SDC 21.04.030C](#) and [SDC 21.04.030D](#)., as applicable, by up to 20 percent.

- a. Thirty Technique Points Required. The applicant may include up to 75 percent of the area within streets within the site density calculations required under [SDC 21.04.030.H](#);
- b. Twenty-Seven Technique Points Required. The applicant may include up to 50 percent of the area within streets within the site density calculations required under [SDC 21.04.030.H](#);
- c. Twenty-Four Technique Points Required. The applicant may include up to 25 percent of the area within streets within the site density calculations required under [SDC 21.04.030.H](#).

2. Thirty Percent Increased Density Incentive. Subject to compliance with the provisions of [SDC 21.03.020](#), Environmentally Critical Areas, this density incentive may be used to increase the site density permitted under [SDC 21.04.030.C](#) and [SDC 21.04.030D](#)., as applicable, by up to 30 percent.
  - a. Forty Technique Points Required. The applicant may include up to 75 percent of the area within critical areas and critical area buffers within the site density calculations required under [SDC 21.04.030.H](#);
  - b. Thirty-Five Technique Points Required. The applicant may include up to 50 percent of the area within critical areas and critical area buffers within the site density calculations required under [SDC 21.04.030.H](#);
  - c. Thirty Technique Points Required. The applicant may include up to 25 percent of the area within critical

areas and critical area buffers within the site density calculations required under [SDC 21.04.030.H](#).

3. Recognition – 24 Technique Points Required. The applicant may request that the City generate a featured LID development article in the City newsletter covering the development which has earned the technique points. Technique points used for this incentive may be reused to obtain additional incentives.
4. Increased Signage – 12 Technique Points Required. The applicant may increase the allowed signage pursuant to [SDC 21.06.050](#) by:
  - a. Adding one additional monument sign; or
  - b. Increasing the size of the allowed sign by 10 percent.
5. Attached Housing – 12 Technique Points Required. One hundred percent of the lots within a proposed residential development may be designed to accommodate attached housing consistent with [SDC 21.02.030D](#).

#### E. Review

1. Process. The use of preferred LID approaches or full LID design shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn the incentives as follows:
  - a. For the purpose of this section, a “primary proposal” is defined as a proposed subdivision, binding site plan, conditional use permit, or commercial site development permit;

- b. The applicant shall identify the proposed techniques and incentives at the time of the first permit application for the primary proposal;
- c. When the primary proposal requires a public hearing under this chapter or [SDC 21.02.060](#) or [Chapter 21.09 SDC](#) the public hearing on the primary proposal shall serve as the hearing on the LID approaches proposed, and the reviewing authority shall make a consolidated decision on the proposed development and use of techniques and the resulting incentives;
- d. When the primary proposal does not require a public hearing under this chapter or [SDC 21.02.060](#) or [Chapter 21.09 SDC](#), the LID approach proposal shall be subject to the decision criteria for conditional use permits outlined in [SDC 21.09.070](#) and to the procedures set forth in [Chapter 21.09 SDC](#);
- e. All notices required by [SDC 21.09.010](#) for the proposed development shall include a brief description of the proposed LID approaches and associated incentives;
- f. A notice on title and conditions on the face of final plat or equivalent recorded document shall be required documenting the use of LID approaches and identifying limitations on future development; and
- g. A maintenance plan shall be prepared and distributed to all property owner(s) that addresses structural and drainage maintenance, vegetation management, establishment and appropriate long-term irrigation. The applicant shall obtain written agreement from all property owners to comply with the maintenance plan

and to maintain and retain all LID approaches employed on the site and credited for incentives for a period of not less than 15 years from the date of construction. The agreement must include wording that if all or part of any LID approach ceases to function, is removed, or in the case of reduction in impervious surface limits exceeds the limit as approved as part of this chapter, equivalent LID approach(es) must be installed and all other storm water management requirements met prior to removal. The applicant shall provide the City with a copy of the maintenance plan and all written agreements with property owners obtained under this section.

2. Review. In evaluating the feasibility of a preferred LID approach proposal or Sammamish comprehensive LID proposal, the director shall have the authority to request additional technical information prepared by a certified professional to:
  - a. Determine whether the development proposal is consistent with this chapter;
  - b. Determine if a proposed approach is consistent with the standards of the current Surface Water Design Manual, City of Sammamish Stormwater Comprehensive Plan, or the Low Impact Development Technical Guidance Manual for Puget Sound, or other suitable reference, as determined by the director;
  - c. Determine whether the proposed combination of techniques adequately work together toward meeting the goals of this chapter;
  - d. Determine if the monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public benefit, health, safety, and welfare, consistent with this chapter; and
  - e. Determine that the proposed LID approaches shall function as intended.
3. Health and Safety. Approval of all proposed LID approaches, Sammamish comprehensive LID, and incentives grants shall be subject to the review of the City to determine that the proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest.
4. Adjustments.
  - a. Minor. When reviewing and issuing construction permits in an approved development, the department may allow minor adjustments in the approved approaches and incentives used by the development proposal involving the location and site-specific approaches or incentives.
  - b. Major. Changes to a development proposal that result in significant adjustments to the project shall require resubmittal of the development proposal pursuant to subsection 1. of this section. Significant adjustments include, but are not limited to, elimination of proposed LID approaches, increases in the number of dwelling units generated, or additional reduction of proposed street improvements.



## 21.03.040 State Environment Policy Act (SEPA)

[Reserved]

## 21.03.050 Surface Water Management (Title 13)

### A. Authority, Purpose, General Provisions, and Administration

#### 1. Authority

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts this Section.

#### 2. General Provisions

This Section is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW.

#### 3. Administration

Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such administrative rules and regulations as are necessary and appropriate to implement this Section and to prepare and require the use of such forms as are necessary to its administration.

### B. Definitions

This chapter contains definitions of technical and procedural terms used throughout this Section.

1. **Adjustment.** A department-approved variation in the application of the requirements of [SDC 21.03.050D](#). and the Surface Water Design Manual to a particular project in accordance with [SDC 21.03.050D.3](#). "Adjustment" replaces

"variance," which was used in prior editions of the Surface Water Design Manual.

2. **AKART.** "All known, available and reasonable methods of prevention, control and treatment." "AKART" represents the most current methodology that can be reasonably required for preventing, controlling or abating the pollutants associated with a discharge. "AKART" applies to both point and nonpoint sources of pollution.
3. **Applicant.** A property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.
4. **Basin.** A geographic area that contains and drains to a stream or river named and noted on common maps, such as the Cedar River, Sammamish River, Green River, Snoqualmie River, Skykomish River or White River, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound.
5. **Basin plan.** A plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and stormwater within the basin. Adopted basin plans are available from the department.

6. **Best management practices or “BMP’s”.** Any schedule of activities, prohibitions of practices, maintenance procedure or structural and/or managerial practice approved by King County that, when used singly or in combination, prevents or reduces the release of pollutants and other adverse impacts to surface water, stormwater and groundwater.
7. **City.** The City of Sammamish, Washington, or, as indicated by the context, may mean any official, officer, employee or agency representing the City in the discharge of his or her duties.
8. **Closed depression.** An area greater than 5,000 square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a stormwater retention facility
9. **Clean Water Act.** 33 U.S.C. 1251 et seq., as amended.
10. **Construct or modify.** To install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface and stormwater runoff or serves to increase, decrease or redirect the conveyance of surface and stormwater runoff. “Construct or modify” does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit.
11. **Conveyance system.** The drainage facilities and features, both natural and constructed, that provide for the collection and transport of surface water or stormwater runoff. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, catch basins, channels and most flow control and water quality treatment facilities.
12. **Critical drainage area.** An area that drains to Pine Lake or Beaver Lake, and all landslide hazard drainage areas as mapped or as determined by the City. Site specific evaluation shall be made to assess all areas. Critical drainage areas require more restrictive regulation than citywide standards afford in order to mitigate water quality, flooding, severe erosion, or landslide problems that result from the cumulative impacts of development and urbanization.
13. **Department.** The department of public works or its successor.
14. **Development.** Any activity that requires a permit or approval, including, but not limited to, a building permit, clearing and grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. “Development” does not include a Class I, II, III or IV-S forest practice conducted in accordance with Chapter 76.09 RCW and WAC Title 222 or a Class IV-G nonconversion forest practice, as defined in [SDC 21.04.040](#), conducted in accordance with Chapter 76.09 RCW and WAC Title 222 and a county-approved forest management plan.

15. **Developed parcel.** Any parcel of real property altered from the natural state by the construction, creation or addition of impervious surfaces.
16. **Director.** The director of the City of Sammamish department of public works, other department directors specified in enforcement procedures established in accordance with the Sammamish Municipal Code, or any designee of those directors.
17. **Division.** The department of public works, engineering division, or its successor agency.
18. **Discharge.** Runoff, excluding off-site flows, leaving the proposed development through overland flow, built conveyance systems, or infiltration facilities.
19. **Drainage.** The collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff.
20. **Drainage facility.** A constructed or engineered stream, lake, wetland, or closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control best management practice, water quality facility, erosion and sediment control facility, and any other structure and appurtenance that provide for drainage.
21. **Drainage review.** An evaluation by City staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: simplified drainage review, targeted drainage review, directed drainage review, full drainage review and large project drainage review.
22. **Effective impervious surface.** Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: 1. the runoff is fully dispersed as described in Appendix C of the Surface Water Design Manual; 2. residential roof runoff is infiltrated in accordance with the full infiltration BMP described in the Surface Water Design Manual; or 3. approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.
23. **Equivalent service unit (ESU).** A configuration of impervious surface estimated to contribute an amount of runoff to the City's stormwater management system which is approximately equal to that created by the average single-family residential developed parcel in the City.
24. **Erosion and sediment control.** Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas.
25. **Farm management plan.** A comprehensive site-specific plan developed by the farm owner in cooperation with the King Conservation District taking into consideration the land owners' objectives while protecting water quality and related natural resources.
26. **Financial guarantee.** A form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the Sammamish Municipal Code; or provide secured warranty of materials, workmanship of improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other forms of financial security

acceptable to the director. “Performance guarantee,” “maintenance guarantee” and “defect guarantee” are considered subcategories of financial guarantee.

27. **Flood hazard reduction plan.** A plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200.
28. **Flow control best management practice.** A small-scale drainage facility or feature that is part of a development site strategy to use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention, and reduced impervious surface footprint to mimic predeveloped hydrology and minimize stormwater runoff. “Flow control best management practice” includes the methods and designs specified in the Surface Water Design Manual.
29. **Flow control facility.** A drainage facility designed to mitigate the impacts of increased surface and stormwater runoff generated by site development in accordance with the drainage requirements in this Section. A flow control facility is designed either to hold water for a considerable length of time and then release it by any combination of evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.
30. **Forest practices.** Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 WAC.
31. **Full drainage review.** The evaluation required by [SDC 21.03.050D](#) for any proposed project, unless the project is subject to simplified drainage review, targeted drainage review, direct drainage review or large project drainage review, that:
  - a. Would result in 2,000 square feet or more of new plus replaced impervious surface; or
  - b. Would result in 7,000 square feet or more of land disturbing activity.
32. **Groundwater.** All waters that exist beneath the land surface or beneath the bed of any surface water.
33. **High-use site.** A commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. “High-use site” includes:
  - a. A commercial or industrial site subject to:
    - i. An expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area;
    - ii. Petroleum storage or transfer in excess of 1,500 gallons per year, not including routine fuel oil storage or transfer; or
    - iii. Use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over 10 tons; or
  - b. A road intersection with average daily traffic counts of 25,000 vehicles or more on the main roadway and 15,000 or more vehicles on any intersecting roadway,

excluding pedestrian or bicycle use improvement projects.

34. **Hydraulically connected.** Connected through surface flow or water features such as wetlands or lakes.
35. **Impervious surface.** A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development; or that causes water to run off the surface in greater quantities or at an increased rate of flow compared to the flow present under natural conditions prior to development (see also “new impervious surface”). Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, or storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface water or stormwater. For the purposes of applying the impervious surface thresholds and exemptions contained in the Surface Water Design Manual, permeable pavement, vegetated roofs, and pervious surfaces with underdrains (such as artificial turf) designed to collect stormwater runoff are considered impervious surfaces while an open uncovered flow control or water quality facility is not. However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces as specified in Chapter 3 of the Surface Water Design Manual.
36. **Improvement.** A permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and landscaping.
37. **Land disturbing activity.** An activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. “Land disturbing activity” includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. “Land disturbing activity” does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.
38. **Landslide hazard drainage areas.** Critical drainage areas where overland flows pose a significant threat to health and safety because of their close proximity to a landslide hazard area as defined by [SDC 21.04.040B.191](#). Landslide hazard areas are also considered landslide hazard drainage areas. Mapped landslide hazard drainage areas are approximate. Public works may determine that areas not mapped as landslide hazard drainage areas may meet this definition.
39. **Land use code.** Restrictions on the type of development for a specific parcel of land as identified by records maintained by the City of Sammamish as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.
40. **Lake management plan.** A plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins. Adopted lake management plans are available from the department.
41. **Large project drainage review.** The evaluation required by [SDC 21.03.050D](#). for any proposed project that:

- a. Has an urban plan development land use designation in the Sammamish comprehensive plan land use map;
  - b. Would, at full buildout of the project site, result in 50 acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or
  - c. Has a project site of 50 acres or more within a critical aquifer recharge area, as defined in this Title.
42. **Licensed civil engineer.** A person registered with the state of Washington as a professional engineer in civil engineering.
43. **Maintenance.** Those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.
44. **Manager.** The City manager or designee.
45. **Master drainage plan.** A comprehensive drainage control plan for projects subject to large project drainage review and intended to prevent significant adverse impacts to surface water and groundwater, both on and off sites.
46. **Municipal separate storm sewer systems or "MS4".** A conveyance or system of conveyances that is owned by the City of Sammamish that discharges to waters of the U.S., designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works.
47. **National Pollutant Discharge Elimination System or "NPDES".** The national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act.
48. **National Pollutant Discharge Elimination System permit.** An authorization, license or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.
49. **Native vegetated surface.** A surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual.
50. **Natural discharge location.** The location where runoff leaves the project site under existing site conditions as defined in the Surface Water Design Manual.
51. **Natural surface water drainage system.** Such landscape features as rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological cycle.
52. **New impervious surface.** The creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the



paving of existing dirt or gravel. Permeable pavement and vegetated roofs are considered new impervious surface for purposes of determining whether the thresholds for application of minimum requirements are exceeded, as are lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains designed to collect stormwater runoff. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

53. **New pervious surface.** The conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the Surface Water Design Manual.
54. **Open space.** Any parcel, property or portion thereof classified for current use taxation under Chapter 20.36 KCC and Chapter 84.34 RCW, or for which the development rights have been sold to King County under Chapter 26.04 KCC. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in Chapter 20.36 KCC and Chapter 84.34 RCW.
55. **Parcel.** The smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.
56. **Person.** An individual and his or her agent or assign, municipality, political subdivision, government agency, partnership, corporation, business or any other entity.
57. **Pervious surface.** Any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, and native vegetation areas. Note: For purposes of threshold determination and runoff volume modeling for detention and treatment, vegetated roofs and permeable pavements are to be considered impervious surfaces along with lawns, landscaping, sports fields, artificial turf without an underdrain, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains.
58. **Pollution-generating impervious surface.** An impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. "Pollution-generating impervious surface" includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surfaces unless they are treated to prevent leaching. Pollution-generating impervious surfaces include roofs that are exposed to the venting of significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities. They also include vegetated roofs exposed to pesticides, fertilizers, or loss



of soil. Lawns, landscaping, sports fields, artificial turf with an underdrain, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains that have the pollution-generating characteristics described under the “pollution-generating pervious surface” definition are also considered PGIS.

59. **Pollution-generating pervious surface.** A nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. “Pollution-generating pervious surfaces” include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. “Pollution-generating pervious surface” includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park, sports field artificial turf without an underdrain, and City-standard grassed modular grid pavement.
60. **Project.** Any proposed action to alter or develop a site that may also require drainage review.
61. **Project site.** The portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this chapter.
62. **Public Health.** The level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.
63. **Rate category.** The classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.
64. **Redevelopment project.** A project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:
  - a. Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
  - b. Has an existing impervious surface coverage of 35 percent or more.
65. **Repeat violation.** A violation of the same regulation in any location in the city within six years from the calendar date of the prior violation by the same responsible party for which compliance previously has been sought or a Notice and Order has been issued. For example, if a violation that occurred on July 1, 2023, a repeat violation would be a subsequent violation that occurs on or before June 30, 2029.
66. **Replaced impervious surface.** An existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance on underground infrastructure. For structures, “removed” means the removal of buildings down to the foundation. For other impervious surfaces, “removed” means the removal down to base course or bare soil. It does not include the removal of pavement material

through grinding or other surface modification unless the entire layer of PCC or AC is removed. Replaced impervious surface also includes impervious surface that is moved from one location to another on the project site where the following two conditions are met: 1. the area from which the impervious surface is moved from will be restored to the same or better runoff discharge characteristics as the area being covered by the moved impervious surface, and 2. impervious surface at the new location is either designated as non-pollution-generating or the pollution-generating characteristics remain unchanged compared to that of the original location.

- 67. **Residence.** A building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term “residence” includes the term “residential” or “residential unit” as referring to the type of or intended use of a building or structure.
- 68. **Residential parcel.** Any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.
- 69. **Responsible Party.** The property owner and/or the person(s) responsible for the condition of the property on which a violation has been committed. Including but not limited to contractors, tenants, lessees or other person entitled to use or occupy a property. There may be more than one responsible party for a particular property. This definition is inclusive of Person Responsible per Title 23.
- 70. **Road.** An urban right-of-way, paving and associated improvements which enable motor vehicles, transit

vehicles, bicycles and pedestrians to travel between destinations, and afford the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

- 71. **Runoff.** That portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces. For the purpose of this definition, “groundwater” means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.
- 72. **Salmon conservation plan.** A plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.
- 73. **Shared facility.** A drainage facility designed to meet one or more of the requirements of [SDC 21.03.050D](#). for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities.
- 74. **Service area.** The incorporated City of Sammamish

75. **Service charges.** The surface water utility fee in an amount to be determined by applying the appropriate rate to a particular parcel of real property based upon factors established by this Section.
76. **Simplified drainage review.** The drainage review for a proposed single-family residential project or agricultural project that: results in less than 5,000 square feet of new plus replaced pollution-generating impervious surface, results in less than three-quarters acre of pollution-generating pervious surface, limits target impervious and pervious surface as specified in the Surface Water Design Manual, and meets the simplified drainage requirements specified in Appendix C of the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements.
77. **Single-family residence.** A residential structure accommodating one dwelling unit, including duplex units and mobile homes, as defined by the City land use codes.
78. **Site.** A single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from the City of Sammamish to carry out a proposed project. For projects located primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to improvements proposed by the project.
79. **Small project drainage review.** Repealed by Ord. O2016-428.
80. **Source control BMP.** A BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. "Source control BMPs" can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site. An example of a structural source control BMP is building a covered storage area. A nonstructural source control BMP involves the modification or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots.
81. **State Waste Discharge Permit.** An authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC.
82. **Stormwater compliance plan.** A plan or study and all regulations and procedures that have been adopted by the City to implement the plan or study, including, but not limited to, capital projects, public education activities and enforcement programs for managing stormwater quantity and quality discharged from the City's municipal separate storm sewer system in compliance with the National Pollutant Discharge Elimination System permit program under the Clean Water Act.
83. **Stormwater plan.** A City of Sammamish ordinance specifying the stormwater control facilities that will be funded by a bond issue.

84. **Stormwater Pollution Prevention Manual.** The King County Stormwater Pollution Prevention Manual adopted in accordance with **Chapter 2.55 SMC**, and supporting documentation referenced or incorporated in the manual, describing best management practices and procedures for existing facilities and existing and new activities not covered by the Surface Water Design Manual.
85. **Subbasin.** A geographic area that:
1. Drains to a stream or water body named and noted on common maps; and
  2. Is contained within the basin of the stream or water body.
86. **Surface and stormwater.** Water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands, as well as shallow groundwater.
87. **Surface water utility.** The services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.
88. **Surface and stormwater management system.** Constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and stormwater.
89. **Surface Water Design Manual.** The manual, and supporting documentation referenced or incorporated in the manual and addendum, describing surface and stormwater design and analysis requirements, procedures and guidance that has been formally adopted by rule under the procedures in **Chapter 2.55 SMC**. The Surface Water Design Manual is available from the department of public works or its successor agency.
90. **Surface water management fee protocols or “SWM fee protocols”.** The surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in **Chapter 2.55 SMC**. The SWM fee protocols are available from the department of public works or its successor agency.
91. **Treatment BMP.** A BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include oil/water separators, biofiltration swales and wetponds.
92. **Targeted drainage review.** An abbreviated evaluation required by [SDC 21.03.050D](#) for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in simplified drainage review.
93. **Undeveloped parcel.** Any parcel of real property which has not been altered from its natural state by the construction, creation or addition of impervious surface.
94. **Unit rate.** The dollar amount charged per ESU.
95. **Water quality facility.** A drainage facility designed to mitigate the impacts of increased pollutants in stormwater

runoff generated by site development. A water quality facility uses processes that include but are not limited to settling, filtration, adsorption, and absorption to decrease pollutant concentrations and loadings in stormwater runoff.

### C. Surface Water Development Charge

#### 1. City Authorized to Collect Charge

The City is authorized to collect a surface water system development charge according to the City's current adopted fee schedule. All impervious surface areas shall be rounded to the nearest 250-square-foot increment. The fee shall not apply to rockeries or retaining walls.

#### 2. Charges Shall Be Liens

All charges made under this section shall constitute a lien upon the property from which such charges are due, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien shall be in the manner provided by law. All properties assessed a surface water system development charge shall have a notation on their plats stating that the property may be subject to a lien for the final costs of any necessary off-site surface water drainage improvements.

### D. Surface Water Runoff Regulations

#### 1. Purpose

The purpose of this chapter is to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters and erosion control, especially that which preserves and utilizes the

many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, and education. By conducting programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance, the effectiveness of the requirements contained in this chapter will be promoted.

#### 2. Drainage review – When required – Type

- a. Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:
  - i. Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or
  - ii. Would involve 7,000 square feet or more of land disturbing activity; or
  - iii. Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or
  - iv. Contains or is adjacent to a flood hazard area as defined in [Chapter 21.03 SDC](#) or this Title; or
  - v. When located within a critical drainage area draining to Pine or Beaver Lake and meets any one of the following conditions:

- a) Would result in a new single-family dwelling unit, accessory dwelling unit, multifamily, or commercial facility; or
  - b) Would result in a net increase in impervious surface of 500 square feet or more; or
  - c) Would involve 2,000 square feet or more of land disturbing activity; or
- vi. When located within a critical drainage area draining to a landslide hazard area and meets any one of the following conditions:
- a) Would result in a new single-family dwelling unit, accessory dwelling unit, multifamily, or commercial facility; or
  - b) Would result in a net increase in impervious surface of 200 square feet or more; or
  - c) Would involve 2,000 square feet or more of land disturbing activity; or
- vii. When located within a critical drainage area in the Tamarack or Inglewood Historic Plats and would result in any net increase in impervious surface; or meets one of these conditions:
- a) In Tamarack, any land disturbing activity greater than 2,000 square feet, or greater than 20 percent of the lot or tract area (whichever is less); or
  - b) In the Inglewood Historic Plat, east of East Lake Sammamish Parkway NE, any land disturbing activity greater than 2,000 square feet, or greater than 20 percent of the lot or parcel area (whichever is less); or
- viii. Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site.
- b. The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection 1. of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:
- i. Simplified drainage review;
  - ii. Targeted drainage review;
  - iii. Directed drainage review;
  - iv. Full drainage review; or
  - v. Large project drainage review.
- 3. Drainage review – Requirements**
- a. A proposed project required to have drainage review by this chapter must meet each of the core requirements which are described in detail in the Surface Water Design Manual and as amended by the Sammamish Addendum to the Surface Water Design Manual.



- b. A proposed project required by this chapter to have drainage review shall meet each of the special requirements which apply to the site and which are described in detail in the Surface Water Design Manual.
  - c. An adjustment to the core requirements or special requirements contained in the Surface Water Design Manual may be proposed pursuant to the terms and conditions for drainage adjustment in the Surface Water Design Manual, subject to the following limitations:
    - i. Proposed projects subject to full or large project drainage review or any project subject to drainage review located within a critical drainage area shall not qualify for an Adjustment from Core Requirement No. 3: (Flow Control), except that:
      - a) Proposed projects subject to full or large project drainage review, not located in a Critical Drainage Area, may be exempt from Core Requirement No. 3 if they meet the Surface Water Design Manual-defined exemption criteria where less than 5,000 square feet of new plus replaced impervious surface will be created and less than  $\frac{3}{4}$  acres of new pervious surface will be added.
      - b) Proposed projects subject to full or large project drainage review, located within Critical Drainage Areas, may request an exemption from Core Requirement # 3 in accordance with [SDC 21.03.050.D.4.e](#).
    - ii. Proposed projects subject to Full or Large Project Drainage Review or any project subject to drainage review located within a critical drainage area that request a Standard or Experimental Design Adjustment from any Core or Special Requirement, shall declare their intent for an Adjustment with a land use application. Adjustments shall be processed as a Type 2 decision in accordance with [SDC 21.09.010](#). Criteria for granting an adjustment are in the City's adopted Surface Water Design Manual and City Addendum, Section 1.4.2. Drainage Adjustments not disclosed as part of the land use application shall be processed as a stand-alone Type 2 decision.
  - d. Proposed subdivision and short plat projects shall include outreach and education materials to support the continued maintenance and operation of low impact development best management practices. Such materials shall include an on-site educational kiosk located in a high foot traffic area of the development, educational brochures and handouts, noticing on title, noticing on the final plat of maintenance and operations responsibility, and noticing in the covenants, conditions, and restrictions, when any are applicable. Educational kiosks shall only be required for subdivision plats.
4. **Critical drainage areas**
- a. Development in areas where the department has determined that the existing water quality, flooding, severe erosion, or landslide conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage



requirements set by the director until such time as the community hazard is alleviated.

- b. Single-family development located in landslide hazard drainage areas shall be limited to a maximum of 35 percent impervious surface on each lot until such time as the director has determined that infrastructure is on-line and operational to mitigate the risk to downslope hazards.
- c. Single-family development located in areas that drain to Pine or Beaver Lake shall be subject to minimum yard areas and maximum impervious surfaces in accordance with [SDC 21.04.030.C](#).
- d. Low impact development techniques shall be used to the maximum extent feasible for all critical drainage areas.
- e. Development proposed within a critical drainage area shall not qualify for exemption or exception from core requirements in the Surface Water Design Manual except for director approved exemptions and exceptions for Core Requirement Nos. 1, 3, and 8 as provided below:
  - i. The director may approve an exemption or exception request, prepared by a Washington State licensed professional engineer using sound engineering principles and judgment, from tightline requirements in Core Requirement No. 1 (Discharge at the Natural Location) which can demonstrate the following condition:
    - a) Discharge is to an acceptable location where surface and groundwater will not damage downslope properties, will not increase the risk of landslides or severe erosion on such properties, will not discharge to streams of gradient 15 percent or more, and will not be located upgradient of a septic drain field or its reserve field as measured within a 100-foot radius around the discharge location. Examples of acceptable discharge locations include, but are not limited to: ditch and culvert systems that meet capacities in accordance with Core Requirement No. 4 (Conveyance System) for full build-out conditions and/or locations where the cumulative effects of discharges will not increase the risk of landslides or severe erosion and is supported by a geotechnical engineering report prepared by a Washington State professional licensed geotechnical engineer and peer reviewed by the City engineer or his/her designee.
    - b) For projects proposing a net increase in impervious surface and located in critical drainage areas in the Tamarack or Inglewood Historic Plats, no exemption to tightline requirements shall be approved.
    - c) Where a tightline system is proposed, discharge shall be to a City owned, operated, and maintained system or where the City has or is granted an easement for the inspection, maintenance, repair, and replacement of the

tightline system properly sized to convey the cumulative full build-out of flows. Basin transfers may be allowed if downstream wetland hydrology and stream flows are maintained and the risk of landslides, severe erosion, and flooding related property damage will not increase for downslope properties. Pumped systems shall only be allowed where existing structures and access will not be damaged in the event of pump failure.

- ii. The director may approve an exemption or exception request from Core Requirement No. 3 (Flow Control) and/or Core Requirement No. 8 (Water Quality), prepared by a Washington State licensed professional engineer using sound engineering principles and judgment, which can demonstrate that site conditions or strict adherence to the Core Requirements would negatively affect the site's ability to mitigate its surface water impacts. Such site conditions and adherence to the Core Requirements may include, but are not limited to, the following:
    - a) Significant trees would be damaged or require removal to install such facilities; or
    - b) Siting formal flow control or water quality facilities on site would result in significant increased risk to landslide hazard areas; or
    - c) Sizing a flow control facility is not feasible where the target release rate cannot be matched with
      - a minimum orifice size of one-quarter-inch diameter.
  - iii. No exemptions or exceptions to Core Requirement Nos. 1, 3, and 8 shall be granted when the director deems that granting such exemption/exception request would cause significant impact to downstream properties, natural resources, and/or public infrastructure. Minimum thresholds for core requirements as described in the Surface Water Design Manual shall be met without exemption or exception.
  - f. Where application of this section will deny all reasonable use of a property and a facility or design that produces a compensating or comparable result cannot be obtained, then an adjustment criterion exception may be approved pursuant to the applicable provisions of the Surface Water Design Manual. These standards are in addition to the applicable standards of [SDC 21.03.020](#).
  - g. Drainage Adjustment applications for projects subject to full or large project drainage review or any project subject to drainage review located within a critical drainage area shall be treated as a Type 2 process in accordance with [SDC 21.09.010](#).
- 5. Engineering plans for the purposes of drainage review**
- a. These requirements are in addition to the submittal requirements established by [SDC 21.09.010](#).
    - i. All engineering plans shall be submitted to the City for review in accordance with the Surface Water Design Manual except those drainage plans

developed by, or under the review of, the City of Sammamish department of public works for either surface and stormwater capital improvement, repair, maintenance or restoration projects or other linear government agency projects, such as roadways, railways, pipelines, utility lines and trails.

- ii. If engineering plans are returned for any reason, they shall be returned to the applicant.
  - iii. All master drainage plans, if required, shall be submitted to the City for review in accordance with the specifications in the Surface Water Design Manual. The master drainage plan process should commence at the same time as the State Environmental Policy Act (SEPA) process.
  - iv. Drainage plans not subject to review by the City under subsection 2.a. of this section shall be reviewed by the department of public works in accordance with this chapter. Project applicability and compliance with this chapter shall be documented in writing and available for review.
- b. The expiration time frames as specified in the Surface Water Design Manual shall apply to all permit and approval applications.
  - c. All plans shall be processed in accordance with the review procedures specified in the Surface Water Design Manual.
  - d. Submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual.

## 6. Construction timing and final approval

- a. No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the director.
- b. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:
  - i. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and
  - ii. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for on-site erosion has passed.
- c. The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site before the construction of any other improvements or buildings on the site, or in accordance with [SDC 21.02.060](#).

## 7. Liability insurance required

The applicant required to construct the drainage facility pursuant to this chapter shall maintain a combined single limit per occurrence liability policy in the amount established annually by the City, which shall name City as an additional insured and protect the City from liability

relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the director prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, the City may initiate enforcement action pursuant to SMC Title 23.

#### 8. Financial guarantees authorized

The City is authorized to require all applicants issued permits or approvals under the provisions of this Section to post financial guarantees consistent with the provisions of SMC Title 27A.

#### 9. Drainage facilities accepted by Sammamish for maintenance

- a. The City is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the director.
- b. The City may assume maintenance of privately maintained drainage facilities only if a. the City first determines that a clear public benefit will result, greater in scope than the public cost, from the use of public resources to participate wholly or partially in the maintenance of a private storm or surface water drainage system component, and b. all of the following conditions have been met:
  - i. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;

- ii. The director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
  - a) Flooding,
  - b) Downstream erosion,
  - c) Property damage due to improper function of the facility,
  - d) Safety hazard associated with the facility,
  - e) Degradation of water quality or in-stream resources, or
  - f) Degradation to the general welfare of the community; and
- iii. The director has declared in writing acceptance of maintenance responsibility by the City. Copies of this document will be kept on file in the department of public works.
- c. The director may terminate the department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
  - i. Flooding;

- ii. Downstream erosion;
- iii. Property damage due to improper function of the facility;
- iv. Safety hazard associated with the facility;
- v. Degradation of water quality or in-stream resources;  
or
- vi. Degradation to the general welfare of the community.

Copies of this document will be kept on file in the department of public works.

- d. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required.

**10. Drainage facilities not accepted by Sammamish for maintenance**

- a. The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the department and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:
  - i. Under a maintenance guarantee or defect guarantee;

- ii. A private road conveyance system;
- iii. Released from all required financial guarantees prior to July 7, 1980;
- iv. Located within and serving only one single-family residential lot;
- v. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
- vi. Located within or associated with a short subdivision or subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
- vii. Previously terminated for assumption of maintenance responsibilities by the department in accordance with this chapter; or
- viii. Not otherwise accepted by the City for maintenance.

- b. Prior to the issuance of any of the permits for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility

and a reasonable time limit in which such work is to be completed.

- i. In the event that the titleholders do not affect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the records and licensing services division of King County.
- ii. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.
- c. Prior to the issuance of any of the permits and/or approvals for the project or the release of financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a drainage facility was required shall pay a fee established by the director as set forth in the City resolution to reasonably compensate the City for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards.
- d. The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the drainage facility was required.

- e. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case-by-case basis. In any such case-by-case analyses, the City shall only be responsible for the performance, operation and maintenance of drainage facilities and conveyance systems if a determination is first made pursuant to the criteria set forth in [SDC 21.03.050D.9.b.](#) as now in effect or as may be subsequently amended.

## 11. Hazards

Whenever the director determines that any existing construction site, erosion and sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom the permit was issued pursuant to this chapter, the owner of the property within which the drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the director may take the measures necessary to eliminate



the hazardous situation; provided, that the director shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required pursuant to this chapter, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the director shall have the authority to collect against the financial guarantee to cover costs incurred.

## 12. Administration

- a. Administration.
  - i. The director is authorized to promulgate and adopt administrative rules under the procedures specified in Chapter 2.55 SMC, for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules are available to the public from the department of public works. This includes, but is not limited to, the Surface Water Design Manual.
  - ii. The director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.
- b. Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

- c. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.
- d. Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property.

## 13. Enforcement

The City is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.



#### 14. Implementation, review and revision

The department may administer a training program for users of the Surface Water Design Manual. The department may also conduct an ongoing research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program may examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures.

#### 15. Severability

If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected.

### E. Surface Water Management Program

#### 1. Authority

- a. There is hereby created and established the surface water management program of Sammamish under which the provisions of this chapter shall be carried out.
- b. The program created in this section shall be administered by the department.
- c. Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director may enter any property or portion thereof at reasonable times in compliance with the following procedures:
  - i. If the property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry and request entry;
  - ii. If the property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry; and
  - iii. Unless entry is consented to by the owner or person in control of any property or portion thereof, the director, before entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

- d. The director is authorized to enforce this chapter, the ordinances and resolutions codified in it and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.
- e. The program may provide services related to surface and stormwater management, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, or other governmental agencies.

## 2. Purpose

The purpose is to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and stormwater problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and stormwater management services. The most cost effective and beneficial approach to surface and stormwater management is through preventative actions and protection of the natural drainage system. In approaching surface and stormwater problems, the surface water management program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and stormwater management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and stormwater, erosion, and water pollution; to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and

drainage facilities; and to provide for the comprehensive management and administration of surface and stormwater.

## 3. Applicability

- a. Developed parcels within the service area shall be billed each year for surface and stormwater management services pursuant to RCW 36.89.080. Surface and stormwater management services or service charges, or both, shall be imposed on developed parcels lying within cities and towns when the services or charges, or both, have been provided for by interlocal agreements between the City and the cities or towns. That portion of the rates or charges allocated to payment of debt service on revenue or general obligation bonds issued to finance stormwater control facilities in areas annexed or incorporated subsequent to the issuance of the bonds shall be imposed as set forth in this chapter.
- b. The service area shall be the corporate City limits of the City of Sammamish.

## 4. Rate structure

- a. Service charges for the surface water utility fee are hereby authorized and imposed, in amounts and on terms consistent with this chapter.
- b. The rates and service charges shall be based on the service provided and the relative contribution of stormwater runoff from a given parcel to the stormwater control facilities. The estimated or measured impervious surface area will be used to determine the relative contribution of stormwater runoff from the parcel.

- c. Service charges shall be determined as follows:
  - i. Undeveloped Parcels. Undeveloped parcels shall not be charged.
  - ii. Roads. Roads shall not be charged.
  - iii. Single-Family Residences. The monthly service charge for each single-family residence shall be the unit rate for one equivalent service unit.
  - iv. Other Developed Parcels. The monthly service charge for all other developed parcels, including publicly owned properties, shall be computed by multiplying the unit rate times the number of equivalent service units applicable to the parcel less any approved rate adjustment for the parcel as determined under [SDC 21.03.050E.5](#).
  - v. Minimum Charge. There shall be a minimum monthly service charge for all developed properties equal to the unit rate.
  - vi. Equivalent Service Unit. For the purpose of computation of non-single-family residential service charges, the number of equivalent service units shall be rounded to the nearest tenth (0.10).

#### 5. Rate adjustments and appeals

- a. Any person billed for service charges may file a request for rate adjustment with the division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

- b. Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:
  - i. The parcel is owned and is the personal residence of a person or persons determined by the City as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381. Parcels qualifying under this subsection 3.a. shall be exempt from all charges imposed in this chapter;
  - ii. The actual impervious surface coverage of the parcel charges is in error;
  - iii. Non-single-family residential parcel is served by one or more flow control or water quality treatment facilities required under [SDC 21.03.050D.](#), or can be demonstrated by the property owner to provide flow control or water quality treatment of surface and stormwater to the standards in [SDC 21.03.050D.](#), and any such facility is maintained at the expense of the parcel owner to the standards required by the department. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented pursuant to the standards in [SDC 21.03.050F.](#) to prevent contaminants from entering surface water, stormwater, or groundwater. Non-single-family residential parcels shall be eligible for a rate credit reduction.

## 6. Credit Calculation

- a. The amount to be credited shall be a fixed percentage reduction based on the portion of program costs which can be reduced by the on-site activities of the customer base;
  - i. The parcel is owned or leased by a public school district which provides activities which directly benefit the surface water management program. The activities may include: curriculum specific to the issues and problems of surface and stormwater management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and stormwater management system. Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district but not to exceed the value of the activity to the surface water management program. Determination of which activities qualify for the surface water management service charge reduction will be made by the division. Reductions in surface water management service charges will only be granted to school districts which provide programs that have been evaluated by the division. The rate adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;
  - ii. The parcel is owned by a federally recognized tribe or member of such tribe and is located within the historical boundaries of a reservation and thus is not subject to the charges provided for in this chapter;  
or
  - iii. The service charge bill was otherwise not calculated in accordance with this chapter.
  - iv. The dollar amount of debt service on revenue or general obligation bonds issued to finance stormwater control facilities shall not be reduced by the rate adjustments referred to in subsection 5.a. or b. of this section.
  - v. The property owner shall have the burden of proving that the rate adjustment sought should be granted.
- b. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within 30 days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.
- c. If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under this chapter. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

- d. Decisions of the director on requests for rate adjustments shall be final unless, within 30 days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the City hearing examiner. The examiner's decision shall be a final decision pursuant to [SDC 21.09.020](#).

## 7. Billing procedure

- a. All property subject to charges of the program shall be billed based on the property characteristics existing on November 1st of the year prior to the billing year and at the rate as set forth in this chapter. Billing year is the year that the bills are sent. The service charge shall be displayed and billed on the annual property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are exempt from property taxes and do not receive an annual property tax statement will receive a bill only for the service charge. If a payment less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge is received for a combined property tax and service charge, and the parcel owner has not otherwise specified, the director of the office of finance shall first apply the payment to the annual property tax of the parcel pursuant to the provisions of Chapter 84.56 RCW and then apply any remaining amount to the service charge.

- b. The total amount of the service charge shall be due and payable to the director of the office of finance on or before the thirtieth day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.
- c. Parcel characteristics affecting the service charge which are altered after November 1st of any year shall not be a basis for calculation of the service charge until after December 31st of the following year.

## 8. Delinquencies and foreclosures

- a. Delinquent service charges shall bear interest as provided in RCW 36.89.065 and 36.89.092 at the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.
- b. Pursuant to RCW 36.89.065, the City shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Pursuant to RCW 36.89.065, such lien shall be effective and shall be enforced and foreclosed in the same manner as the foreclosure of real property tax liens as provided in RCW 36.94.150. The City may commence

to foreclose a surface water management service charge lien after three years from the date surface water management charges become delinquent. Pursuant to RCW 36.94.150, collections shall include costs of foreclosure in addition to service charges and interest.

#### 9. Surface water management fund

All service charges shall be deposited in the surface water management fund, which fund is hereby created to be used only for the purpose of paying all or any part of the cost and expense of providing surface water management services, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose. Moneys in the fund not needed for immediate expenditure shall be invested for the benefit of the surface water management fund pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations as are contained in City ordinance, but sufficient funds shall be transferred no later than the end of the fiscal year in which they were first appropriated. The program's funds balances and other financial resources will be invested conservatively to match strong security of principal with market rates of return. For investment purposes the City manager or designee is hereby designated the fund manager.

#### 10. Administrative standards and procedures

Pursuant to Chapter 2.55 SMC and [SDC 21.03.050](#), the director shall develop administrative standards and procedures relating to the implementation of this chapter. This includes but is not limited to:

- a. Procedures for the imposition and collection of service charges and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate;
- b. Lake management plans for Beaver Lake and Pine Lake;
- c. Standards and procedures for granting discounts to the surface water management fee;
- d. Procedures for a grant program to help citizens in reducing the impact of excess storm and surface water runoff by removing impervious surfaces from their property.

#### F. Water Quality

##### 1. Purpose and intent

The purpose of this chapter is to protect the City's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and stormwater and groundwater, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of Sammamish.

The City council finds this chapter is necessary to protect the health, safety and welfare of the residents of



Sammamish and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The City council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act the City council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals.

## 2. Construction – Intent

This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

The primary obligation of compliance with this chapter is placed upon the responsible party. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the City, the department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or

enforcement of this chapter by the City, department, its officers, employees or agents.

## 3. Discharges into waters

- a. It is unlawful for any person to discharge any contaminants into surface and stormwater, groundwater or Puget Sound. Contaminants include, but are not limited to, the following:
  - i. Trash or debris;
  - ii. Construction materials;
  - iii. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
  - iv. Antifreeze and other automotive products;
  - v. Metals in either particulate or dissolved form;
  - vi. Flammable or explosive materials;
  - vii. Radioactive material;
  - viii. Batteries;
  - ix. Acids, alkalis, or bases;
  - x. Paints, stains, resins, lacquers or varnishes;
  - xi. Degreasers and solvents;
  - xii. Drain cleaners;
  - xiii. Pesticides, herbicides or fertilizers;
  - xiv. Steam cleaning wastes;



- xv. Soaps, detergents or ammonia;
  - xvi. Swimming pool backwash;
  - xvii. Chlorine, bromine and other disinfectants;
  - xviii. Heated water;
  - xix. Domestic animal wastes;
  - xx. Sewage;
  - xxi. Recreational vehicle waste;
  - xxii. Animal carcasses;
  - xxiii. Food wastes;
  - xxiv. Bark and other fibrous materials;
  - xxv. Collected lawn clippings, leaves or branches;
  - xxvi. Silt, sediment or gravel;
  - xxvii. Dyes, except as stated in subsection 2.e. of this section;
  - xxviii. Chemicals not normally found in uncontaminated water;
  - xxix. Any hazardous material or waste not listed above.
- b. Illicit Connections. Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly to surface and stormwater or groundwater is considered an illicit connection and is prohibited with the following exceptions:
- i. Connections conveying allowable discharges;
  - ii. Connections conveying discharges pursuant to an NPDES permit, other than an NPDES stormwater permit, or a state waste discharge permit; and
  - iii. Connections conveying effluent from on-site sewage disposal systems to subsurface soils.
- c. BMPs shall be applied to any business or residential activity that might result in prohibited discharges as specified in the King County Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities that might result in prohibited discharges include but are not limited to the following:
- i. Potable water line flushing;
  - ii. Lawn watering with potable water;
  - iii. Dust control with potable water;
  - iv. Automobile and boat washing;
  - v. Pavement and building washing;
  - vi. Swimming pool and hot tub maintenance;
  - vii. Auto repair and maintenance;
  - viii. Building repair and maintenance;
  - ix. Landscape maintenance;
  - x. Hazardous waste handling;
  - xi. Solid and food waste handling; and

- xii. Application of pesticides.
- d. The following types of non-stormwater discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director determines that the type of discharge, whether standalone or in combination with other discharges, is causing significant contamination of surface and stormwater or groundwater:
  - i. Diverted stream flows;
  - ii. Rising groundwaters;
  - iii. Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems through such means as defective pipes, pipe joints, connections, or manholes;
  - iv. Uncontaminated pumped groundwater;
  - v. Foundation drains;
  - vi. Air conditioning condensation;
  - vii. Irrigation water from agricultural sources that is commingled with urban stormwater;
  - viii. Springs;
  - ix. Uncontaminated water from crawl space pumps;
  - x. Footing drains;
  - xi. Flows from riparian habitats and wetlands;
  - xii. Non-stormwater discharges authorized by another NPDES or state waste discharge permit;
  - xiii. Discharges from emergency firefighting activities in accordance with Washington State Department of Ecology NPDES permit authorized discharges;
  - xiv. Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
  - xv. Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through water conservation efforts;
  - xvi. Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and deoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4;
  - xvii. Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. These discharges shall minimize the amount of street wash and dust control water used;

- xviii. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the City, which addresses control of such discharges.
- e. Dye testing is allowable but requires verbal notification to the City at least one day prior to the date of test. The City is exempt from this requirement.
- f. A person does not violate subsection 1. of this section if:
  - i. That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or
  - ii. That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.
- g. A person implementing operational and/or source control BMPs under subsection 5.b is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.
- h. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in City procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

#### 4. Stormwater Pollution Prevention Manual

- a. Compliance with this chapter shall be achieved through the use of the best management practices described in the King County Stormwater Pollution Prevention Manual in effect on June 29, 2022 (effective date of the ordinance codified in this chapter). In applying the King County Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The City will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.
- b. In applying the King County Stormwater Pollution Prevention Manual to prohibited discharges, the director may use public education and warnings as the primary method of gaining compliance with this chapter. The

use of, notice and orders, assessment of civil penalties and fines, or other compliance actions may be used in the following circumstances:

- i. The discharge, whether standalone or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or
  - ii. The discharge poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities or other City-owned or maintained property.
- c. Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the King County Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons:
- i. Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
  - ii. Implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;
  - iii. Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;
  - iv. Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use or when regulatory authority is otherwise provided to local government by RCW 76.09.240; or
  - v. Identified by the director as being exempt from this section.

## 5. Enforcement

- a. The director is authorized to carry out enforcement actions for violations of this chapter pursuant to the enforcement and penalty provisions of SMC 23.100.030 and other enforcement provisions adopted by rule under the procedures of Chapter 2.55 SMC.
- b. The director shall gain compliance with this chapter by requiring the implementation of operational and/or source control BMPs. Source control BMPs are found in the King County Stormwater Pollution Prevention Manual. The director may also require maintenance of stormwater facilities which discharge into the MS4 in accordance with maintenance standards established in the Surface Water Design Manual. The director may initially rely on education and informational assistance as much as possible to gain compliance with this chapter prior to civil enforcement and/or penalties. The director may pursue civil enforcement and/or

penalties for violations that are intentional, or repeat, or poses a hazard as defined in the hazards section ([SDC 21.03.050F.5.](#)).

- c. The director, in consultation with other departments of the City government, shall develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.
- d. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter and in accordance with SMC Title 23.
  - i. The director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings.
  - ii. When the director has made a determination under subsection 4.a. of this section that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater,

and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City of Sammamish department of public works.

- e. In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter.

## 6. Hazards

Whenever the director determines that any violation of this chapter poses a hazard to public health, safety, or welfare; endangers any property; or adversely affects the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City; the responsible party, upon receipt of notice in writing from the director shall within the period specified therein address the cause of the hazardous situation in conformance with the requirements of this chapter.

Notwithstanding any other provisions of this chapter, whenever it appears to the director that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the director is authorized, with permission from the owner, occupant, or agent to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such emergency conditions consistent with chapter 23.40 SMC.. The director may without prior notice order the immediate

discontinuance of any activity leading to the emergency condition.

## G. Fertilizers

### 1. Fertilizers containing phosphorus – Application – Prohibited – Exceptions – Department of public works to adopt standards and procedures

- a. Except as provided in subsection 2. of this section, a person may not apply to turf a fertilizer containing the plant nutrient phosphorus.
- b. Subsection 1. of this section does not apply when:
  - i. Soil test results or other certification by a turf specialist performed within the three years previous to the application indicate that the level of available phosphorus in the soil is insufficient to support healthy turf growth, and the test results or certification, and the application rate, are consistent with best practice standards approved by the City department of public works. In developing the best practice standards, the department shall seek input from the Washington State University turfgrass specialists;
  - ii. The property owner or an agent of the property owner is first establishing turf via seed or sod procedures and only during the first calendar year; or
  - iii. Applying turf fertilizer for agricultural or horticultural uses.

- c. The department of public works shall adopt appropriate standards and procedures for the purposes of this section.

### 2. Fertilizers on impervious surfaces – Application prohibited – Containment and disposition if released

A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container.

### 3. Consumer education and outreach by department of public works

The department of public works shall seek to identify opportunities for grant funding and partnerships to support a consumer education and outreach effort, making use of existing outreach materials produced by other entities to the extent possible. If the State Department of Agriculture produces consumer information on application restrictions of fertilizer containing the plant nutrient phosphorus or on the impacts of phosphorus on the waters of the region, and on recommended best practices for turf fertilizer and other residential landscaping uses, the department of public works shall cooperate in the distribution of the information, including making recommendations for appropriate locations or parties to receive such information, as well as accommodating electronic links on its agency website for any electronic information produced.

## 21.03.060 Trees

### A. Purpose

1. The purpose of this chapter is to:
  - a. Avoid the removal of significant trees, including heritage trees and landmark trees, in order to maintain the quality of Sammamish’s urban environment;
  - b. Protect significant trees, heritage trees and landmark trees to the maximum extent possible in the design of new development proposals including, but not limited to, buildings, roadways, and utilities;
  - c. Mitigate the environmental and aesthetic consequences of tree removal through on-site and off-site tree replacement to achieve a goal of no net loss of canopy throughout Sammamish;
  - d. Provide measures to protect trees that may be impacted during construction;
  - e. Maintain and protect the public health, safety, and general welfare; and
  - f. Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Sammamish, which include:
    - i. Providing varied and rich habitats for wildlife;
    - ii. Absorbing greenhouse gas emissions;
    - iii. Moderating the effects of winds and temperatures;
    - iv. Stabilizing and enriching the soil;

- v. Slowing runoff from precipitation and reducing soil erosion;
- vi. Improving air quality;
- vii. Improving water quality;
- viii. Masking unwanted sound;
- ix. Providing visual relief and screening buffers;
- x. Providing recreational benefits;
- xi. Enhancing the economic value of developments; and
- xii. Providing a valuable asset to the community as a whole.

### B. Approval required

1. Approval Required. Except as provided in [SDC 21.03.060E.](#), Exemptions, any person who desires to cut down or remove any significant tree or who desires to conduct grading activities on a site that will result in the removal of any significant tree, must first obtain approval as required in this chapter. Approval may take the form of a tree removal permit or it may be included in conjunction with another land use approval such as a preliminary plat grading permit.
2. Forest Practices Permittees. Permittees under Class IV – General forest practice permits issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested lots to developed lots are also required to obtain approval under subsection 1. of this section. For all other forest practice permits (Class II, III,



IV – special permit) issued by DNR for the purpose of commercial timber operations, no approval is required but no land use permits will be issued for six years following tree removal.

### C. Calculations—Rounding

1. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - a. Fractions of 0.50 or above shall be rounded up; and
  - b. Fractions below 0.50 shall be rounded down.

### D. Evaluation required

1. Professional Evaluation. In determining whether an approval shall be granted, the submittal of a professional evaluation and/or a tree protection plan prepared by a Certified Arborist may be required when the City deems such services are necessary to demonstrate compliance with the standards of this chapter. Such professional evaluation(s) and services may include:
  - a. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;
  - b. Providing a hazardous tree assessment;
  - c. Providing a written evaluation of heritage trees and/or landmark trees, as well as significant trees, near environmentally critical areas and associated buffers;
  - d. Developing plans for tree protection or replacement, including supervising and/or monitoring implementation of any such plans; and/or

- e. Conducting a post-construction site inspection and evaluation.

### E. Exemptions

1. Removal Exemptions. The following actions are exempt from obtaining approval as required in this chapter:
  - a. Emergency removal of any significant tree necessary to remedy an imminent danger as defined in *SMC 16.25.190*;
  - b. Removal of any significant tree in public easements and public rights-of-way; and

Documentation of significant tree removal under this section shall be provided to the City within 21 days of removal.

2. Retention Exemptions. The following conditions are exempt from retention calculation as required in this chapter:
  - a. Significant trees determined to present an imminent danger; or
  - b. Significant trees located in public utility easements and public rights-of-way.

### F. Removal standards

1. R-1, R-4 and R-6 Zoned Lots. A lot as defined in [SDC 21.04.040B.203](#), zoned R-1, R-4 or R-6 as of the effective date of this chapter must obtain a tree removal permit prior to removing any significant tree located on the lot. This requirement does not apply to rights vested to prior land use regulations.

- a. A permit shall be granted for the removal of significant trees as shown in the following table. The number of significant trees allowed for removal shall be limited by the lesser of the percentage column or cumulative number column:

REMOVAL OF SIGNIFICANT TREES			
Lot Size	Percent of significant trees allowed to be removed per 10 years	Number of significant trees allowed to be removed per year	Cumulative number of significant trees allowed to be removed per rolling 10-year period
< 1/4 ac	50	2	6
1/4 ac – 1/2 ac	40	4	12
1/2 ac – 1 ac	30	6	18
1 ac – 2 ac	20	8	24
> 2 ac	10	10	30

- b. Within environmentally critical areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of [SDC 21.03.020](#).
- c. Replacement trees shall be planted as provided in [SDC 21.03.060J](#), Tree replacement standards.
- d. An application that seeks to remove trees in excess of the limits specified in subsection 1.a. of this section may be granted at the discretion of the director subject to double the tree replacement requirements in [SDC 21.03.060J](#). Director approval may be granted for one of the following reasons:

- i. Thinning a heavily wooded area where remaining trees may benefit from the thinning and the lot’s forested look, value, or function is maintained;
- ii. Maintaining the lot’s landscaped areas;
- iii. Building a new structure, excluding a new primary residence, or adding onto an additional structure such as an existing residence, ADU, garage or shed; or
- iv. Installing or maintaining utilities or sources of renewable energy, such as solar panels.

- 2. R-8, R-12, R-18, O, NB and CB Zoned Lots. A lot as defined in [SDC 21.04.040B.203](#). zoned R-8, R-12, R-18, O, NB or CB as of the effective date of this chapter must obtain a tree removal permit prior to removing any significant tree located on the lot. This requirement does not apply to rights vested to prior land use regulations. Permit approval will be based on the following criteria:

- a. A permit shall be granted for the removal of not more than four significant trees per year with a limit of eight significant trees every five years.
- b. Within environmentally critical areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of [SDC 21.03.020](#).
- c. Replacement trees shall be planted as provided in [SDC 21.03.060J](#), Tree replacement standards.
- d. An application that seeks to remove trees in excess of the limits specified in subsection 2.a. of this section may be authorized at the discretion of the director. Director

approval may be granted for one of the following reasons:

- i. Thinning a heavily wooded area where remaining trees may benefit from the thinning and the lot's forested look, value, or function is maintained;
- ii. Maintaining the lot's landscaped areas; or
- iii. Installing or maintaining utilities or sources of renewable energy, such as solar panels.

#### G. Retention standards

1. Development Proposals on R-1, R-4 and R-6 Zoned Lots. A new primary residence or a type 2, 3 or 4 development proposal on R-1, R-4 and R-6 zoned lots must obtain a land use permit or approval prior to removing any significant tree located on the lot.
  - a. Regardless of the zoning designation, erosion hazard areas and areas within the erosion hazards near sensitive water bodies overlay that drain to the no-disturbance area, as well as Pine Lake and Beaver Lake drainage sub-basins as depicted on maps created and maintained by the City shall retain 50 percent of the significant trees within areas unconstrained by wetlands, streams, landslide hazard areas, and associated buffers.
  - b. R-1 Zoned Lots. A minimum of 50 percent of the significant trees shall be retained within areas unconstrained by wetlands, streams, landslide hazard areas, and associated buffers.
  - c. R-4 and R-6 Zoned Lots. A minimum of 35 percent of the significant trees shall be retained within areas

unconstrained by environmentally critical areas and associated buffers.

- d. Replacement trees shall be planted as provided in [SDC 21.03.060J](#), Tree replacement standards.
  - e. Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Any trees qualifying for an exemption under [SDC 21.03.060E](#) are not included in the limits established by this section.
2. Development Proposals on R-8, R-12, R-18, O, NB and CB Zoned Lots. A new primary residence or a type 2, 3 or 4 development proposal on R-8, R-12, R-18, O, NB and CB zoned lots must obtain a land use permit or approval prior to removing any significant tree located on the lot.
    - a. Regardless of the zoning designation, erosion hazard areas and areas within the erosion hazards near sensitive water bodies overlay that drain to the no-disturbance area, as well as Pine Lake and Beaver Lake drainage sub-basins as depicted on maps created and maintained by the City shall retain 50 percent of the significant trees within areas unconstrained by wetlands, streams, landslide hazard areas, and associated buffers.
    - b. A minimum of 25 percent of the significant trees shall be retained within R-8, R-12 and R-18 zoned lots in areas unconstrained by environmentally critical areas and associated buffers.
    - c. There is no minimum retention requirement for significant trees located within O, NB, and CB zoned

lots in areas unconstrained by environmentally sensitive areas and associated buffers.

- d. Replacement trees shall be planted as provided in [SDC 21.03.060J](#), Tree replacement standards, except the replanting requirement shall be doubled for development proposals in the O, NB, and CB zones where tree retention is less than 25 percent.
- e. Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Any trees qualifying for an exemption under [SDC 21.03.060E](#), are not included in the limits established by this section.

**H. Variances**

- 1. Variances. Where conditions exist that prevent full compliance with this chapter, the applicant may request a variance pursuant to [SDC 21.09.010B](#), and the decision criteria as described for such in [SDC 21.09.100C](#).

**I. Tree protection standards**

- 1. Priority. Significant trees identified for retention pursuant to [SDC 21.03.060G](#), shall be selected, to the extent feasible, subject to the following order of priority from most important to least important:
  - a. Significant trees part of a continuous canopy adjacent to an environmentally critical area and associated buffer;
  - b. Significant trees part of a continuous canopy adjacent to a public park and/or other protected open space;

- c. Significant trees part of any other on-site and/or off-site continuous canopy;
  - d. Significant trees providing relief from identified environmental impacts;
  - e. Significant trees providing perimeter connectivity and/or off-site screening;
  - f. Significant trees able to be incorporated into required landscaping;
  - g. An isolated cluster of significant trees;
  - h. Individual significant trees.
- 2. Designation. Any applicable application and/or plan required for new development shall show all significant trees designated for protection. These areas may be shown by labeling them as “Protected Significant Trees” or such other designation as approved by the director. Protected vegetation, including protected trees, shall not be modified, harmed, or removed except as provided in this section.
  - 3. Preservation. An approval for new development may require the significant trees to be retained are permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and restrictions of these protected areas shall be shown on the face of the deed, plat, binding site plan, covenant or similar document, and shall be recorded with the King County department of records and elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed,

amended, or modified without the written approval of the City of Sammamish.

4. Incentives. The following incentives are available for higher levels of landmark, heritage and significant tree preservation:
  - a. Landmark Trees. The permanent preservation of a landmark tree in conjunction with subsection 1. of this section shall receive retention credit as follows:
    - i. Two hundred percent credit in conjunction with subsections 1.a. through c. of this section.
    - ii. One hundred fifty percent credit in conjunction with subsections 1.d. through f. of this section.

To qualify for this incentive, all landmark trees proposed for permanent preservation shall be outside of any environmentally critical area and associated buffer.

- b. Heritage Trees: The permanent preservation of a heritage tree in conjunction with subsection 1. of this section shall receive retention credit as follows:
    - i. One hundred seventy-five percent credit in conjunction with subsections 1.a. through c. of this section.
    - ii. One hundred twenty-five percent credit in conjunction with subsections 1.d. through f. of this section.

To qualify for this incentive, all heritage trees proposed for permanent preservation shall be outside of any environmentally critical area and associated buffer.

- c. New subdivisions and short plats proposing a minimum 45 percent permanent preservation of significant trees in conjunction with subsections 1.a. through c. of this section shall receive a 50 percent reduction of required on-site recreation space. To qualify for this incentive, all significant trees proposed for permanent preservation shall be outside of any environmentally critical area and associated buffer.
    - d. New subdivisions and short plats proposing a minimum 40 percent permanent preservation of significant trees in conjunction with subsections 1.a. through c. of this section shall receive a 25 percent reduction of required on-site recreation space. To qualify for this incentive, all significant trees proposed for permanent preservation shall be outside of any environmentally critical area and associated buffer.
5. Protection Measures. To ensure long-term viability of trees identified for protection, permit plans and construction activities shall comply with the following minimum required tree protection:
  - a. All minimum required tree protection measures shall be shown on the tree protection and replacement plan.
  - b. Tree protection barriers shall be installed five feet beyond the drip line of significant trees to be protected prior to any land disturbance.
  - c. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or other material, subject to approval by the director. On large or multiple-project

sites, the director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

- d. Where tree protection areas are remote from areas of land disturbance, and where approved by the director, alternative forms of tree protection may be used in lieu of tree protection barriers, provided that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Save Area – Keep Out” signs.
  - e. Native understory trees, shrubs and other vegetation shall be protected within the designated tree protection area.
6. Preventative Measures. In addition to the above minimum protection measures, the applicant shall provide a plan from a certified arborist to the City to employ the following preventative measures, consistent with best management practices for maintaining the health of the tree with the permit application for all protected trees within 50’ of planned construction activities. For best management practices that require action they shall be implemented at least 3 months prior to the start of construction:
- a. Significant trees shall not be topped;
  - b. Excessive pruning shall not be allowed unless necessary to protect life and property;
  - c. Visible deadwood on trees to be protected or relocated shall be pruned;

- d. Fertilizer and similar measures shall be applied to enhance the vigor of trees prior to construction with an emphasis on stressed trees;
- e. Use soil amendments and soil aeration in planting areas;
- f. Apply mulch over tree drip line areas; and
- g. Ensuring proper water availability before, during and after construction.

7. Alternative Methods. The director may approve the use of alternative tree protection and/or preventative techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above.

**J. Tree replacement standards**

1. Replacement Required. Any significant tree lawfully removed pursuant to [SDC 21.03.060F.](#), Removal standards, or [SDC 21.03.060G.](#), Retention standards, shall be subject to the following replacement requirements:
- a. Each landmark tree shall be replaced by three new trees;
  - b. Each heritage tree shall be replaced by two new trees;
  - c. Each significant tree shall be replaced by one new tree;
  - d. Replacement coniferous trees shall be at least eight feet in height;
  - e. Replacement deciduous trees shall be at least two and one-half inches in diameter (DBH);
  - f. Replacement trees shall be primarily native species to Washington in order to restore and enhance a site as

nearly as practicable to its pre-removal character and function;

- g. Nonnative replacement trees shall be recommended by a Certified Arborist as having characteristics suitable to the proposed location of planting, or as otherwise approved by the City;
  - h. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock;
  - i. Financial guarantees for replacement trees may be required consistent with the provisions of SMC Title 27A;
  - j. Installation of required replacement trees shall be in accordance with the International Society of Arboriculture's best management practices for arboriculture including, but not limited to, soil assessment, sampling, amendments and conservation, which ensure the tree's long-term health and survival; and
  - k. The director may consider smaller-sized replacement trees if the applicant can demonstrate that smaller trees are more suited to the species, the site conditions, and the purposes of this section, and that such trees will be planted in sufficient quantities to meet the intent of this section.
2. Location for Tree Replacement – On Site. Unless approved for one or more of the alternatives set forth in subsection 3. of this section, replacement trees shall be planted on the site from which significant trees are removed and may be approved for the following areas on site:
- a. On-site replacement trees approved to be located in environmentally critical areas and associated buffers shall receive a 125 percent credit toward the tree replacement requirement.
  - b. Each required street tree planted on site shall receive a 50 percent credit and each street tree planted on site in excess of the minimum requirement shall receive a 100 percent credit toward the tree replacement requirement, subject to director approval.
  - c. On-site replacement trees approved to be located within the perimeter of a stormwater facility shall receive a 100 percent credit toward the tree replacement requirement.
  - d. On-site replacement trees approved to be located in places other than subsections 2.a. through c. of this section shall receive a 100 percent credit toward the tree replacement requirement.
3. Location for Tree Replacement – Alternatives. When on-site replacement cannot be completely achieved, the following alternatives may be considered:
- a. Off-Site Tree Replacement.
    - i. The number of replacement trees shall be the same as described in subsection 1. of this section. Replacement costs (material plus labor) shall be at the applicant's expense.



- ii. Allowable sites for receiving off-site replacement plantings may include public lands, open space areas, open space tracts, delineated environmentally critical areas and associated buffers. A receiving site shall be within the Sammamish City limits or within land owned by the City.
  - b. Landscape Restoration. Where appropriate, other measures designed to mitigate the loss of trees by restoring all or parts of the forest landscape and its associated benefits may be considered. Measures, as determined by the director, may include, but are not limited to:
    - i. Creation of wildlife snags from trees which would otherwise be removed;
    - ii. Replacement of certain ornamental trees with native shrubs and groundcover;
    - iii. Replacement of hazardous or short-lived trees with healthy new trees that have a greater chance of long-term survival;
    - iv. Daylighting and restoration of stream corridors with native vegetation; and
    - v. Protection of nonsignificant trees to provide for the successional stages of forest development.
- 4. Tree Replacement Guidelines and Requirements. The following provisions shall be considered for tree replacement:
  - a. Replacement trees should be planted to reestablish or enhance tree clusters where they previously existed;
  - b. Where possible, replacement trees should be planted within environmentally critical areas and associated buffers. Replacement trees may be planted within a designated open space tract or environmentally critical area tract, where it is determined that such planting enhances and complements existing vegetation and environmental functions;
  - c. Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
  - d. Replacement trees shall be located away from areas where damage is likely;
  - e. Replacement trees shall be located to provide screening of the development from adjacent properties, where appropriate;
  - f. Replacement trees shall be planted in areas that connect or are adjacent to a designated open space tract or environmentally critical area tract or other open space, where appropriate;
  - g. Replacement trees shall be integrated into the required landscape plans, if any, for a development; and
  - h. Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements.
- 5. Tree Maintenance. All required replacement trees and relocated trees shown on an approved permit, whether located on site or off site, shall be maintained in healthy condition by the applicant throughout the life of the

project, unless otherwise approved by the director in a subsequent permit or approval. Healthy condition can be achieved by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

- a. Trees shall not be topped;
- b. Excessive pruning shall not be allowed unless necessary to protect life and property;
- c. Visible deadwood on trees to be protected or relocated shall be pruned;
- d. Fertilizer shall be applied to enhance the vigor of stressed trees;
- e. Use soil amendments and soil aeration in tree protection and planting areas;
- f. Apply mulch over tree drip line areas; and
- g. Ensuring proper water availability during and immediately after construction.

#### K. **Violation—Criminal penalties**

1. **Criminal Conduct.** Any person who violates the provisions of this chapter or fails to comply with any of the requirements shall be guilty of a gross misdemeanor and subject to the penalties set forth in **SMC 1.10.010**. In keeping with the City's concern regarding protection of the environment, the court should consider the imposition of a maximum fine of no more than \$5,000 per occurrence and imprisonment not to exceed one year. Each day such

violation continues shall be considered a separate, distinct offense.

As a supplement or alternative to the remedies set forth in this section, the code administrator shall have the authority to seek civil penalties for violation of the provisions of this chapter as provided for in **SMC 23.100.010**.

## 21.03.070 Clearing and Grading

### A. Purpose

1. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading, and earthwork construction including cuts and fills, gravel pits, and dumping operations within the City of Sammamish in order to protect public health, safety, and welfare by:
  - a. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
  - b. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
  - c. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
  - d. Protecting sensitive areas from adverse clearing and grading activities;
  - e. Preventing damage to property and harm to persons caused by excavations and fills;
  - f. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and
  - g. Providing penalties for the violation of this chapter.
2. This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for penalties for the violation of this chapter.

### B. Definitions

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

1. **Applicant.** A property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit, or approval.
2. **Bench.** A relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
3. **Berm.** A mound or raised area used for the purpose of screening a site or operation.
4. **Civil engineer.** A professional engineer registered in the state of Washington to practice in the field of civil works.
5. **Clearing.** The cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any other means.
6. **Compaction.** The densification, settlement or packing of soil in such a way that permeability of the soil is reduced. Compaction may also refer to the densification of a fill by mechanical means.
7. **Cutting.** The severing of the main trunk or stems from close to or at the soil surface or at a point up to 25 percent of the total vegetation height.

8. **Director.** The director of the department of community development.
9. **DBH.** The diameter of a tree as measured from breast height (54 inches above the ground).
10. **Earth material.** Any rock, natural soil, or any combination thereof.
11. **Erosion.** The wearing away of the ground surface as the result of the movement of wind, water and/or ice.
12. **Excavation.** The removal of earth material.
13. **Fill.** A deposit of earth material placed by mechanical means.
14. **Grade.** The elevation of the ground surface.
15. **Existing grade.** The grade prior to grading.
16. **Rough grade.** The stage at which the grade approximately conforms to the approved plan as required in [SDC 21.03.070G](#).
17. **Finish grade.** The final grade of the site that conforms to the approved plan as required in [SDC 21.03.070G](#).
18. **Grading.** Any excavating, filling, removing of the duff layer, or combination thereof.
19. **Grading and clearing permit.** The permit required by this chapter for grading and clearing activities, including temporary permits.
20. **Pruning.** Cutting or removal of branches and leaving at least two-thirds of the existing tree branch structure.
21. **Reclamation.** The final grading and land restoration of a site.
22. **Shorelines.** Those lands defined as shorelines in the State Shorelines Management Act of 1971.
23. **Site.** Any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted where a public street or way may intervene.
24. **Slope.** An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.
25. **Soil engineer.** A person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.
26. **Structure.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.
27. **Terrace.** A relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
28. **Tidelands.** That portion of the land that is covered and uncovered by the ebb and flood tide.

- 29. **Tree.** A large woody perennial plant usually with a single main stem or trunk and generally over 25 feet tall at maturity.
- 30. **Understory.** The vegetation layer of a forest that includes shrubs, herbs, grasses, and grass like plants, but excludes native trees.
- 31. **Vegetation.** Any and all organic plant life growing at, below, or above the soil surface.

**C. Administration**

The director is authorized to enforce the provisions of this chapter.

- 1. **Inspections.** The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
- 2. **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he or she shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control

of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care, or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

**D. Hazards**

Whenever the director determines that an existing site, as a result of clearing or grading, excavation, embankment, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the clearing, grading, excavation, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein restore the site affected by such clearing or grading or repair or eliminate such excavation or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter.

**E. Clearing and grading permit required—Exceptions**

All clearing and grading activities must be associated with an approved land use and exceptions do not apply to properties that are undeveloped and do not have an approved land use. No clearing and grading activities may occur on undeveloped properties without a permit associated with an approved land use. On sites without an approved land use the removal of hazardous trees, invasive species, and noxious weed is allowed with issuance of a clearing and grading permit. For parcels

in the R- zones clearing and grading may not occur until a building permit has been issued. Regardless of the exceptions any clearing and grading activity involving more than 1,000 square feet of land disturbance and/or 5 cubic yards of material shall require a permit . Land disturbance includes the removal of forest understory and native vegetation. In critical drainage areas the threshold for a permit shall be 200 square feet of land disturbance or the additional or removal of 2 cubic yards of material.

For development or clearing and grading activity located within critical areas and associated regulatory buffers as defined by [SDC 21.03.020](#), no person shall do any clearing or grading without first having obtained a clearing and grading permit, unless exempted below. For development or clearing and grading activity located outside of critical areas and associated regulatory buffers as defined by [SDC 21.03.020](#), no person shall do any clearing or grading without first having obtained a clearing and grading permit except for the following, if associated with an approved land use:

1. An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than four feet after the completion of such structure;
2. Maintenance of existing driveways or private access roads, including in critical areas and buffers, within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;
3. Any grading within a publicly owned road right-of-way;
4. Clearing or grading by a public agency for the following routine maintenance activities:
  - a. Roadside ditch cleaning, provided the ditch does not contain salmonids;
  - b. Pavement maintenance;
  - c. Normal grading of gravel shoulders;
  - d. Maintenance of culverts;
  - e. Maintenance of flood control or other approved surface water management facilities;
  - f. Routine clearing within road right-of-way;
5. Cemetery graves;
6. Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;
7. The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:
  - a. Normal and routine maintenance of existing lawns and landscaping, including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas;
  - b. Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides

in critical areas as set out in [SDC 21.03.020](#). This does not include clearing or grading in order to develop or expand such activities;

- c. Normal and routine maintenance of existing public park properties and private and public golf courses;
  - d. Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities;
8. The cutting and removal of coniferous trees of less than eight inches DBH or deciduous trees of less than 12 inches DBH on sites with an approved land use unless required to be protected by a previous permit approval;
  9. The pruning, limbing, and general maintenance of trees outside of environmentally critical areas and buffers, consistent with the requirements of [SDC 21.03.060](#);
  10. An excavation that is less than two feet in depth or does not create a cut slope greater than four feet in height and steeper than one unit vertical in two units horizontal (66.7 percent slope), that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;
  11. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20 percent slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;
  12. Normal routine maintenance of existing single-family drainage systems, including but not limited to excavation to

replace existing pipes, catch basins and infiltration trenches, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course; and

13. Installation of sanitary septic systems with King County health district approval and inspection.
14. The following exemptions apply in critical areas and buffers that are already developed and publicly owned such as existing streets, pedestrian paths, and trails. All non-exempt activities including any new development requires a clearing and grading permit.
  - a. Roadside ditch cleaning on publicly owned roads, provided the ditch does not contain salmonids;
  - b. Pavement maintenance within a publicly owned right-of-way;
  - c. Normal grading of gravel shoulders within a developed and publicly owned right-of-way;
  - d. Maintenance of publicly owned culverts;
  - e. Maintenance of flood control or other approved surface water management facilities;
  - f. Routine clearing within a public road right-of-way;
  - g. Normal maintenance in a publicly owned park

**F. Applications—Complete applications**

1. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this chapter shall be considered complete as of the date of submittal upon



determination by the department that the materials submitted contain the following:

- a. For clearing and grading permits:
  - i. A legal description of the property;
  - ii. A 1:1,000 scale vicinity map with a north arrow;
  - iii. Grading plans including:
    - a) Horizontal and vertical scale;
    - b) Size and location of existing improvements within 50 feet of the project, indicating which improvements will remain and which improvements will be removed;
    - c) Existing and proposed contours at maximum five-foot intervals, and extending for 100 feet beyond the project edge;
    - d) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and
    - e) Temporary and permanent erosion-sediment control facilities;
  - iv. The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the state of Washington:
    - a) Permanent drainage facilities;
    - b) Structures to be built or construction proposed in landslide hazard areas; and

c) Proposed construction or placement of a structure.

b. A completed environmental checklist, if required by [SDC 21.09.030](#), State Environmental Policy Act Procedures.

c. Satisfaction of all requirements for grading permits under [SDC 21.03.070G](#).

2. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.
3. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

#### G. Permit requirements

Except as exempted in [SDC 21.03.070E.](#), no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

1. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the permit process and procedures chapter of [Chapter 21.09 SDC](#). In addition to the requirements of [SDC 21.09.010F](#), every application shall:
  - a. Identify and describe the work to be covered by the permit for which application is made;
  - b. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address,

- or similar description that will readily identify and definitely locate the proposed site;
  - c. Identify and describe those critical areas as defined in [SDC 21.03.020](#) on or adjacent to the site;
  - d. Indicate the estimated quantities of work involved;
  - e. Identify any clearing restrictions contained in [SDC 21.03.070L](#), wildlife habitat corridors pursuant to [SDC 21.07.060](#), critical drainage areas established by administrative rule or property-specific development standards pursuant to [SDC 21.03.020W.2](#);
  - f. Be accompanied by plans and specifications as required in subsections 2. and 3. of this section;
  - g. Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
    - i. The name of the agency or public or private utility is shown on the application as the applicant;
    - ii. The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
    - iii. The form designating the applicant is submitted to the department prior to permit issuance; and
  - iv. Reference to the approved land use permit or related land use permit application. Clearing and grading of sites without an approved land use permit is prohibited.
  - h. File a critical areas affidavit regarding the presence or absence of critical areas on the site. Based on the response on the critical areas affidavit the Director may require a critical areas letter or report to be submitted by a qualified professional regarding whether there are critical areas and/or buffers on the site. A critical areas letter may be appropriate for sites in the R- zones that are less than 1-acre in size whereas a critical areas study is appropriate for larger sites and more intense clearing and grading activities.
  - i. Give such other information as may be required by the director.
2. Plans and Specifications. When required by the director, each application for a grading permit shall be accompanied by six sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, the director may require additional studies prepared by a qualified soils specialist. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.
  3. Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature

and extent of the work proposed and show in detail that the plans will conform to the provisions of this chapter and all other relevant laws, rules, regulations, and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the name of the person by whom the plans were prepared. The plans shall include the following minimum information:

- a. General vicinity of the proposed site;
  - b. Property limits and accurate contours of existing ground and details of terrain and area drainage;
  - c. Limiting dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels, and related construction;
  - d. Location of all proposed cleared areas;
  - e. Location of any open space tracts or conservation easements if required pursuant to:
    - i. [SDC 21.03.070L](#);
    - ii. [SDC 21.07.060](#);
    - iii. Critical drainage area; or
    - iv. Property-specific development standards pursuant to [SDC 21.06.070](#);
  - f. Calculations of the total proposed area cleared on site as a percentage of the total site area;
  - g. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
  - h. A determination of whether drainage review applies to the project pursuant to Chapter 9.04 KCC as adopted by [SDC 21.03.050](#), and, if applicable, all drainage plans and documentation consistent with King County surface water design manual requirements;
  - i. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 50 feet of the property or that may be affected by the proposed grading operations;
  - j. The location of all critical areas and buffers on the site;
  - k. Other information as may be required by the director; and
  - l. If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in [SDC 21.03.020](#), provide information as required by that chapter.
4. Granting of Permits.
- a. The director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the interim comprehensive plan, the shoreline master program, and the development code.

- b. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the director.
- c. No grading permit shall be issued until approved by federal, state, and local agencies having jurisdiction by laws or regulations.
- d. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.
- e. The permits from the director shall be required regardless of any permits issued by any other department of City government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in **Chapter 23.40 SMC**. However, the payment of such civil penalties shall not relieve any persons from fully complying with

the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon.

**H. Liability insurance required—Exception**

The permittee shall maintain a liability policy in the amount of \$100,000 per individual, \$300,000 per occurrence, and \$50,000 property damage, and shall name the City of Sammamish as an additional insured.

Exception: Liability insurance requirements may be waived for projects involving less than 10,000 cubic yards. Liability insurance shall not be required of other public agencies.

**I. Operating conditions and standards of performance**

- 1. Any activity that will clear, grade, or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources, and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the City’s erosion and sediment control standards.
- 2. Cuts and fills shall conform to the following provisions unless otherwise approved by the director:
  - a. Grading.
    - i. Excavation. Excavation shall not exceed 10 feet.
    - ii. Fill. Fill shall not exceed five feet.

- iii. Deviations. Deviation from excavation and fill limits shall be allowed as part of the review of a Type 1, Type 2 or Type 3 permit application to accommodate instances where driveway access would exceed 15 percent slope if additional fill is not permitted; where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized undulations or variations in existing topography; where necessary to achieve a balance of excavation and fill associated with a project; or where a building foundation, access grade, drainage, or other necessary component of a proposed structure or infrastructure is determined infeasible. Deviations from the excavation and fill limits shall be subject to the following limitations:
- a) The proposed deviation is the minimum necessary to resolve the design conflict or allow a balance of excavation and fill as demonstrated through written engineering analysis prepared by a qualified consultant and verified by the City;
  - b) The proposed deviation will not result in impact to the root zone and tree protection areas required for retained significant trees under [SDC 21.03.060I](#);
  - c) All excavation or fill deviations shall be located outside of required structure setbacks; and
  - d) All fill in excess of four feet shall be engineered.
  - e) Subdivisions shall be designed to minimize the need for deviations for the development of individual lots. For parcels created after December 31, 2021 applicants must demonstrate that the need for additional excavation and fill cannot be alleviated by increasing the parcel size, shifting the locations of buildings and improvements, altering the building design, or other similar measures.
- iv. Exceptions. The excavation and fill limitations of this subsection shall not apply to road construction, necessary underground infrastructure, and structures that do not change the surface elevation (e.g., vaults, utility trenches, foundations, basements, etc).
- b. Permit Approval. On sites where development is proposed or anticipated, land clearing shall not take place until a construction permit is approved, addressing all land use requirements and presenting final engineering design consistent with applicable development standards and adopted Public Works Standards.
  - c. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.
  - d. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection 1. of this section.
  - e. Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material

such as concrete slabs, tree stumps, brush, and car bodies.

- f. Fill Material. Except in an approved sanitary landfill, only earth materials that have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used.
- g. Drainage. Provisions shall be made to:
  - 1) Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;
  - i. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the City engineer.
- h. Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.
- i. Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud, and traffic circulation.
- j. Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the director.
- k. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

- l. Fencing. Fencing, where required by the director, to protect life, limb, and property, shall be installed with lockable gates that must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.
- m. Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

- n. Excavations to Water-Producing Depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:
  - i. The depth of the excavations must not be less than two feet measured below the low water mark.
  - ii. All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.
  - iii. All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three

feet horizontal to one foot vertical to a distance of at least 25 feet.

- iv. In no event shall the term “water-producing depth” as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.
- v. The intent of this provision is to allow reclamation of the land that will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.
- o. Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m.

#### J. Shorelines

1. Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.
2. No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state, and local authority.
3. For grading that requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter.

#### K. Enforcement

1. The director of community development is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.
2. If clearing inconsistent with the purposes and requirements of this chapter has occurred on a site, the City shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director shall require appropriate restoration of the site under an approved restoration plan that shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the department, the director shall order restoration using funds authorized by the City council for this purpose and seek restitution from the property owner through liens or other available legal methods.

#### L. Clearing standards

1. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:
  - a. The sensitive areas code, [SDC 21.03.020](#), and its adopted administrative rules;
  - b. Property-specific development standards pursuant to [SDC 21.06.070](#);
  - c. Critical drainage area designations identified by adopted administrative rule;



- d. Wildlife habitat corridors pursuant to [SDC 21.07.060](#);
  - e. Shoreline Management Plan, SMC Title 25; and
  - f. Design Standards – Landscaping and Irrigation, [SDC 21.06.020](#).
2. Within sensitive areas designated pursuant to [SDC 21.03.020](#), permitted alterations, development standards, mitigation requirements, activities and uses shall be limited to those specified in that chapter or elsewhere in the SMC.
  3. In addition to the uses otherwise allowed in areas subject to the native vegetation retention requirements in subsections 1.b. through f. of this section, the following activities or permitted alterations are allowed under a clearing permit:
    - a. Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses. Cleared areas shall be the minimum necessary, and all other applicable standards shall be required consistent with the standards and requirements in [SDC 21.06.010](#) and [SDC 21.03.030](#) and any other requirements in the SMC. Within wildlife habitat corridors, trails shall be designed and constructed according to the trail design standards in [SDC 21.07.060](#) and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;
    - b. Utilities and utility easements, including surface water facilities; provided, that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using City-approved best management practices to minimize disturbance; and
  4. Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st:
    - a. Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the applicable City-adopted stormwater requirements will be prevented from leaving the construction site through a combination of the following:
      - i. Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
      - ii. Limitations on activities and the extent of disturbed areas; and
      - iii. Proposed erosion and sedimentation control measures.
    - b. The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.
    - c. Clearing and grading will be allowed only if there is installation and maintenance of an erosion and

- sedimentation control plan approved by the department that shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.
- d. If, during the course of construction, silt-laden runoff exceeding standards in the applicable City-adopted stormwater requirements leaves the construction site, or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.
  - e. If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.
  - f. The following activities are exempt from the seasonal clearing and grading requirements of this subsection:
    - i. Routine maintenance and necessary repair of erosion and sediment control facilities;
    - ii. Routine maintenance of public facilities or existing utility structures as provided by [SDC 21.03.020F](#);
- iii. Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
  - iv. Typical landscaping activities of existing single-family residences that do not require a permit; and
  - v. Public agency response to emergencies that threaten the public health, safety, and welfare.

## CHAPTER 21.04.

# ZONING DISTRICTS

---

21.04.010 Purpose and Interpretation . . . . .	191
21.04.020 Zones, Maps and Designations . . . . .	195
21.04.030 District Standards—Density and Dimensions . . . . .	198
21.04.040 Technical Terms and Land Use Definitions . . . . .	215

## 21.04.010 Purpose and Interpretation

### A. Purpose

The general purposes of this Chapter are:

1. To encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington;
2. To protect the general public health, safety, and welfare;
3. To implement the City of Sammamish interim comprehensive plan's policies and objectives through land use regulations;
4. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
5. To provide for adequate public facilities and services in conjunction with development; and
6. To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

### B. Interpretation—Applicability and intent

1. Intent. This chapter and [SDC 21.09.070](#) establish the procedure by which the City of Sammamish will render a formal interpretation of a development regulation. The purpose of such an interpretation includes clarifying conflicting or ambiguous provisions in the City's development regulations.

2. Applicability. This chapter and [SDC 21.09.070](#) authorize the director to issue interpretations on regulations related to controls placed on development or land use activities by the City, including but not limited to zoning ordinances, critical areas ordinances, shoreline master program requirements, official controls, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto. Nothing in this chapter and [SDC 21.09.070](#) shall prevent interpretations related to the applicability of specific regulatory requirements contained within the Sammamish Municipal Code to individual projects. Further, nothing in this chapter or [SDC 21.09.070](#) shall preclude the director or hearing examiner from interpreting a regulatory requirement during the course of a public hearing.

### C. Interpretation—General

1. In case of inconsistency or conflict, regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
2. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
3. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in [Chapter 21.05 SDC](#) shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

4. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this Chapter, all words and terms used in this Chapter shall have their customary meanings.
  5. A written interpretation by the director of the provisions of the Sammamish Municipal Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of the code. The written interpretation shall control application of the code sections discussed in it to any specific land use application. Written interpretations issued for regulatory requirements that have been legislatively modified, repealed, or otherwise substantially changed, shall be considered null and void.
  6. Any written interpretation shall not be applied retroactively, unless specifically required by the terms of the interpretation.
- D. Interpretation—Standard industrial classification**
1. All references to the standard industrial classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 Edition, prepared by the United States Office of Management and Budget that is hereby adopted by reference. The SIC is used, with modifications to suit the purposes of this Chapter, to list and define land uses authorized to be located in the various zones consistent with the Comprehensive Plan land use map.
  2. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.
  3. An asterisk (\*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this Chapter. The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC.
  4. The director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this Chapter and the zone's purpose as set forth in [SDC 21.04.020](#), by considering the following factors:
    - a. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
    - b. Whether or not the use complements or is compatible with other uses permitted in the zone; and
    - c. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

**E. Interpretation—Zoning maps**

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owner's lot;
2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;
3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and
4. If none of the rules of interpretation described in subsections 1. through 3. of this section apply, then the zoning boundary shall be determined by map scaling.

**F. Interpretation—Public request—Acknowledgment—Notice**

1. A person may request a code interpretation by submitting a request in accordance with this chapter. The director may also issue a code interpretation on the director's own initiative.
2. A request for a code interpretation must be submitted in writing to the director.

## 3. A code interpretation request must:

- a. Be in writing and shall be clearly labeled "Request for Code Interpretation." Failure to satisfy this requirement relieves the director of any obligation to acknowledge or otherwise process the request;
- b. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;
- c. Identify the specific section or sections of the City of Sammamish's development regulations for which an interpretation is requested;
- d. Identify the parcel or site, if the code interpretation request involves a particular parcel of property or site;
- e. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;
- f. Be accompanied by the fee required as set forth by the adopted fee resolution; and
- g. Be limited to a single subject, which may require interpretation of one or more code sections.

4. Within 21 days after receiving a code interpretation request, the director shall acknowledge receipt of the request. The director shall mail the acknowledgment to the person submitting the request at the address provided in the request. The acknowledgment shall include the following information, as applicable:

- i. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;
  - ii. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;
  - iii. If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the City hearing examiner, the City council when acting as a quasi-judicial body, any other quasi-judicial agency or any local, state or federal court, the director shall so state in the acknowledgment. The director is then under no obligation to further process the code interpretation request; and
  - iv. If a code interpretation is requested regarding an issue that the director has previously addressed through a code interpretation, the director is not obligated to issue another code interpretation and shall so state in the acknowledgment required by this section and shall identify the previous code interpretation.
- a. If the director determines that the code interpretation request relates to a particular parcel of property, the director shall cause notice of the code interpretation request to be given to the taxpayer of record for the subject parcel.
  - b. If the code interpretation request relates to a specific development project pending before the City, the director shall cause notice of the code interpretation request to be given to all parties of record for that project, including the applicant.
  - c. If the code interpretation is initiated by the City, the director shall cause notice of the code interpretation to be posted on the City's website and at City Hall in addition to any other notice required by this section.
  - d. The notice required under this section must include a copy of any code interpretation request and a copy of the director's acknowledgment. Notice to property taxpayers, applicants, or persons requesting an interpretation may be by United States mail or other appropriate method of delivery.
- G. Classification of right-of-way**
- 1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this Chapter, land contained in rights-of-way for streets or alleys, or railroads shall be considered unclassified.



2. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.
3. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals, or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.
4. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.

## 21.04.020 Zones, Maps and Designations

### A. Zones and map designations established

In order to accomplish the purposes of this Chapter the following zoning designations and zoning map symbols are established:

ZONING MAP DESIGNATIONS	
Zoning Designation	Map Symbol
Urban Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Community Business	CB
Office	O
Special District Overlay	-SO (suffix to zone's map symbol)

### B. Zone and map designation purpose

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in City of Sammamish. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations and any changes to the range of permitted uses within each zone through amendments to this Chapter.

### C. Urban residential zone

1. The purpose of the urban residential (R) zone is to implement comprehensive plan goals and policies for housing quality, diversity, and affordability and to efficiently

use urban residential land, public services, and energy.

These purposes are accomplished by:

- a. Providing, in the R-1 through R-8 zones, for a mix of predominantly single detached dwelling units and other development types, with a variety of densities and sizes in locations appropriate for urban densities;
  - b. Providing, in the R-12 or R-18 zone, for a mix of predominantly apartment and townhouse dwelling units and other development types, with a variety of densities and sizes in locations appropriate for urban densities;
  - c. Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities; and
  - d. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment.
2. Use of this zone is appropriate in urban areas or activity centers, designated by the comprehensive plan or community plans as follows:
- a. The R-1 zone on or adjacent to lands with area-wide environmental constraints where development is required to cluster away from sensitive areas, on lands designated urban separators or wildlife habitat network where development is required to cluster away from the axis of the corridor, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;

- b. The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, streets, and other needed public facilities and services; and
- c. The R-12 or R-18 zone in urban areas, urban or community activity centers or urban neighborhood centers, that are served at the time of development by adequate public sewers, water supply, streets, and other needed public facilities and services.

#### D. **Neighborhood business zone**

1. The purpose of the neighborhood business (NB) zone is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties and in urban areas on properties with the land use designation of commercial outside of center, to provide for limited residential development. These purposes are accomplished by:
  - a. Limiting nonresidential uses to those retail or personal services that can serve the everyday needs of a surrounding urban residential area;
  - b. Allowing for mixed use (housing and retail/service) developments and for townhouse developments as a sole use on properties in the urban area with the land use designation of commercial outside of center.
2. Use of this zone is appropriate in urban neighborhood business centers, designated by the comprehensive plan, on sites that are served at the time of development by adequate public sewers when located in urban areas or

adequate on-site sewage disposal, water supply, streets and other needed public facilities and services.

#### E. **Community business zone**

1. The purpose of the community business (CB) zone is to provide convenience and comparison retail and personal services for local service areas that exceed the daily convenience needs of adjacent neighborhoods but that cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:
  - a. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
  - b. Allowing for mixed use (housing and retail/service) developments; and
  - c. Excluding commercial uses with extensive outdoor storage or auto-related and industrial uses.
2. Use of this zone is appropriate in urban and community centers that are designated by the adopted City of Sammamish comprehensive plan and community plans and that are served at the time of development by adequate public sewers, water supply, streets, and other needed public facilities and services.

#### F. **Office zone**

1. The purpose of the office (O) zone is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and urban density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:
  - a. Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
  - b. Providing for higher building heights and floor area ratios than those found in community centers;
  - c. Reducing the ratio of required parking to building floor area;
  - d. Allowing for on-site convenient daily retail and personal services for employees and residences; and
  - e. Excluding auto-oriented, outdoor or other retail sales and services that do not provide for the daily convenience needs of on-site and nearby employees or residents.
2. Use of this zone is appropriate in activity centers designated by the adopted City of Sammamish comprehensive plan that are served at the time of development by adequate public sewers, water supply, streets, and other needed public facilities and services.

#### G. **Map designation—Special district overlay**

The purpose of the special district overlay designation (-SO) suffix to zone's map symbol is to carry out comprehensive

plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this Chapter. Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Regardless of the form in which a special district overlay is adopted, the -SO suffix shall be shown on the official zoning map.

#### H. Zoning maps and boundaries

1. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.
2. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.
3. Zoning maps are available for public review at the City of Sammamish offices during regular business hours.

## 21.04.030 District Standards—Density and Dimensions

### A. Purpose

The purpose of this chapter is to establish basic dimensional standards for development, generally related to residential density and commercial intensity, setbacks, height, individual building bulk and variation, as well as specific rules for general application. The standards and rules are established to provide flexibility in project design and regulate some of the effects of density and intensity of development.

Additional design criteria are located in [SDC 21.02](#) Neighborhood Design and apply to all residential development.

### B. Interpretation of tables

1. [SDC 21.04.030.C](#) and [SDC 21.04.030D](#) contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules, exceptions, and methodologies are set forth in [SDC 21.04.030E](#) through [SDC 21.04.030W](#).
2. The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:
  - a. Residential; and
  - b. Commercial.
3. Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify

specific requirements applicable either to a specific use or zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

**C. Site Planning Standards—Residential zones**

**Residential Zones**

RESIDENTIAL ZONES						
STANDARDS	R-1	R-4	R-6	R-8	R-12	R-18
DENSITY & LOT DIMENSIONS						
Maximum Density, DU/Acre	1 du/ac	4 du/ac (2)	6 du/ac	8 du/ac	12 du/ac	18 du/ac
Minimum Density (1)(4)				85%	80%	75%
Minimum Lot Width	35'	30'	30'	30'	30'	30'
SITE AND STRUCTURE DESIGN						
Maximum Residential Floor to Area Ratio (FAR) - Detached alley accessed garages are exempt						
Single-Family	50%	50%	50%	50%		
ADU	Exempt	Exempt	Exempt	Exempt		
Multifamily	65%	65%	65%	65%		
Impervious Coverage Maximum	30%			75%	85%	85%
Yard Area Minimum		45%	35%			
Lot Coverage Maximum (6)		40%	50%			
Front Yard Setback Landscaping Minimum		30%	30%			
DRIVEWAYS (MEASURED AT THE EDGE OF THE STREET RIGHT-OF-WAY, NOT APPLICABLE FOR DRIVEWAYS FROM ALLEYS) AND PARKING						
Driveway Width Maximum	30% of parcel width, up to 20'	30% of parcel width, up to 20'	30% of parcel width, up to 20'	30% of parcel width, up to 20'		
Driveway Width Minimum	12'	12'	12'	12'		
Driveway Length Minimum to Required Spaces from Street Property Line	20'	20'	20'	20'		

RESIDENTIAL ZONES						
STANDARDS	R-1	R-4	R-6	R-8	R-12	R-18
<b>SINGLE-FAMILY DETACHED DWELLING SETBACKS</b>						
Front Yard Minimum	20' (7)			10'	10'	10'
Side Yard Minimum (1)	25'			10' (8)	5'	5'
Rear Yard Minimum	30'			20'	20'	20'
<b>Homes Less Than 2,500 Square Feet</b>						
Front Yard Minimum (7)		15'	15'			
Side Yard Minimum		5'	5'			
Rear Yard		15' average, 12' minimum	15' average, 12' minimum			
<b>Homes Between 2,500 and 4,000 Square Feet</b>						
Front Yard Minimum (7)		20'	15'			
Side Yard		10' average, 8' minimum	10' average, 8' minimum			
Rear Yard		20' average, 15' minimum	20' average, 15' minimum			
<b>Homes Greater Than 4,000 Square Feet</b>						
Front Yard Minimum (7)		25'	20'			
Side Yard		12' average, 10' minimum	12' average, 10' minimum			
Rear Yard		25' average, 20' minimum	25' average, 20' minimum			
<b>DETACHED ACCESSORY DWELLING SETBACKS (5)(9)</b>						
Side Yard Minimum	5'	5'	5'	5'	5'	5'
Rear Yard Minimum	5'	5'	5'	5'	5'	5'
<b>ALL OTHER STRUCTURE SETBACKS</b>						
Front Yard Minimum	20' (7)	15' (7)	15' (7)	10'	10'	10'
Side Yard Minimum (1)(3)	10'	10'	10'	10'	5'	5'
Rear Yard Minimum (3)	10'	10'	10'	10'	5'	5'
<b>HEIGHT MAXIMUMS</b>						

RESIDENTIAL ZONES						
STANDARDS	R-1	R-4	R-6	R-8	R-12	R-18
Structures	35'	35'	35'	35'	60'	60'
Detached Accessory Dwelling (when conforming to Detached Accessory Dwelling setbacks)	18'	18'	18'	18'	18'	18'

**Development Conditions:**

- (1) These standards may be modified under the provisions for zero lot line and townhouse developments.
- (2) Mobile home parks shall be allowed a density of up to six dwelling units per acre.
- (3) For townhouse and apartment development, the setback shall be a minimum of 20 feet along any property line abutting R-1 through R-8.
- (4) See [SDC 21.04.030I](#) for information on minimum density calculations.
- (5) When constructed in accordance with Accessory Dwelling Unit regulations in [SDC 21.05.010C.\(5\)a](#).
- (6) The maximum lot coverage may be increased once by five percentile points, if a covered outdoor living space or an accessory dwelling unit is built on site. For the purposes of this section, a covered outdoor living space includes any structure with a roof that is not fully enclosed by walls.
- (7) The front yard setback along any arterial streets shall be 30 feet.
- (8) Side yard setbacks may be a minimum of five (5) feet when the abutting property is zoned R-8, R-12, or R-18.
- (9) Only applies to stand-alone detached accessory dwelling units. Does not apply to detached accessory dwelling units that are combined with other structures or improvements such as pool houses, outdoor kitchens, detached garages, covered patios, etc. Standard minimum structure setbacks apply to detached accessory dwelling units that are combined with other structures and improvements.



D. Densities and dimensions—Commercial zones

Commercial Zones

COMMERCIAL ZONES			
Zones	Commercial		
STANDARDS	NB	CB	O
Maximum Density: DU/Acre	8 du/ac (1)	18 du/ac (1)	18 du/ac (1)
Minimum Lot Area			
Maximum Lot Depth/Width Ratio		10 ft	10 ft
Minimum Rear Yard Setback (4)	20 ft (5)	20 ft (5)	20 ft (5)
Minimum Front Yard Setback	10 ft (2)	10 ft (2)	10 ft
Minimum Side Yard Setback (4)	20 ft (5)	20 ft (5)	20 ft (5)
Maximum Structure Height (7)	35 ft 45 ft (3)	35 ft 60 ft (3)	45 ft 60 ft (3)
Maximum Floor/Lot Ratio: Square Feet	1/1 (6)	1.5/1 (6)	2.5/1 (6)
Maximum Impervious Surface: Percentage (8)(9)	85%	85%	75%

Development Conditions:

- (1) These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
- (2) Gas station pump islands shall be placed no closer than 25 feet to street front lines.
- (3) This maximum structure height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
- (4) Required on property lines adjoining residential zones.
- (5) Required on property lines adjoining residential zones for industrial uses established by conditional use permits.
- (6) The floor/lot ratio for mixed use developments shall conform to [SDC 21.07.060](#).
- (7) Height limits may be increased when portions of the structure or building which exceed the maximum structure height limit provide one additional foot of front, rear, and side yard setback for each foot above the maximum structure height limit, provided

the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from this additional setback requirement; provided, that the maximum height shall not exceed 75 feet.

- (8) The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
- (9) Subject to the increase in maximum height permitted pursuant to [SDC 21.02.030D.](#), preferred low impact development incentives.

#### E. Measurement methods

The following provisions shall be used to determine compliance with this Chapter:

1. Front yard setbacks shall be measured from the property line or lot line of an existing edge of a street right-of-way or temporary turnaround, except as provided by [SDC 21.04.030R.](#)
2. Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement shall not be included within the circle;
3. Structure height shall be measured from the average existing grade of land prior to any cuts and fills or other

disturbances associated with the proposed project to the highest point of the structure or roof. The average existing grade shall be determined by first delineating the smallest square or rectangle that can enclose the structure or building and then averaging the existing grade elevations taken at the midpoint of each side of the square or rectangle;

4. Lot area shall be the total horizontal land area contained within the boundaries of a lot; and
5. Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, surface water flow control, or water quality treatment facilities.

#### F. Minimum urban residential density

Minimum density for residential development in the urban areas designated by the comprehensive plan shall be based on the tables in this chapter and adjusted as provided for in [SDC 21.04.030I.](#)

#### G. Calculations—Allowable dwelling units, lots or floor area, lot coverage

Permitted number of units, or lots or floor area shall be determined as follows:

1. The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in [SDC 21.04.030.H](#) by the applicable residential base density number;
2. The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by [SDC 21.06.070](#) to the base units computed under subsection 1. of this section;

3. The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in [SDC 21.04.030.H](#);
4. The allowed lot coverage shall be computed by dividing the total building footprint area by the total lot area. The total building footprint area is computed by adding the horizontal land area covered by a building or combination of buildings on the subject lot. The total building footprint does not include building eaves of up to 18 inches; for eaves and overhangs greater than 18 inches, that portion of the eaves and overhangs that extends beyond 18 inches shall count toward the building footprint;
5. When calculations other than density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - a. Fractions of 0.51 or above shall be rounded up;
  - b. Fractions of 0.50 or below shall be rounded down; and
  - c. For the purpose of the application of this part, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 2.50823 is truncated to 2.50; and
6. When density calculations result in a fraction:
  - a. For multifamily and attached dwelling projects located in the R-8, R-12, R-18, NB, CB, or O zone with density calculations resulting in a fraction, the fraction shall be rounded to the nearest whole number as follows:
    - i. Fractions of 0.51 or above shall be rounded up; and
    - ii. Fractions of 0.50 or below shall be rounded down.
  - b. Subdivisions. For subdivision proposals with density calculations resulting in 10 or more whole units of density before rounding fractions, the fraction may be rounded to the nearest whole number when the fraction is equal to or greater than 0.51. The extra unit achieved by rounding up must be used for an affordable housing unit duplex meeting the requirements of [SDC 21.04.040D.2.n.](#), [SDC 21.07.100E.](#), and [SDC 21.07.100F.](#) For example, a subdivision proposal with a density calculation resulting in 10.51 would yield 10 single-family detached residential units, or 10 single-family detached residential units and one affordable housing unit duplex consisting of two affordable housing units for a total of 12 units. Nothing in this subsection restricts or limits the application of the density bonus provisions found in other sections of the code.
  - c. Short Subdivisions. For subdivision proposals with density calculations resulting in nine or fewer whole units of density before rounding fractions, the fraction may be rounded to the nearest whole number when the fraction is equal to or greater than 0.71. The extra unit achieved by rounding up must be used for an affordable housing unit duplex meeting the requirements of [SDC 21.04.040D.2.n.](#), [SDC 21.07.100E.](#), and [SDC 21.07.100F.](#) For example, a subdivision proposal with a density calculation resulting in 4.71 would yield four single-family detached residential units, or four single-family detached residential units and one affordable housing unit duplex consisting of two affordable housing units

for a total of six units. Nothing in this subsection restricts or limits the application of the density bonus provisions found in other sections of the code.

- d. For subdivision proposals with density calculations resulting in fractions and where the project design utilizes townhomes or duplexes for at least 25 percent of the total project units, the fraction shall be rounded to the nearest whole number as follows:
  - i. Fractions of 0.21 or above shall be rounded up; and
  - ii. Fractions of 0.20 or below shall be rounded down.
- e. For the purpose of the application of this part, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 2.50823 is truncated to 2.50.

#### H. Calculations—Site area used for density calculations

1. All site areas may be used in the calculation of maximum allowed residential density or project floor area except as outlined under the provisions of subsection 2. of this section.
2. Existing submerged lands, steep slopes and buffers, Categories 1 – 4 wetlands and buffers, Types S, F, Np, and Ns streams and buffers, and property to be used as a street(s) shall not be credited toward base and maximum density or floor area calculations; provided, that subdivisions or short plats that meet the tree retention standards of [SDC 21.03.060G.](#), Tree retention requirements, shall be credited 10 percent of the environmentally sensitive areas and associated buffers identified above.

- a. The site has accumulated sufficient technique points pursuant to [SDC 21.03.030.D](#), preferred low impact development incentives, to allow for inclusion of such areas as set forth in that section; or
- b. The site meets the tree retention incentives of [SDC 21.03.060G.](#), in which case 10 percent of the critical areas and buffers identified above may be included in the site area used for calculating base and maximum density or floor area.

#### I. Calculations—Site area used for minimum density calculations

Minimum density shall be determined by:

1. Multiplying the density (dwelling units/acre) as set forth in [SDC 21.04.040D.1](#) by the net buildable area of the project site; and then
2. Multiplying the resulting product by minimum density percentage set forth in [SDC 21.04.030C.1](#).

#### J. Building Height Measurement

##### 1. General

Buildings on relatively flat sites must use the measurement in subsection 2.a. below. Buildings on steeply sloping sites or set back more than 20 feet from the street right-of-way must use the measurement in subsection 2.b. below.

##### 2. Measurement of Height

- a. On any lot where existing grade slopes up or down less than 12 feet from the wall of the building closest to the front property line to the opposite wall at the rear of the building, or the building is set back more than 20 feet

from the street right-of-way, the starting point for the calculation of structure height is the elevation measured at the middle of the building facade facing the street, perpendicular to the street, from either:

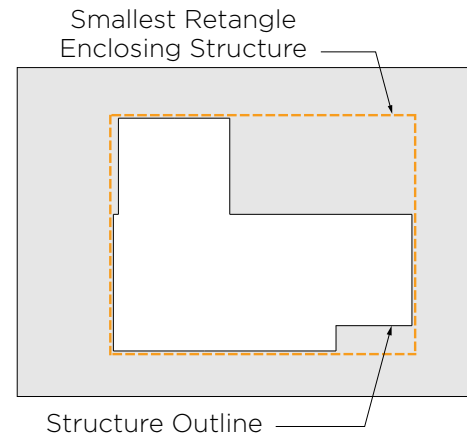
- i. The top of the existing curb; or
- ii. Where no existing curb exists, the crown of the street.



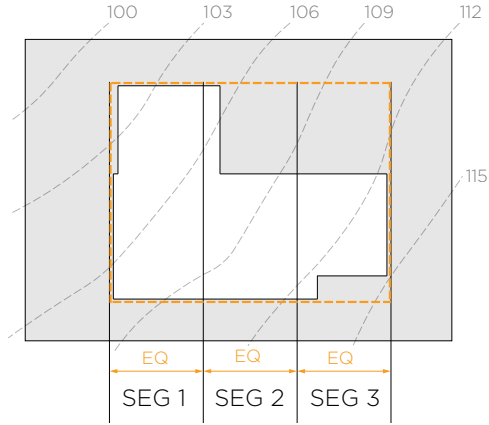
- b. On any lot where existing grade slopes up or down at least 12 feet from the front building line to the rear 12 feet from the wall of the building closest to the

front property line to the opposite wall at the rear of the building of the structure, the starting point for the measurement of height must be calculated as follows:

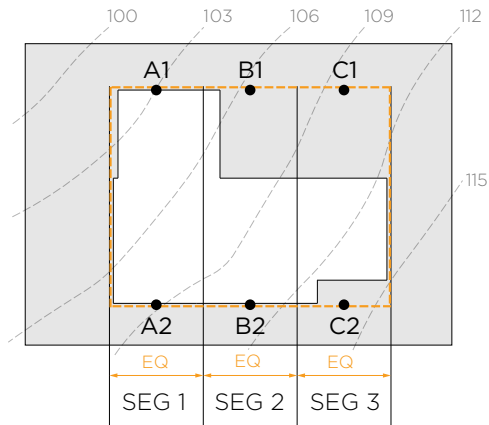
- i. Draw the smallest rectangle that encloses the entire principal structure. This measurement applies only where the slope from the front of the rectangle is greater than 12 feet to the back of the rectangle. Changes in original grade that exceed 12 feet from the point of measurement are allowed within the building footprint.



- ii. Divide the side of the rectangle into equal segments measuring at least 15 feet in length. The lines must be extended across the rectangle perpendicular to the side of the rectangle to create the segment B.



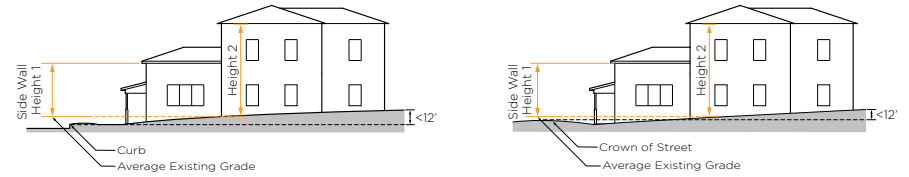
iii. The maximum height for each segment of the structure is measured from the average grade for each segment along the structure. The average grade is calculated by adding the elevation of original grade at the midpoint of the two opposing exterior walls of each segment and dividing by two.



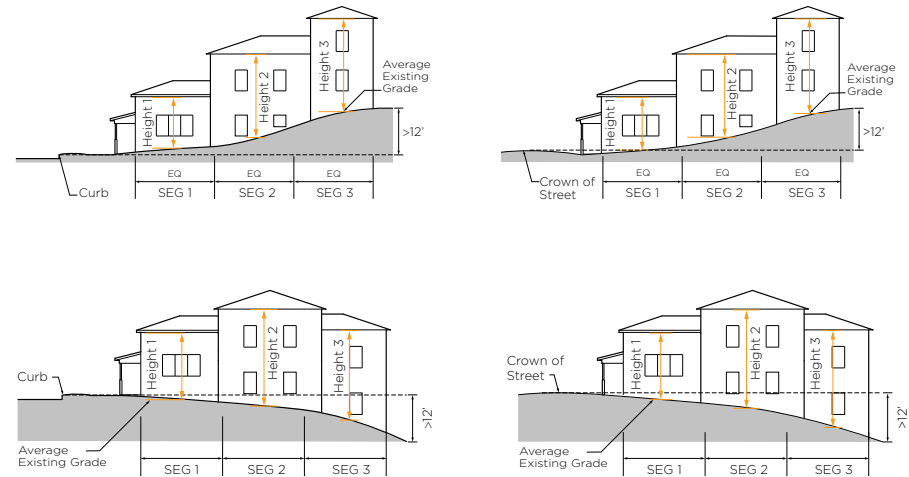
### 3. Maximum Side Wall Height

The maximum side wall height of any building must not exceed 24 feet. This height is measured from either:

- a. Average original grade at the midpoint of a building for buildings eligible for option a. above; or



- b. The average grade calculated for each segment for buildings subject to option b. above.



**K. Lot area—Prohibited reduction**

Any portion of a lot that was used to calculate compliance with the standards and regulations of this Chapter shall not be subsequently subdivided or segregated from such lot.

**L. Measurement of setbacks**

1. Side Yard Setback. The side yard setback is the setback between a structure and any lot line to which neither the street nor rear yard setback applies. The side yard setback is measured from a side yard lot line to a line parallel to and measured perpendicularly from the side yard lot line at the depth prescribed for each zone. Four-sided corner lots abutting streets on two sides shall have two side setbacks and no rear setback.
2. Front Yard Setback. The front yard setback is measured between a structure and the front yard lot line. The front yard setback is measured from a front yard lot line to a line parallel to (offset to) and measured perpendicularly from the front yard lot line at the depth prescribed for each zone. In lots adjoining two or more front yards, including corner lots, the minimum front yard setback shall apply to all such front yards.
3. Rear Yard Setback. The rear yard setback is the setback measurement between a structure and the rear yard lot line. Four-sided lots adjoining more than one street shall have no rear yard setback. In triangular lots with one street frontage, the rear setback shall be measured from the shorter of the lot lines not adjoining the street.

**M. Setbacks—Specific building or use**

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use.

**N. Setbacks—Livestock buildings and manure storage areas**

1. The minimum setback for any building used to house, confine or feed swine shall be 90 feet. If a greater dimension is specified within this code the greater dimension shall apply.
2. The minimum setback for any building used to house, confine or feed any other livestock shall be 25 feet. If a greater dimension is specified within this code the greater dimension shall apply.
3. The minimum setback for any manure storage area shall be 35 feet. If a greater dimension is specified within this code the greater dimension shall apply.

**O. Setbacks—Modifications**

The following setback modifications are permitted:

1. When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and
2. When a lot is located between lots having nonconforming front yard setbacks, the required front yard setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required front yard setback, whichever results in the greater front yard setback.



3. Reduction of minimum rear yard and/or side yard setbacks to no less than five feet shall be granted when bundled and submitted with a Type I permit application and when agreement with the adjoining property owner(s) of a parcel under separate ownership has been reached resulting in an executed agreement that includes an approved site plan consenting to a reduction of setback. The agreement shall provide that it runs with the land and must be recorded with King County Records prior to permit issuance. The agreement shall reference the parcel number and legal description of all affected properties and conform to a format specified by the director. Setback reductions granted under this part shall not cause for a violation or nonconformance with existing site restrictions (e.g., easements) or adopted construction codes, Chapter 16.05 SDC. The setback reduction granted under this part shall not be available for or applicable to lots created through the subdivision process that remain vested under RCW 58.17.170.

**P. Setbacks—Required building separation**

The provisions of this section do not apply to zero lot line development proposed pursuant to [SDC 21.07.060](#).

**Q. Setbacks—From regional utility corridors**

1. In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.
2. In other types of land development permits, easements shall be used to delineate such corridors.

3. All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the utility corridor.

**R. Setbacks—From alley**

1. Structures may be built to a property line abutting an alley, except as provided in subsection 2. of this section.
2. Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line length of at least 26 feet, as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite edge of the alley. No portion of the garage or the door in motion may cross the property line.

**S. Setbacks—Required modifications**

The following setback modifications are required:

1. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial; and
2. Where the standard setback for a property is modified within an adopted neighborhood plan area zoning, the applicable setback shall be that specified therein.

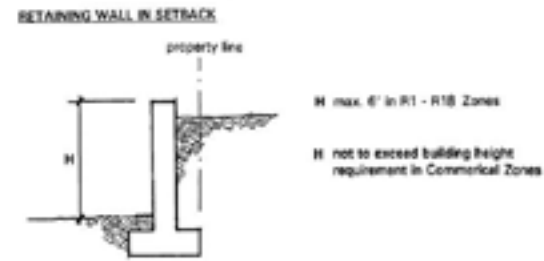
**T. Setbacks—Projections and structures allowed**

Provided, that the required setbacks from regional utility corridors of [SDC 21.04.030Q.](#), as allowed in the environmentally critical areas of [SDC 21.03.020V.](#), the adjoining half-street or designated arterial setbacks of [SDC 21.04.030S.](#) and the sight distance requirements of [SDC 21.04.030W.](#) are maintained, structures may extend into or be located in required setbacks, as follows:

1. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a rear yard or front yard setback and 18 inches into a side yard setback, provided such projections are:
  - a. Limited to two per facade; and
  - b. Not wider than 10 feet;
2. Uncovered porches and decks that exceed 18 inches above the finished grade may project five feet into the front yard setback;
3. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the street property line;
4. Eaves may not project more than:
  - a. Twenty-four inches into a rear yard or front yard setback; or
  - b. Eighteen inches across a lot line in a zero lot line development, provided there are appropriate easements, and that any neighboring building and its associated eaves are 10 feet from the lot line; or
  - c. Eighteen inches into a side yard setback;
5. Fences in accord with [SDC 21.06.020E.1.](#);
6. Rockeries, retaining walls and curbs may project into or be located in any setback provided these structures:
  - a. Do not exceed a height of six feet in the R-1 through R-18 zones;
  - b. Do not exceed the building height for the zone in commercial zones, measured in accordance with the standards established in the International Building Code, SMC Title 16; and
  - c. Are in accordance with the requirements in [SDC 21.03.020](#), Environmentally Critical Areas;
7. Fences located on top of rockeries, retaining walls or berms are subject to the requirements of [SDC 21.06.020E.](#);
8. Telephone poles and lines; power poles and lines; cable TV and Internet lines; light and flagpoles; trellises not exceeding eight feet in height, not wider than 10 feet; culverts; underground water facilities; underground sewer facilities; and accessory facilities for the provision of utilities, such as drains, but excluding electrical and cellular equipment cabinets, and similar utility boxes and vaults;
9. The following may project into or be located within a setback, but may only project into or be located within a rear yard or side yard setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County Department of Records and Elections prior to the installment or construction of the structure:

- a. Sprinkler systems, heat pumps, air conditioning units, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
  - b. Security system access controls;
  - c. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in [SDC 21.02.030I.](#) and [SDC 21.02.030K.](#) such as benches, picnic tables and drinking fountains; and
  - d. Surface water management facilities as required by Chapter 9.04 KCC as adopted by [SDC 21.03.050;](#)
10. Mailboxes and newspaper boxes may project into or be located within front yard setbacks;
  11. Fire hydrants and associated appendages;
  12. Metro bus shelters may be located within front yard setbacks;
  13. Unless otherwise allowed in [SDC 21.06.050F.1.](#), freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet, may project into or be located within front yard setbacks; and
  14. Stormwater vaults, structures, and conveyance systems, both above and below ground, provided such projections are:
    - a. Consistent with setback, easement and access requirements specified in the current Surface Water Design Manual; or

- b. In the absence of said specifications, not within 10 feet of the property line for storm water vaults and structures, and not within five feet of the property line for conveyance systems.



**U. Height—Exceptions to limits**

The following structures may be erected above the height limits of [SDC 21.04.030.C](#) through [SDC 21.04.030.E.](#):

1. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
2. Fire or parapet walls, skylights, flagpoles, public athletic field lighting, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures.
3. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges may have a maximum height of 75 feet.

4. In the R-18 zone, structures may be up to 80 feet in height for projects using residential density incentives and transfer of density credits pursuant to this title.
5. For school and government uses, structure height may exceed the maximum structure height by one foot for every one foot the front, side, and rear yard setbacks are increased above the minimum setbacks; provided, however, the maximum structure height may not exceed 75 feet.

**V. Lot divided by zone boundary**

When a lot is divided by a zone boundary, the following rules shall apply:

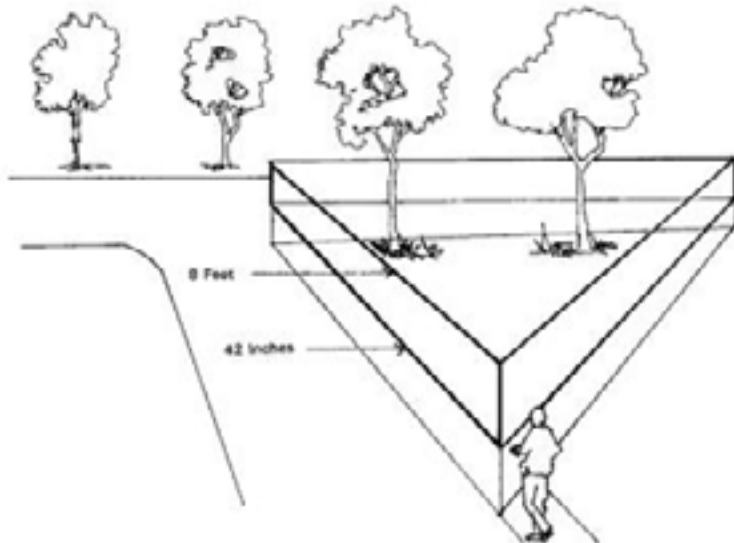
1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
2. When a lot contains residential zones of varying density:
  - a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;
  - b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:
    - i. The units transferred from any R-12 or R-18 zoned portion of the lot are maintained in an attached dwelling unit configuration on the lower density portion receiving such units;
    - ii. The transfer does not reduce the minimum density achievable on the lot;

- iii. The transfer enhances the efficient use of needed infrastructure;
    - iv. The transfer does not result in significant adverse impacts to the low density portion of the lot;
    - v. The transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features; and
    - vi. The transfer does not result in significant adverse impacts to adjoining lower density properties;
  - c. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and
3. Uses on each portion of the lot shall only be those permitted in each zone pursuant to [Chapter 21.05 SDC](#).

**W. Sight Distance Requirements**

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all street intersections and site access points:

1. A sight distance triangle area as determined by paragraph 2. below shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and 8 feet above the existing street grade.



2. The sight distance triangle at:
  - a. A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle

shall be a line connecting the endpoints of the first two sides of the triangle; or

- b. A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.
- c. The Director may require modification or removal of structures or landscaping located in required street setbacks, if:
- d. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and
- e. No reasonable driveway relocation alternative for an adjoining lot is feasible.

**X. Impervious Surface Standards**

1. Regional uses shall establish impervious surface standards at the time of permit review.
2. Nonresidential uses in residential zones shall comply with [SDC 21.04.030.M](#).
3. A lot may increase beyond the total amount of permitted impervious surface in [SDC 21.04.030](#) subject to approval of a conditional use permit.
4. In the R-1 zoning district:

- a. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone.
  - b. For lots that are one-half acre in area or larger, the impervious surface area allowed shall be 10,000 square feet or 30 percent of the property, whichever is greater.
  - c. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices.
  - d. For lots smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SDC 21.05.030H.1.b.
  - e. Public projects shall be subject to the applicable impervious surface provisions of the R-4 zone.
5. For school and government uses, maximum impervious surface limitations, minimum yard area requirements, and maximum lot coverage restrictions may be increased as part of the review of a Type 1, Type 2, or Type 3 permit application to accommodate instances where they render a necessary component of a project infeasible. Deviation from the maximum impervious surface limitations, minimum yard area requirements, and maximum lot coverage restrictions shall be granted if the following are satisfied:
- a. the proposed increase is the minimum necessary to resolve the design conflict as demonstrated through written engineering analysis prepared by a qualified consultant and verified by the City;
  - b. the proposed increase will not result in impact to the root zone and tree protection areas required for retained significant trees under SDC 21.03.060.I.; and
  - c. the project is compliant with applicable stormwater regulations.

## 21.04.040 Technical Terms and Land Use Definitions

### A. Scope of chapter

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in [Chapter 21.05 SDC](#). The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC). See [Chapter 21.01 SDC](#) for rules on interpretation of the code, including use of these definitions. Development standards are found in [SDC 21.04.030](#) through [SDC 21.03.030](#).

### B. Definitions

1. **Abandoned vehicle.** Any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.
2. **Accessible electric vehicle charging station.** An electric vehicle charging station where the battery charging station equipment is located within accessible reach of the barrier-free access aisle (minimum 36-inch width) and the electric vehicle.
3. **Accessory living quarters.** Living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate dwelling unit.

4. **Accessory use, commercial.**
  - a. A use that is subordinate and incidental to a commercial use, including, but not limited to, the following uses:
    - i. Administrative offices;
    - ii. Employee exercise facilities;
    - iii. Employee food service facilities;
    - iv. Incidental storage of raw materials and finished products sold or manufactured on-site;
    - v. Business owner or caretaker residence;
    - vi. Cogeneration facilities; and
    - vii. Ground maintenance facilities.
  - b. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.
5. **Accessory use, residential.**
  - a. A use, structure, or activity that is subordinate and incidental to a residence on the same parcel including, but not limited to, the following uses:
    - i. Accessory living quarters and dwellings;
    - ii. Fallout/bomb shelters;
    - iii. Keeping household pets;
    - iv. On-site rental office;
    - v. Pools, private docks, piers;



- vi. Antennas for private telecommunication services;
  - vii. Storage of yard maintenance equipment;
  - viii. Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
  - ix. Greenhouses;
  - x. Garages.
- b. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.
6. **Adjustment factor.** A factor that, when applied to the reference evapotranspiration, adjusts for plant factors and irrigation efficiently.
7. **Adult use facility.** An enterprise predominantly involved in the selling, renting, or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance, or activity distinguished or characterized by a predominant emphasis on the depiction, simulation, or relation to “specified sexual activities” as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panorams, peep shows, or topless or nude dancing.
8. **Agricultural product sales.** The retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat.
9. **Airport/heliport.** Any runway, landing area, or other facility, excluding facilities for the primary use of the individual property owner that are classified as helistops, designed or used by public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:
- a. Taxiways;
  - b. Aircraft storage and tie-down areas;
  - c. Hangars;
  - d. Servicing; and
  - e. Passenger and air freight terminals
10. **AKART.** All known, available, and reasonable methods of prevention, control, and treatment.
11. **Alley.** An improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation.
12. **Alteration.** Any human activity that results or is likely to result in an impact upon the existing condition of a critical area is an “alteration” that is subject to specific limitations as specified for each critical area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants, except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, topping, relocating or removing vegetation or any other human activity that results or

is likely to result in an impact to existent vegetation, hydrology, fish or wildlife, or fish or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

13. **Alternative water sources.** Stored rainwater or treated or recycled wastewater of a quality suitable for uses such as landscape irrigation. Such water is not considered potable.
14. **Amusement arcades.** A building or part of a building in which five or more pinball machines, video games, or other such player-operated amusement devices (excluding juke boxes or gambling-related machines) are operated.
15. **Anadromous fish.** Those that live part or the majority of their lives in saltwater, but return to freshwater to spawn.
16. **Ancillary structure.** For the purposes of this chapter, any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and feed lines; however, specifically excluding base stations.
17. **Animal, small.** Any animal other than livestock or animals considered to be predatory or wild that are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting, or exhibition.
18. **Applicant.** A property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.
19. **Application rate.** The depth of water applied to an area expressed in inches per hour.
20. **Artist studio.** An establishment providing a place solely for the practice or rehearsal of various performing or creative arts, including, but not limited to, acting, dancing, singing, drawing, painting, and sculpting.
21. **Auction house.** An establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.
22. **Barn.** A large agricultural building for storage of agricultural products and sheltering livestock.
23. **Base flood.** A flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood."
24. **Base flood elevation.** The water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.
25. **Battery charging station.** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meets or exceeds applicable state and federal standards.
26. **Battery electric vehicle (BEV).** Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero

tailpipe emissions or pollution when stationary or operating (see “Electric vehicle,” [SDC 21.04.040B.101.](#))

27. **Battery exchange station.** A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds applicable state and federal standards.
28. **Bed and breakfast guesthouse.** A dwelling unit or accessory building within which bedrooms are available for paying guests.
29. **Beehive.** A structure designed to contain one colony of honey bees (*Apis mellifera*).
30. **Berm.** A constructed area of compacted earth.
31. **Best available science.** The process used and information developed consistent with requirements in RCW 36.70A.172 and WAC 365-195-900 through 365-195-925.
32. **Billboard.** A sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.
33. **Biologist.** A person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience.
34. **Bioretention.** A flow control best management practice consisting of a shallow landscaped depression designed to temporarily store and promote infiltration of storm water runoff. Standards for bioretention design, including soil mix, plants, storage volume and feasibility criteria, are specified in Appendix C of the King County Surface Water Design Manual.
35. **Book, stationery, video, and art supply store.** An establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video, and art supplies, including only uses located in SIC Industry Nos.:
  - a. 5942 – Book stores;
  - b. 5943 – Stationery stores;
  - c. 5999 – Architectural supplies and artists’ supply and materials stores;
  - d. 7841 – Video tape rental;
  - e. 5735 – Record, compact disc, and prerecorded tape stores; and
  - f. 5736 – Musical instrument stores.
36. **Broadleaf tree.** A tree characterized by leaves that are broad in width and may include both deciduous and evergreen species.
37. **Buffer.** A designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards, or a designated area contiguous to a habitat conservation area, stream or wetland intended to protect the habitat, stream or wetland and be an integral part of the habitat, stream or wetland ecosystem.

- 38. **Building.** Any structure having a roof.
- 39. **Building envelope.** Area of a lot that delineates the limits of where a building may be placed on the lot.
- 40. **Building facade.** That portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation
- 41. **Building, hardware, and garden materials store.** An establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies, including, but not limited to, uses located in SIC Major Group No. 52, Building materials, hardware, garden supply; excluding mobile home dealers.
- 42. **Bulk gas storage tank.** A tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users.
- 43. **Bulk retail.** An establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments offer a variety of lines of merchandise including but not limited to food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics.
- 44. **Campground.** An area of land developed for recreational use in temporary occupancy, such as tents or recreational vehicles without hook-up facilities.
- 45. **Capacity, school.** The number of students a school district's facilities can accommodate district-wide, based on the district's standard of service, as determined by the school district.
- 46. **Capital facilities plan, school.** A district's facilities plan adopted by the school board consisting of:
  - a. A forecast of future needs for school facilities based on the district's enrollment projections;
  - b. The long-range construction and capital improvements projects of the district;
  - c. The schools under construction or expansion;
  - d. The proposed locations and capacities of expanded or new school facilities;
  - e. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
  - f. Any other long-range projects planned by the district;
  - g. The current capacity of the district's school facilities based on the districts adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and
  - h. An inventory showing the location and capacity of existing school facilities.

47. **Catastrophic collapse.** The collapse of the ground surface by overburden caving into underground voids created by mining. Catastrophic collapse does not include the effects from trough subsidence.
48. **Cattery.** A place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.
49. **Cemetery, columbarium or mausoleum.** Land or structures used for interment of the dead or their remains. For purposes of the code, pet cemeteries are considered a subclassification of this use.
50. **Certified Arborist.** An individual that has successfully passed the Certified Arborist examination administered by the International Society of Arboriculture (ISA) and possesses a minimum of three years' full-time experience working in the professional tree care industry.
51. **Channel relocation and stream meander areas.** Those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels.
52. **Charging levels.** The standardized indicators of electrical force or voltage at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:
  - a. Level 1 is considered slow charging.
  - b. Level 2 is considered medium charging.
  - c. Level 3 is considered fast or rapid charging.
53. **Church, synagogue, or temple.** A place where religious services are conducted, including those uses located in SIC Industry No. 866 and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders.
54. **Classrooms, school.** Educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.
55. **Clearing.** The limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.
56. **Code interpretation.** A formal statement regarding the meaning or requirements of a particular provision in the City of Sammamish's development regulations.
57. **Cogeneration.** The sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes.
58. **Collective garden.** Any area or location where qualifying patients engage in the production, processing, transporting, and delivery of marijuana for medical use.

59. **Community identification sign.** A sign identifying the location of a community or geographic area such as unincorporated activity centers or rural towns designated by the comprehensive plan or communities recognized and delineated by a recognized unincorporated area council.
60. **Community residential facility (CRF).** Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation, and medical supervision; excluding drug and alcohol detoxification which is classified in [SDC 21.04.040F](#) as health services. CRFs are further classified as follows:
- a. CRF-I – Seven to 10 residents and staff (Note: Single family is defined as six or fewer residents);
  - b. CRF-II – 11 or more residents and staff.
- If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.
61. **Commuter parking lot.** Vehicle parking specifically for the purpose of access to a public transit system or for users of carpools or vanpools.
62. **Compensatory storage.** New, excavated storage volume equivalent to any flood storage which is eliminated by building filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals that are hydraulically connected to the floodway through their entire depth.
63. **Conditional use permit.** A permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.
64. **Conference center.** An establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.
65. **Conservation easement.** A legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its nondevelopment values. It allows the landowner to continue to own and use the land, to sell it, or to pass it on to heirs. A conservation easement is placed on a sending site at the time development rights are sold from the property. The conservation easement typically prohibits any further development of the property but allows resource uses, such as farming and forestry, to continue.
66. **Construction and trades.** Establishments that provide services related to construction of buildings and infrastructure, and other improvements to property. Such establishments include SIC Major Group Nos. 15 – 17, and SIC Industry Group No. 078, Landscape and horticultural services.
67. **Construction cost per student, school.** The estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs.



68. **Conversion factor.** A number that converts the water budget allowance from acre-inches per acre per year to gallons per square foot per year or cubic feet per year.
69. **Cooperative.** An entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under Chapter 69.51A RCW where qualifying patients and designated providers share responsibility for acquiring and supplying the resources needed to produce and process marijuana for medical use of members of the cooperative.
70. **Critical aquifer recharge areas.** Those areas in the City of Sammamish with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-0302. CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. CARAs shall be classified based on the following criteria:
- a. Class 1 CARAs include those areas located within the mapped one- or five-year capture zone of a wellhead protection area.
  - b. Class 2 CARAs include those areas located within the mapped 10-year capture zone of a wellhead protection area.
  - c. Class 3 CARAs include those areas outside wellhead protection areas that are identified as high aquifer recharge potential areas based on characteristics of surficial geology and soil types.
71. **Critical areas.** Those areas in the City that are erosion hazard areas, frequently flooded areas, landslide hazard areas, seismic hazard areas, critical aquifer recharge areas, wetlands, streams, and fish and wildlife habitat conservation areas.
72. **Critical facility.** A facility necessary to protect the public health, safety, and welfare and that is defined under the occupancy categories of “essential facilities,” “hazardous facilities,” and “special occupancy structures” in the Uniform Building Code. Critical facilities also include nursing homes, public roadway bridges, and sites for hazardous substance storage or production, not including the temporary storage of consumer products containing hazardous substances intended for household use or for retail sale on the site.
73. **Daily care.** Medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis.
74. **Daycare.** An establishment for group care of nonresident adults or children.
- a. Daycare shall include only SIC Industry No. 835, Child daycare services, SIC Industry No. 8322, Adult daycare centers, and the following:
    - i. Adult daycare, such as adult day health centers or social daycare as defined by the Washington State Department of Social and Health Services;
    - ii. Nursery schools for children under minimum age for education in public schools;



- iii. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
  - iv. Programs covering after-school care for school children.
- b. Daycare establishments are subclassified as follows:
- i. Daycare I – a maximum of 12 adults or children in any 24-hour period; and
  - ii. Daycare II – over 12 adults or children in any 24-hour period.
75. **DBH.** The diameter of a tree as measured at breast height (54 inches above the ground).
76. **Deciduous.** A plant species with foliage that is shed annually.
77. **Density credit, transfer (TDC).** The ability to transfer potentially buildable dwelling units from an eligible sending site to an eligible receiving site as provided in this code.
78. **Department.** The City’s department of community development.
79. **Department and variety store.** An establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, home furnishings, housewares, including only uses located in SIC Major Group and Industry Nos.:
- a. 53 – General merchandise;
  - b. 5947 – Gift, novelty, and souvenir shops; and
  - c. 5948 – Luggage and leather goods stores.
80. **Designated accessible space.** A WAC 51-50-005 required accessible parking space designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.
81. **Destination resort.** An establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment, and other conveniences for guests of the resort.
82. **Developer or “applicant”.** The person or entity who owns or holds purchase options or other development control over property for which development activity is proposed. (See Applicant, [SDC 21.04.040B.17](#).)
83. **Development.** The construction or exterior expansion of structures or buildings; clearing or grading; paving, landscaping, or placing of obstructions; and any project of a permanent or temporary nature exterior to a building.
84. **Development activity.** Any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities.
85. **Development proposal.** Any activities requiring a permit or other approval from the City of Sammamish relative to the use or development of land.
86. **Development proposal site.** The legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City of Sammamish to carry out a development proposal.

87. **Development regulation.** The controls placed on development or land use activities by the City, including but not limited to zoning ordinances, critical areas ordinances, shoreline master program requirements, official controls, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the City.
88. **Development right.** An interest in and the right under current law to use and/or subdivide a lot for any and all residential, commercial, and industrial purposes.
89. **Director.** The director of the City of Sammamish department of community development or his/her designee.
90. **Dormitory.** A residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking recreation, or bathing facilities.
91. **Drip line.** An area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree’s branch tips down to the ground.
92. **Drop box facility.** A facility used for receiving solid waste and recyclable from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables.
93. **Drug store.** An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including only uses located in SIC Industry Group and Industry Nos.:
- a. 591 – Drug stores and proprietary stores;
  - b. 5993 – Tobacco stores and stands; and
  - c. 5999 – Cosmetics stores.
94. **Dwelling unit.** One or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling’s occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing, and mobile homes.
95. **Dwelling unit, attached accessory.** A separate, complete dwelling unit attached to or contained within the structure of the primary dwelling.
96. **Dwelling unit, detached accessory.** A separate, complete dwelling unit contained within a separate structure that is accessory to the primary dwelling unit on the premises.
97. **Dwelling unit, apartment.** A dwelling unit contained in a building consisting of two or more dwelling units that may be stacked, or one or more dwellings with nonresidential uses.

98. **Dwelling unit, single detached.** A detached building containing one dwelling unit.
99. **Dwelling unit, townhouse.** A building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls.
100. **Earth station.** A communication facility that transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.
101. **Electric scooters and motorcycles.** Any two- or three-wheeled vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.
102. **Electric vehicle.** Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purposes. “Electric vehicle” includes (but is not limited to): 1. a battery electric vehicle; 2. a plug-in hybrid electric vehicle; 3. a neighborhood electric vehicle; and 4. a medium-speed electric vehicle.
103. **Electric vehicle charging station.** A public or private parking space located together with battery charging station equipment that has as its purpose the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.
104. **Electric vehicle charging station – restricted.** An electrical charging station that is 1. privately owned and restricted access (e.g., single-family, assigned parking, etc. or 2. publicly owned and restricted (fleet parking with no access to the public).
105. **Electric vehicle charging station – public.** An electrical charging station that is 1. publicly owned and publicly available (e.g., park and ride lots, City Hall parking, other public lots) or privately owned and publicly available (e.g., shopping centers, apartment complexes, parking garages, etc.
106. **Electric vehicle infrastructure.** Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and battery exchange stations.
107. **Electric vehicle parking space.** Any marked parking space (public or private) that identifies the use to be for an electric vehicle.
108. **Electrical substation.** A site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users.
109. **Emergency.** An occurrence during which there is imminent danger to the public health, safety, and welfare, or which poses an imminent risk to property, as a result of a natural or manmade catastrophe as so declared by the director.
110. **Energy resource recovery facility.** An establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis, or any other means of using the heat of combustion of solid waste.

111. **Enhancement.** An action that increases the functions and values of a stream, wetland, or other sensitive area or buffer.
112. **Equipment, heavy.** High-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:
  - a. Carryalls;
  - b. Graders;
  - c. Loading and unloading devices;
  - d. Cranes;
  - e. Drag lines;
  - f. Trench diggers;
  - g. Tractors;
  - h. Augers;
  - i. Bulldozers;
  - j. Concrete mixers and conveyers;
  - k. Harvesters;
  - l. Combines; or
  - m. Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.
113. **Erosion.** The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.
114. **Erosion hazard areas.** Those areas in the City underlain by soils that are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe or very severe erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include the following when they occur on slopes 15 percent or steeper:
  - a. The Alderwood gravelly sandy loam (AgD);
  - b. The Alderwood and Kitsap soils (AkF);
  - c. The Beausite gravelly sandy loam (BeD and BeF);
  - d. The Everett gravelly sandy loam (EvD);
  - e. The Kitsap silt loam (KpD);
  - f. The Ovall gravelly loam (OvD and OvF);
  - g. The Ragnar fine sandy loam (RaD); and
  - h. The Ragnar-Indianola Association (RdE).
115. **The erosion hazard near sensitive water body overlay.** An area within the City where sloped areas posing erosion hazards, or contributing to erosion hazards, that drain directly to lakes or streams of high resource value that are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development. The department of community development shall maintain a map of the boundaries of the erosion hazard near sensitive water bodies overlay district.

The erosion hazard near sensitive water body overlay is divided into two areas:

- a. The No-Disturbance Area. The no-disturbance area shall be established on the sloped portion of the special district overlay to prevent damage from erosion. The upslope boundary of the no-disturbance area lies at the first obvious break in slope from the upland plateau over onto the valley walls. For the purposes of locating the first obvious break in slope, the first obvious break shall generally be located at the top of the erosion hazard area associated with the slope. The downslope boundary of the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas. The department shall maintain maps, supported by LIDAR (light detection and ranging) data or other suitable technology, of the approximate location of the no-disturbance areas, which shall be subject to field verification for new development proposals.
  - b. Properties Draining to the No-Disturbance Area. Properties draining to the no-disturbance area are within the erosion hazard near sensitive water body overlay that drain to the no-disturbance area.
116. **Eutrophic.** A trophic status characterized by moderately high algal productivity, more serious oxygen depletion in the bottom waters, some recreational use impairment, summer chlorophyll a concentration greater than 10 micrograms/liter, a summer Secchi depth of less than two meters, and a winter total phosphorus concentration greater than 20 micrograms/liter.
  117. **Evergreen.** A plant species with foliage that persists and remains green year-round.
  118. **Examiner.** The hearing examiner as established by [SDC 21.09.020](#).
  119. **Existing corridors.** Areas that have been previously cleared of native vegetation, have historically been used for transportation or recreation purposes, have currently little or low-quality vegetation and habitat value, or that contain improvements such as graded or filled areas. Examples include but are not limited to utility corridors, road or railroad rights-of-way, roadbeds and rail beds.
  120. **Existing grade.** The existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the director, be determined by a topographic survey or soil sampling.
  121. **FAA.** The Federal Aviation Administration.
  122. **Fabric shop.** An establishment engaged in the retail sale of sewing supplies and accessories, including only uses located in SIC Industry Nos.:
    - a. 5949 – Sewing, needlework, and piece goods stores; and
    - b. Awning shops, banner shops, and flag shops found in 5999.
  123. **Facilities standard.** The space required by grade span, and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district’s capital facilities plan.

124. **Factory-built commercial building.** Any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site, and designed or used for nonresidential human occupancy.
125. **Fairground.** A site permanently designated and improved for holding a county fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:
- a. Carnivals;
  - b. Circuses;
  - c. Expositions;
  - d. Animal shows; and
  - e. Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements.
126. **Family.** One or more persons (but not more than six unrelated persons) living together as a single housekeeping unit. For the purposes of this code, children with familial status within the meaning of Title 42 United States Code, Section 360k. and persons with handicaps within the meaning of Title 42 United States Code, Section 360h. will not be counted as unrelated persons.
127. **Farmers' market.** An outdoor market held in public spaces which allows farmers and other vendors to sell produce and other locally produced products directly to the public.
128. **FCC.** The Federal Communications Commission.
129. **Feasible.** That an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - b. The action provides a reasonable likelihood of achieving its intended purpose; and
  - c. The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.
130. **Feed lines.** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.
131. **Feed store.** An establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production.
132. **Fence.** A barrier for the purpose of enclosing space or separating lots, composed of:
- a. Masonry or concrete walls, excluding retaining walls; or



- b. Wood, metal, or concrete posts connected by boards, rails, panels, wire or mesh.
133. **Financial guarantee.** A form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the interim Sammamish development code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and or other forms of financial security acceptable to the director. For the purposes of this Chapter, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered subcategories of financial guarantee.
134. **Fish and wildlife habitat conservation areas.** Those areas that are essential for the preservation of critical habitat and species. All areas within the City of Sammamish meeting one or more of the following criteria are designated wildlife habitat conservation areas:
- a. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
    - i. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status;
    - ii. State-designated endangered, threatened, and sensitive species are those fish and wildlife species native to the coastal region of the Pacific Northwest identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State-designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status;
  - b. Wetlands, streams, and lakes;
  - c. State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources; and
  - d. Fish and wildlife habitat corridors as defined in [SDC 21.04.040B.135](#).
135. **Fish and wildlife habitat corridors.** Those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to eight on the Washington State Wetland Rating System for Western Washington (Department of



Ecology 2014 or as revised) that are located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to eight on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat corridors do not increase stream buffers, except as required to provide a connection between two features as described above.

136. **Flag.** A fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one end.
137. **Flag, government.** Any flag or badge or insignia of the United States, state of Washington, King County, City of Sammamish, or official historic plaque of any governmental jurisdiction or agency.
138. **Flood fringe.** That portion of the floodplain outside of the zero-rise floodway that is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water.
139. **Flood hazard areas.** Those areas in the City of Sammamish subject to inundation by the base flood and those areas subject to risk from channel relocation or stream meander including, but not limited to, streams, lakes, wetlands, and closed depressions.
140. **Flood insurance rate map.** The official map on which the Federal Insurance Administration has delineated some areas of flood hazard.
141. **Flood insurance study for King County.** The official report provided by the Federal Insurance Administration that includes flood profiles and the flood insurance rate map.
142. **Flood protection elevation.** An elevation that is one foot above the base flood elevation.
143. **Floodplain.** The total area subject to inundation by the base flood.
144. **Floodproofing.** Adaptations that will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.
145. **Floodway, zero-rise.** The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A “measurable increase in base flood height” means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on the flood insurance study for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive area special study.
146. **Floor to area ratio.** A measure of development intensity which is determined by dividing gross floor area by lot area. Gross square footage for the purpose of calculating floor to area ratio includes all gross square footage that is above grade including garages. Any visible wall height of more than 3’ shall count towards the gross building square footage.

147. **Florist shop.** An establishment engaged in the retail sale of flowers and plants, including only uses located in SIC Industry Nos.:
- a. 5992 – Florists; and
  - b. 5999 – Artificial flowers.
148. **Forest practice.** Any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter 76.09 RCW for which a forest practice permit is required, together with:
- a. Fire prevention, detection and suppression; and
  - b. Slash burning or removal.
149. **Forest product sales.** The sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:
- a. Trees;
  - b. Wood chips;
  - c. Logs;
  - d. Fuel wood;
  - e. Cones;
  - f. Christmas trees;
  - g. Berries;
  - h. Herbs; or
  - i. Mushrooms.
150. **Forest research.** The performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including only uses located in SIC Industry Nos.:
- a. 8731 – Commercial physical and biological research;
  - b. 8733 – Noncommercial research organizations; and
  - c. 8734 – Testing laboratories.
151. **Frequently flooded areas.** Those lands in the City in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the City in accordance with WAC 365-190-0803. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Frequently flooded areas include all areas of special flood hazards within the jurisdiction of the City of Sammamish.
152. **Furniture and home furnishings store.** An establishment engaged in the retail sale of household furniture and furnishings for the home, including only uses located in SIC Major Group and Industry Nos.:
- a. 57 – Home furniture, furnishings, and equipment stores, except Industry Group No. 573; and
  - b. Baby carriages, cake decorating supplies, hot tubs, picture frames (ready-made), swimming pools (above-ground, not site-built), telephone stores and typewriter stores found in 5999.

153. **General business service.** An establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including only uses located in SIC Major Group Nos.:
- a. 60 – Depository institutions;
  - b. 61 – Nondepository credit institutions;
  - c. 62 – Security and commodity brokers, dealers, exchanges, and services;
  - d. 63 – Insurance carriers;
  - e. 65 – Real estate, except 653 (Real estate agents and directors);
  - f. 67 – Holding and other investment offices;
  - g. 7299 – Miscellaneous personal services, not elsewhere classified;
  - h. 73 – Business services, except Industry Group and Industry Nos.:
    - i. 7312 – Outdoor advertising services; and
    - i. 86 – Membership organizations, including administrative offices of organized religions found in 8661, but excluding churches and places of worship.
154. **Geologist.** A professional who holds a current geologist license from the Washington State Geologist Licensing Board.
155. **Geotechnical engineer.** A practicing geotechnical/civil engineer licensed as a professional civil engineer by the state of Washington who has at least four years of professional employment as a geotechnical engineer.
156. **Golf course.** A recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to:
- a. A driving range;
  - b. Miniature golf;
  - c. Pro shops;
  - d. Caddyshack buildings;
  - e. Swimming pools, tennis courts and other related recreational facilities;
  - f. Restaurants;
  - g. Office and meeting rooms; and
  - h. Related storage facilities.
157. **Grade span.** The categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school.
158. **Grading.** Any excavation, filling, removing the duff layer or any combination thereof.
159. **Grazing area.** Any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year.
160. **Groundcover.** Living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.

161. **Hazardous household substance.** A substance as defined in RCW 70.105.010.
162. **Hazardous substance.** A substance as defined in RCW 70.105.010.
163. **Hazardous trees.** Those trees with a structural defect, combination of defects or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will:
- a. Damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly;
  - b. Damage an approved road or utility facility; or
  - c. Prevent emergency access in the case of medical hardship.
164. **Heavy equipment and truck repair.** The repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, lifts, but excluding automobiles and pick-up trucks under 10,000 pounds, recreational vehicles, boats and their trailers.
165. **Helistop.** An area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities.
166. **High voltage electrical transmission tower.** A structure that is designed and constructed primarily for the purpose of overhead support of high voltage transmission lines. For purposes of this term, “high voltage transmission lines” shall generally mean and refer to a 68 kV or greater electric transmission line.
167. **Historic resource.** A district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.
168. **Hobby, toy, and game shop.** An establishment engaged in the retail sale of toys, games, hobby and craft kits, including only uses located in SIC Industry Nos.:
- a. 5945 – Hobby, toy and game shops; and
  - b. 5999 – Autograph and philatelist supply stores, coin shops, and stamps, philatelist-retail (except mail order).
169. **Home business.** A business or profession which is incidental to the use of a residential dwelling unit by a resident of the dwelling unit. Home businesses do not include uses where the use of the premises as a dwelling unit is secondary to the operation of the business or profession. In no case shall the area used for a home business exceed 50 percent of the area of the residential dwelling unit.
- The home business use definition does not include other residential accessory uses identified in [Chapter 21.05 SDC](#) and defined in [SDC 21.04.040](#), including but not limited to:
- a. Bed and breakfast guesthouses;
  - b. Senior citizen assisted housing;

- c. Daycare 1; and
- d. Specialized instructional schools.

Home businesses are further subclassified as follows:

- e. Home business, Type 1 – conducted within a building permitted within a residential zone and that will not result in odors nor obvious visible or audible business activity outside of the building. Type 1 home businesses are generally indistinguishable from other dwelling units in the vicinity.
- f. Home business, Type 2 – conducted within a building permitted within a residential zone and that results in limited odors, and some obvious visible or audible business activity outside of the building. Type 2 home businesses may be characterized by the following types of activities: significantly increased deliveries beyond regular residential mail delivery activity; significantly increased client or customer visitation to the site; and/or visual or audible activity visible from adjacent properties or the street. Home businesses that cannot meet the standards established in [SDC 21.05.020E.4.](#) for Type 1 home businesses, are Type 2 home businesses and subject to the standards of [SDC 21.05.020E.5.](#) Home businesses engaged in a use that requires a federal or state license or permit, in addition to a business license, are Type 2 home businesses (example: home businesses engaged in the production of alcohol such that a liquor license is required).

- 170. **Homeless encampment.** A site for a group of homeless persons temporarily residing on a site, either out of doors or in a building.
- 171. **House, Front.** The facade of the house that faces a street with a clearly defined main entrance and walkway.
- 172. **House, Side.** The facade of the house that faces a side lot line; or for a house on a corner lot the side facing the secondary street frontage without the main entrance or a walkway.
- 173. **House, Rear.** The facade of the house that faces the rear lot line or in the case of a lot with double frontages, the portion of the house facing the secondary street.
- 174. **Household pets.** Small animals that are kept within a dwelling unit.
- 175. **Hydroelectric generation facility.** An establishment for the generation of electricity using water sources.
- 176. **Hypereutrophic.** A trophic status characterized by high algal productivity, intense algal blooms, fish kills due to oxygen depletion in the bottom waters, frequent recreational use impairment, summer chlorophyll a concentration greater than 10 micrograms/liter, a summer Secchi depth generally less than two meters, and a winter total phosphorus concentration greater than 30 micrograms/liter.
- 177. **Impervious surface.** For purposes of this Chapter, means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development; or that causes water to run off the surface in greater quantities or at an increased rate of flow

compared to the flow present under natural conditions prior to development.

178. **Improved public roadways.** Public road rights-of-way that have been improved with at least two travel lanes and are maintained by either the City of Sammamish or the state of Washington.
179. **Individual transportation and taxi.** An establishment engaged in furnishing individual or small group transportation by motor vehicle, including only uses located in SIC Industry Group and Industry Nos.:
- a. 412 – Taxicabs; and
  - b. 4119 – Local passenger transportation, not elsewhere classified.
180. **Infiltration rate.** The rate of water entry into the soil expressed in inches per hour.
181. **Interim recycling facility.** A site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:
- a. Drop boxes;
  - b. Source-separated, organic waste processing facilities; and
  - c. Collection, separation and shipment of glass, metal, paper or other recyclables.
182. **Interlocal agreement.** A legal contract between two or more local jurisdictions (cities and counties) that specifies the conditions under which development rights may be transferred (typically from an unincorporated county into an incorporated city). Interlocal agreements must be endorsed by the legislative bodies of both jurisdictions.
183. **Irrigation efficiency.** The coefficient of the amount of water beneficially used divided by the amount of water applied. This coefficient is derived from actual measurements and an evaluation of the general characteristics of the type of irrigation system and management practices proposed.
184. **Jail.** A facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense.
185. **Jewelry store.** An establishment engaged in the retail sale of a variety of jewelry products, including only uses located in SIC Industry Nos.:
- a. 5944 – Jewelry stores; and
  - b. Gem stones and rock specimens found in 5999.
186. **Joint use driveway.** A jointly owned and/or maintained vehicular access to two residential properties.
187.  **kennel.** A place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.
188. **Kitchen or kitchen facility.** An area within a building intended for the preparation and storage of food and containing:
- a. An appliance for the refrigeration of food;

- b. An appliance for the cooking or heating of food; and
  - c. A sink.
189. **Lake management plan.** The plan (and supporting documents as appropriate) describing the lake management recommendations and requirements.
190. **Lakes.** An open body of surface water, not including streams or rivers, that is 20 acres or greater in total area.
191. **Landfill.** A disposal site or part of a site at which refuse is deposited.
192. **Landscape water features.** A pond, pool or fountain used as a decorative component of a development.
193. **Landscaping.** Live vegetative materials required for a development. Said materials provided along the boundaries of a development site are referred to as perimeter landscaping.
194. **Landslide.** Episodic downslope movement of a mass including, but not limited to, soil, rock or snow.
195. **Landslide hazard areas.** Those areas in the City of Sammamish potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, groundwater, or other factors. Landslide hazard areas include the following:
- a. Areas of historic failures, such as:
    - i. Those areas delineated by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a “severe” limitation for building site development;
    - ii. Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
  - b. Areas that have shown movement during the Holocene epoch, from 10,000 years ago to the present, or which are underlain by mass wastage debris from that epoch;
  - c. Any area with all three of the following characteristics:
    - i. Slopes steeper than 15 percent; and
    - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
    - iii. Springs or groundwater seepage;
  - d. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top, as defined in [SDC 21.04.040B.346.](#), and measured by averaging the inclination over at least 10 feet of vertical relief;
  - e. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;



- f. Slopes having gradients steeper than 80 percent subject to rock fall during seismic shaking;
  - g. Areas potentially unstable because of rapid stream incision, stream bank erosion or undercutting by wave action; and
  - h. Landslide hazard areas do not include those areas composed of slopes greater than 40 percent that were created from a previously non-landslide hazard area through legal grading activity and that are confirmed to be stable by a qualified professional.
196. **Least visually obtrusive profile.** The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.
197. **Level of service (LOS), traffic.** The City's defined performance standards for its adopted concurrency intersections, road corridors, and road segments, as defined in the City's Comprehensive Plan and development regulations.
198. **Light equipment.** Hand-held tools and construction equipment, such as chain saws, wheelbarrows, and post-hole diggers.
199. **Security or floodlighting fixtures.** Generally intended to provide lighting that is designed and used to discourage crime and undesirable activity. Security or floodlighting fixtures are characterized by a broad intense beam of artificial light directed to illuminate a large area of a site.
200. **Development or activity of a linear nature.** One that usually involves multiple parcels and/or that runs along a corridor or pathway defined in an adopted plan. Linear development and activities may be straight, curved or a combination of both. Examples include roads, trails, sidewalks, utility corridors, and other transportation facilities such as bikeways and railroads.
201. **Liquor and Cannabis Board (LCB).** The Washington State Liquor and Cannabis Board which carries out Washington liquor, marijuana, and tobacco laws and regulations.
202. **Livestock.** Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:
- a. Cattle;
  - b. Riding and draft horses;
  - c. Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as pets or small animals;
  - d. Sheep; and
  - e. Goats.
203. **Livestock, large.** Cattle, horses, and other livestock generally weighing over 500 pounds.
204. **Livestock, small.** Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca, and other livestock

- generally weighing under 500 pounds. (Ord. O2003-132 § 10)
205. **Livestock sales.** The sale of livestock but not including auctions.
206. **Loading space.** A space for the temporary parking of a vehicle while loading or unloading cargo or passengers.
207. **Lot.** A physically separate and distinct parcel of property and on lakefront properties above ordinary high water mark, which has been created pursuant to [SDC 21.02.060](#), Subdivisions, or state law.
208. **Lot coverage.** The amount of a lot that a building footprint may cover. Lot coverage is expressed as a percent of the total lot area that a building or buildings may cover; for example, a 45 percent lot coverage standard indicates that 45 percent of the area of a lot may be covered by a building or combination of buildings.
209. **Lot line, front yard.** The property boundary or property line abutting a street right-of-way. For property that does not abut a street right-of-way and abuts an access easement or private street the front yard is that property boundary or property line from which the lot gains primary access.
210. **Lot line, rear yard.** The property boundary or property line opposite the front yard lot line. Provided, lots with more than one front yard, or triangular shaped lots with three sides, shall have no rear yard lot line.
211. **Lot line, side yard.** The property boundary or property line that delineates the property boundaries along the side portion of the property.
212. **Lot line, interior.** Lot lines that delineate property boundaries along those portions of the property that do not abut a street.
213. **Low impact development (LID).** A storm water and land use management strategy that strives to mimic predisturbance hydrological processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed storm water management practices that are integrated into a project design.
214. **Maintenance.** Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use. Maintenance may include, but is not limited to, pruning, plant material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape replaced with plant material.
215. **Managing agency.** An organization that is responsible for organizing and managing a homeless encampment. (Note: The managing agency may be the same entity as the sponsor.
216. **Marijuana or "marihuana".** All parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the

resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- 217. **Marijuana concentrates.** Products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than 10 percent.
- 218. **Marijuana processor.** A person or entity licensed by the Washington State Liquor and Cannabis Board (“LCB”) to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- 219. **Marijuana producer.** A person or entity licensed by the LCB to produce and sell marijuana at wholesale to marijuana processors and other marijuana producer.
- 220. **Marijuana-infused products.** Products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than 10 percent. The term “marijuana-infused products” does not include either marijuana concentrates or useable marijuana.
- 221. **Marijuana retailer.** A person or entity licensed by the LCB to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.
- 222. **Marina.** An establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and accessory facilities including, but not limited to:
  - a. Showers;
  - b. Toilets; and
  - c. Self-service laundries.
- 223. **Master telecommunications plan.** A plan developed to establish public policy and applicable development standards related to the deployment of wireless telecommunications infrastructure.
- 224. **Material error.** Substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.
- 225. **Medium-speed electric vehicle.** A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.
- 226. **Mesotrophic.** A trophic status characterized by moderate algal productivity, oxygen depletion in the bottom waters, usually no recreational use impairment, summer chlorophyll a concentration averaging four to 10 micrograms/liter, a summer Secchi depth of two to five meters, and a winter total phosphorus concentration ranging from 10 to 20 micrograms/liter.
- 227. **Microclimate.** A climatic condition in a relatively small area, within a few feet above and below the Earth’s surface and within canopies of vegetation. Microclimates are affected by

such factors as temperature, humidity, wind and turbulence, dew, frost, heat balance, evaporation, the nature of the soil and vegetation, the local topography, latitude, elevation, and season. Weather and climate are sometimes influenced by microclimatic conditions, especially by variations in surface characteristics.

- 228. **Microwave.** Electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz).
- 229. **Mitigation bank.** A property that has been protected in perpetuity, and approved by appropriate City, state, and federal agencies expressly for the purpose of providing compensatory mitigation in advance of authorized impacts through restoration, creation, and/or enhancement of wetlands and, in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources.
- 230. **Mitigation banking.** A system for providing compensatory mitigation in advance of authorized wetland impacts of development in the City in which credits are generated through restoration, creation, and/or enhancement of wetlands and, in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources.
- 231. **Mobile home.** A structure transportable in one or more sections; that in the traveling mode is eight body feet or more in width or 32 body feet or more in length; or when erected on site is 320 square feet or more in area; built on a permanent chassis; designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities; which contains plumbing, heating, air-conditioning and electrical systems; and shall include any structure that meets all the requirements of this section, or of Chapter 296-150B WAC, except the size requirements for which the manufacturer voluntarily complies with the standards and files the certification required by the Department of Housing and Urban Development (HUD).
- 232. **Mobile home park.** A development with two or more improved pads or spaces designed to accommodate mobile homes.
- 233. **Monitoring.** Evaluating the impacts of development proposals on biologic, hydrologic, and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.
- 234. **Monuments, tombstones, and gravestones sales.** The retail sale of custom stonework products including only uses located in SIC Industry No. 5599, Monuments, finished to custom order, tombstones and gravestones finished.
- 235. **Motor vehicle, boat, and mobile home dealer.** An establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, boats, or mobile homes, including only uses located in SIC Major Group and Industry Group Nos.:
  - a. 55 – Automotive dealers and gasoline service stations, except:
    - i. 553 – Auto and home supply stores;

- ii. 554 – Gasoline service stations; and
  - b. Aircraft dealers found in 5599:
    - i. 527 – Mobile home dealers; and
    - ii. Yacht brokers found in 7389.
236. **Mulch.** Any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation.
237. **Native vegetation.** Vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to naturally occur on the site.
238. **Neighborhood electric vehicle.** A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations 49 CFR 571.500.
239. **Net buildable area.** The “site area” less the following areas:
- a. Areas within a project site that are required to be dedicated for public rights-of-way in excess of 60 feet in width;
  - b. Sensitive areas and their buffers to the extent they are required by the City to remain undeveloped;
  - c. Areas required for storm water control facilities other than facilities that are completely underground, including but not limited to retention/ detention ponds, biofiltration swales and setbacks from such ponds and swales;
  - d. Areas required by the City to be dedicated or reserved as on-site recreation areas;
  - e. Regional utility corridors;
  - f. Other areas, excluding setbacks, required by the City to remain undeveloped.
240. **Nonelectric vehicle.** Any motor vehicle that does not meet the definition of “electric vehicle,” [SDC 21.04.040B.101](#).
241. **Nonconformance.** Any use, improvement or structure established in conformance with the City’s rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property.
242. **Noxious weed.** Any plant that is highly destructive, competitive, or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC.
243. **Off-street required parking lot.** Parking facilities constructed to meet the off-street parking requirements of [SDC 21.06.030](#) for land uses located on a lot separate from the parking facilities.
244. **Oligotrophic.** A trophic status characterized by low algal productivity, algal blooms are rare, water clarity is high, all recreational uses unimpaired, summer chlorophyll a concentration average less than four micrograms/liter, a summer Secchi depth greater than five meters, and a winter

total phosphorus concentration ranging from zero to 10 micrograms/liter.

- 245. **Open-work fence.** A fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area.
- 246. **Ordinary high water mark.** The mark found by examining the bed and banks of a stream, lake, or tidal water and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.
- 247. **Outdoor performance center.** An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.
- 248. **Overspray.** Irrigation water applied beyond the landscape area.
- 249. **Park.** A developed or undeveloped site designed or developed for recreational use by the public including, but not limited to:
  - a. Indoor facilities, such as:
    - i. Gymnasiums;
    - ii. Swimming pools; or
    - iii. Activity centers;
  - b. Outdoor facilities, such as:
    - i. Playfields;
    - ii. Fishing areas;
    - iii. Picnic and related outdoor activity areas; or
    - iv. Approved campgrounds;
  - c. Areas and trails for:
    - i. Hikers;
    - ii. Equestrians;
    - iii. Bicyclists; or
    - iv. Off-road recreational vehicle users;
  - d. Recreation space areas required under [SDC 21.02.030I.](#);
  - e. Play areas required under [SDC 21.02.030K.](#); and
  - f. Facilities for on-site maintenance.
- 250. **Park service area.** An area established by the department, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area.
- 251. **Parking lot aisle.** That portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.



- 252. **Parking lot unit depth.** The linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle.
- 253. **Parking space.** An area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.
- 254. **Parking space angle.** Reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked.
- 255. **Partially developed.** A lot or lots where a portion of the lot or lots has been improved with a single-family home and associated appurtenances consistent with the underlying zoning designation, and the remaining portion of the lot or lots is unimproved and retains additional development right(s).
- 256. **Party of record.** A person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official City record on a specific development proposal.
- 257. **Peak hour.** The hour during the morning or afternoon with the highest traffic volumes for a particular roadway or intersection.
- 258. **Permanent school facilities.** Facilities of a school district with a fixed foundation that are not relocatable facilities.
- 259. **Personal medical supply store.** An establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, including only uses located in SIC Industry Nos.:
  - a. 5995 – Optical goods stores; and
  - b. 5999 – Hearing aids and orthopedic and artificial limb stores.
- 260. **Pet shop.** An establishment engaged in the retail sale of pets, small animals, pet supplies, or grooming of pets, including only uses located in SIC Industry No. 5999, Pet shops.
- 261. **Phosphorus.** Elemental phosphorus and shall be measured as total phosphorus.
- 262. **Phosphorus concentration.** The mass of phosphorus per liquid volume.
- 263. **Phosphorus loading.** The total mass of phosphorus per time basis.
- 264. **Photographic and electronic shop.** An establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including only uses located in SIC Industry No.:
  - a. 5946 – Camera and photographic supply stores;
  - b. 5999 – Binoculars and telescopes;
  - c. 5731 – Radio, television, and consumer electronics stores; and
  - d. 5734 – Computer and computer software stores.
- 265. **Plant associations of infrequent occurrence.** One or more plant species of a landform type that does not often occur in the City because of the rarity of the habitat and/or the



species involved or for other botanical or environmental reasons.

- 266. **Plant factor.** A factor that when multiplied by reference evapotranspiration estimates the amount of water used by plants.
- 267. **Plug-in hybrid electric vehicle (PHEV).** An electric vehicle that 1. contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; 2. charges its battery by connecting to the grid or other off-board electric source; 3. may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and 4. has the ability to travel short distances powered entirely by electricity.
- 268. **Potable water.** Water suitable for human consumption.
- 269. **Private.** Solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage.
- 270. **Private storm water management facility.** A surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.
- 271. **Professional office.** An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific, or other academic discipline as opposed to manual skills, and that does not involve outside storage or fabrication, or on-site sale or transfer of commodities, including only the following SIC Major Group and Industry Nos.:
  - a. 64 – Insurance agents, brokers and service;
  - b. 653 – Real estate agents and directors;
  - c. 7291 – Income tax return preparation services;
  - d. 81 – Legal services;
  - e. 871 – Engineering, architectural and surveying services;
  - f. 872 – Accounting, auditing and bookkeeping services; and
  - g. 874 – Management and public relations services.
- 272. **Public agency.** Any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government.
- 273. **Public agency animal control facility.** A facility for the impoundment and disposal of stray or abandoned small animals.
- 274. **Public agency archive.** A facility for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials.
- 275. **Public agency or utility office.** An office for the administration of any governmental or utility activity or program, with no outdoor storage and including, but not limited to uses located in SIC Major Group, Industry Group and Industry Nos.:

- a. 91 – Executive, legislative, and general government, except finance;
  - b. 93 – Public finance, taxation, and monetary policy;
  - c. 94 – Administration of human resource programs;
  - d. 95 – Administration of environmental quality and housing program;
  - e. 96 – Administration of economic programs;
  - f. 972 – International affairs;
  - g. 9222 – Legal counsel and prosecution; and
  - h. 9229 – Public order and safety.
276. **Public agency or utility yard.** A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials owned by a public agency or public utility, excluding document storage.
277. **Satellite public agency or utility yard.** A small facility for open or enclosed storage and limited maintenance of vehicles or equipment used to maintain specific neighborhoods, parks, or areas of the City.
278. **Public agency training facility.** An establishment or school for training state and local law enforcement, fire safety, National Guard or transit personnel and facilities including but not limited to:
- a. Dining and overnight accommodations;
  - b. Classrooms;
  - c. Shooting ranges;
  - d. Auto test tracks; and
  - e. Fire suppression simulations.
279. **Qualified professional.** A person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience.
- a. A qualified professional for watercourses, wetlands, and wildlife habitat conservation areas must have a degree in biology or a related field and relevant professional experience.
  - b. A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional geotechnical engineer or geologist licensed in the state of Washington. Identification of geologic hazards may be performed by geologists or other geology professionals with experience identifying geologic hazards.
  - c. A qualified professional for preparing critical aquifer recharge reports must be a professional hydrogeologist or geologist licensed in the state of Washington.
280. **Rapid charging station.** An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds applicable state and federal standards.
281. **Reasonable alternative.** In determining what is a “reasonable alternative” to a proposed development,

alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal. Reasonable alternatives are those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives.

- 282. **Reasonable use.** A legal concept articulated by federal and state courts in regulatory taking cases.
- 283. **Receiving site.** Those lots where the procurement of development rights enables a permissible change in the allowed intensity on the property pursuant to [SDC 21.06.070](#) and all other controlling policies and law.
- 284. **Recreational vehicle (RV).** A vehicle designed primarily for recreational camping, travel, or seasonal use that has its own motive power or is mounted on or towed by another vehicle, including but not limited to:
  - a. Travel trailer;
  - b. Folding camping trailer;
  - c. Park trailer;
  - d. Truck camper;
  - e. Park trailer;
  - f. Motor home; and
  - g. Multi-use vehicle.
- 285. **Recreational vehicle parks.** The use of land upon which two or more recreational vehicle sites, including hook-up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.
- 286. **Recyclable material.** A nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.
- 287. **Reference evapotranspiration (Eto).** A standard measurement of environmental parameters that affect the water use of plants.
- 288. **Regional storm water management facility.** A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the surface water management (SWM) division or a project proponent. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems.
- 289. **Regional utility corridor.** A right-of-way tract or easement other than a street right-of-way that contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual lots or developments are not regional utility corridors.
- 290. **Religious organization.** The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
- 291. **Relocatable facilities cost per student.** The estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs.

292. **Relocatable facility.** Any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.
293. **Restoration.** Returning a stream, wetland, other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible.
294. **Retail, comparison.** Provides for the sale of comparison goods and services and is centrally located in the community.
295. **Retail, convenience.** Provides for daily living goods, is easy to access and use and is close to residential neighborhoods.
296. **Retaining wall.** Any wall used to resist the lateral displacement of any material.
297. **Riparian.** The area adjacent to flowing or standing freshwater aquatic systems. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are often influenced by perennial or intermittent water. Simultaneously, adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris, influence the biological and physical properties of the aquatic ecosystem. Riparian habitat includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to stream courses or other freshwater.
298. **Runoff.** Water not absorbed by the soil in the landscape area to which it is applied.
299. **Salmonid.** A member of the fish family *Salmonidae*, including:
- a. Chinook, coho, chum, sockeye and pink salmon;
  - b. Rainbow, steelhead and cutthroat salmon;
  - c. Brown trout;
  - d. Brook and Dolly Varden char;
  - e. Kokanee; and
  - f. Whitefish.
300. **School bus base.** An establishment for the storage, dispatch, repair, and maintenance of coaches and other vehicles of a school transit system.
301. **School district.** Any school district whose boundaries include the City of Sammamish.
302. **School district support facility.** Uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities.

303. **Schools, elementary, and middle/junior high.** Institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
304. **Schools, secondary or high school.** Institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.
305. **Seismic hazard areas.** Those areas mapped as moderate to high and high liquefaction susceptibility and peat deposits on the Liquefaction Susceptibility Map of King County, Washington, Washington Division of Geology and Earth Sciences, OFR 2004-20, Palmer et al., September, 2004, as revised.
306. **Self-service storage facility.** An establishment containing separate storage spaces that are leased or rented as individual units.
307. **Sending site.** Designated lot or lots with development rights which landowners may sell in exchange for placing a conservation easement on the property or a portion of the property.
308. **Senior citizen.** A person aged 62 or older.
309. **Senior citizen assisted housing.** Housing in a building consisting of two or more dwelling units or sleeping units restricted to occupancy by at least one senior citizen per unit, and may include the following support services, as deemed necessary:
- a. Food preparation and dining areas;
  - b. Group activity areas;
  - c. Medical supervision; and
  - d. Similar activities.
310. **Setback.** The minimum required distance between a structure or a building and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures or buildings.
311. **Setback, structure.** The minimum required distance between a structure and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures or buildings.
312. **Setback, single detached dwelling unit.** The minimum required distance between a single detached dwelling unit and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures.
313. **Setback, detached accessory dwelling unit.** The minimum required distance between a detached accessory dwelling unit and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures.
314. **Shelters for temporary placement.** Housing units within the City that provide housing to persons on a temporary basis for a duration not to exceed four weeks.

315. **Sign.** Any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.
316. **Sign, A-frame.** A freestanding, two-panel, foldable, portable temporary sign made of rigid material.
317. **Sign, awning.** A sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable.
318. **Sign, community banner.** A temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501c. or d.
319. **Sign, commercial.** A sign erected for a business transaction or advertising the exchange of goods and services.
320. **Sign, directional.** A sign that is primarily designed to guide or direct pedestrian or vehicular traffic to an area, business, place, or convenience, and may include incidental graphics such as trade names and trademarks.
321. **Sign, freestanding.** A permanent sign fixed directly to the ground, or having one or more supports fixed directly to the ground, and being detached from any building or fence.
322. **Sign, fuel price.** A manually or electronically controlled sign utilized to advertise the price of gasoline and/or diesel fuel.
323. **Sign, incidental.** A sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:
- a. Restrooms;
  - b. Hours of operation;
  - c. Acceptable credit cards;
  - d. Property ownership or management;
  - e. Phone booths; and
  - f. Recycling containers.
324. **Sign, indirectly illuminated.** A sign that is illuminated entirely from an external artificial source.
325. **Sign, monument.** A freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.
326. **Sign, noncommercial.** Any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups.
327. **Sign, off-premises directional.** A sign that contains no advertising of a commercial nature that is used to direct pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 660 feet of the sign.



328. **Sign, on-premises.** A sign that displays a message that is incidental to and directly associated with the use of the property on which it is located.
329. **Sign, permanent.** Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.
330. **Sign, permanent residential development identification.** A permanent sign identifying the residential development upon which the sign is located.
331. **Sign, pole.** A freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.
332. **Sign, portable.** A sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building.
333. **Sign, projecting.** Any sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground.
334. **Sign, temporary.** Any sign, banner, pennant, or valance not permanently attached to the ground, wall or building, intended to be displayed for a limited period of time only.
335. **Sign, wall.** Any sign painted on, or attached directly to and supported by, the wall of a building or structure. All wall signs are building-mounted signs.
336. **Sign, window.** Any sign applied to or mounted on a window.
337. **Site.** A single lot, or two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this Chapter.
338. **Site area.** The total horizontal area of a project site, less the following:
- a. Areas below the ordinary high water mark;
  - b. Areas that are required to be dedicated on the perimeter of a project site for public rights-of-way.
339. **Site cost per student.** The estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs.
340. **SITUS file.** Information on an individual parcel of land, including its size, known extent of existing development, known environmental constraints, approval conditions and other site-specific information; a SITUS file is a King County file.
341. **Source-separated organic material.** Vegetative material, scrap lumber or wood, or other materials that provide a source for recycled or composted products. This does not



include chemically treated wood products and/or toxic organic substances.

342. **Special use permit.** A permit granted by the City to locate a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

343. **Specialized instruction school.** Establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

- a. Art;
- b. Dance;
- c. Music;
- d. Cooking;
- e. Driving; and
- f. Pet obedience training.

344. **Specified sexual activities.** Human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.

345. **Sponsor.** An entity that is hosting a homeless encampment on property it owns or controls and that serves as a liaison with the surrounding community.

346. **Sporting goods store.** An establishment engaged in the retail sale of sporting goods and equipment, including only uses located in SIC Industry Nos.:

- a. 5941 – Sporting goods stores and bicycle shops; and
- b. 5999 – Tent shops and trophy shops.

347. **Sports club.** An establishment engaged in operating physical fitness facilities and sports and recreation clubs, including only uses located in SIC Industry Nos.:

- a. 7991 – Physical fitness facilities; and
- b. 7997 – Membership sports and recreation clubs.

348. **Stable.** A structure or facility in which horses or other livestock are kept for:

- a. Boarding;
- b. Training;
- c. Riding lessons;
- d. Breeding;
- e. Rental; or
- f. Personal use.

349. **Standard of service, school districts.** The standard adopted by each school district that identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district’s standard

of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities that are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, “transitional facilities” shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the “necessary financial commitments” as defined in [SDC 21.06.040](#) are in place to complete the permanent facilities called for in the capital plan.

350. **Steep slope hazard areas.** Those landslide hazard areas in the City on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

- a. The toe of a slope is a distinct topographic break in slope that separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and
- b. The top of a slope is a distinct, topographic break in slope that separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

- c. A distinct topographic break occurs when the change in gradient is less than five feet vertically within a horizontal distance of 25 feet.

351. **Stream functions.** Natural processes performed by streams including functions that are important in facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic, terrestrial, and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments, and other organic matter.

352. **Streams.** Those areas in the City where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or storm water runoff conveyance devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction of such watercourses. For the purpose of this definition, a defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. For the purpose of defining the following categories of streams, normal rainfall is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded at the Seattle-Tacoma International Airport.

- a. Streams shall be classified according to the following criteria:

- i. Type S streams are all streams inventoried as “shorelines of the state” under the City’s shoreline master program. No Type S streams have been identified in the City as of September 1, 2005.
  - ii. Type F streams are those streams that are used by salmonids, have the potential to support salmonid uses, or that have been identified as being of special significance. Streams of special significance are those perennial reaches designated by the City based on historic fish presence and/or the probability of restoration of the following:
    - a) George Davis Creek;
    - b) Ebright Creek;
    - c) Pine Lake Creek; and
    - d) Laughing Jacobs Creek, below Laughing Jacobs Lake.
  - iii. Type Np streams which are perennial during a year of normal rainfall and do not have the potential to be used by salmonids. Type Np streams include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations, then the point of perennial flow should be determined using the best professional judgment of a qualified professional.
  - iv. Type Ns streams which are seasonal or ephemeral during a year of normal rainfall and do not have the potential to be used by salmonids.
- b. For the purposes of this definition, “used by salmonids” and “potential to support salmonid uses” is presumed for:
    - i. Streams where naturally reoccurring use by salmonid populations has been documented by a government agency;
    - ii. Streams that are fish passable by salmonid populations from Lake Sammamish, as determined by a qualified professional based on review of stream flow, gradient and barriers and criteria for fish passability established by the Washington Department of Fish and Wildlife; and
    - iii. Streams that are planned for restoration in a six-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Sammamish.
- 353. **Street.** A public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.
  - 354. **Street, Primary.** A primary street is the street with a higher street classification such as an arterial or collector street. Lots with two frontages on streets of the same classification may choose either street as the primary street frontage.
  - 355. **Street frontage.** Any portion of a lot or combination of lots that directly abuts a public right-of-way.

356. **Structure.** Anything permanently constructed in or on the ground, or over the water, excluding fences six feet or less in height, uncovered decks less than 18 inches above grade, uncovered paved areas, and structural or nonstructural fill.
357. **Student factor.** The number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or countywide averages must be used. Student factors must be separately determined for single-family and multifamily dwelling units, and for grade spans.
358. **Submerged land.** Any land at or below the ordinary high water mark.
359. **Substantial improvement.** Any maintenance, repair, structural modification, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.
360. **TDR certificate.** A form of currency that represents development rights available for sale and use.
361. **TDR certificate of intent.** A document issued to a landowner upon approval of a TDR sending site application. The letter contains a determination of the number of development rights calculated for the sending site and an agreement by the City to issue a corresponding number of TDR certificates in exchange for a conservation easement. The sending site owner may use the TDR certificate letter of intent to market development rights to potential purchasers, but the letter of intent document has no value itself and cannot be transferred or used to obtain increased development rights within receiving areas.
362. **TDR program.** A market-based program that permanently conserves lands with important public benefits by establishing a means to transfer development rights from eligible sending sites to eligible receiving sites through a voluntary process that fairly compensates landowners while providing a public benefit for communities.
363. **TDR sending site application.** An application that a sending site landowner must file in order to be eligible for consideration for designation as a TDR sending site.
364. **Temporary use permit.** A permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.
365. **Theater.** An establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations.
366. **Theatrical production services.** An establishment engaged in uses located in SIC Industry No. 792, Theatrical producers (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer theaters.

367. **Tightline sewer.** A sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area.
368. **Total phosphorus.** The phosphorus concentration as determined by a state-certified analytical laboratory using EPA 365.3 or SM 4500-P-B, E or an equivalent method
- \*Code reviser’s note: Ord. O2013-350 adds this section as [SDC 21.04.040B.359.](#); it has been renumbered to prevent duplication and preserve alphabetization.
369. **Trails.** Manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. Trails may be paved or unpaved, and may be intended and constructed for transportation, recreation, and nature contact and enjoyment. Types of trails are described and defined in the park and recreation plan, trails, bikeways and paths plan, or elsewhere in the city Comprehensive Plan.
370. **Transfer of development rights (TDR).** The transfer of the right to develop or build from sending sites to receiving sites.
371. **Transfer station.** A staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment. (Ord. O2003-132 § 10)
372. **Transit bus base.** An establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.
373. **Transitional housing facilities.** Housing units within the City owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.
374. **Transportation system management (TSM).** Low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips.
375. **Tree, heritage.** A tree that is equal to or greater than twenty-two 22. inches DBH.
376. **Tree, landmark.** A tree that is equal to or greater than thirty-two 32. inches DBH.
377. **Tree, significant.** A tree that is in a healthy condition and is a noninvasive species, including those trees defined as a heritage tree and landmark tree, that is:
- a. A coniferous tree with a diameter of eight 8. inches or more DBH; or
  - b. A deciduous tree with a diameter of twelve 12. inches or more DBH.

378. **Trophic state index.** A classification system which uses algal biomass as the basis for classification which can be independently measured by chlorophyll a, Secchi depth, and total phosphorus concentration.
379. **Trophic status.** A classification which defines lake quality by the degree of biological productivity.
380. **Ultimate roadway section.** A designation by the City that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.
381. **Underground storage tank (UST).** A tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground and is used for the storage of hazardous substances. USTs are generally associated with industrial/commercial land uses and can be found at filling stations, airports, hospitals, automotive repair shops, industrial plants, residential areas and other facilities. The definition of UST does not include underground facilities for the storage or treatment of storm water or for the storage of nonhazardous substances, such as drinking water.
382. **Use.** Activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use.
383. **Utility facility.** A facility for the distribution or transmission of services to an area, including, but not limited to:
- a. Telephone exchanges;
  - b. Water pumping or treatment stations;
  - c. Electrical substations;
  - d. Water storage reservoirs or tanks;
  - e. Municipal groundwater well-fields;
  - f. Regional storm water management facilities;
  - g. Natural gas gate stations and limiting stations;
  - h. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users;
  - i. Sewer lift stations; and
  - j. Pipes, electrical wires and associated structural supports.
384. **Vector waste.** Liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes.
385. **Vector waste receiving facility.** A facility where vector waste is brought for treatment and storage prior to final disposal.
386. **Variance.** An adjustment in the application of standards of a zoning code to a particular property.
387. **Vegetation.** Any and all plant life growing at, below or above the soil surface.
388. **Vocational school.** establishments offering training in a skill or trade to be pursued as a career, including only uses located in SIC Industry Group Nos.:
- a. 824 – Vocational schools; and



- b. 8222 – Technical institutes.
- 389. **Warehousing and wholesale trade.** Establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public that is classified as a retail use in [SDC 21.04.040H](#). These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423.
- 390. **Wastewater treatment facility.** A plant for collection, decontamination, and disposal of sewage, including residential, industrial, and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-0154. as amended.
- 391. **Water budget.** The upper limit of irrigation water applied to the established landscape area.
- 392. **Water-dependent use.** A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
- 393. **Water-enjoyment use.** A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through location, design, and operation, ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.
- 394. **Water-oriented use.** A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
- 395. **Water-related use.** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
  - a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
  - b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
- 396. **Wetland edge.** The line delineating the outer edge of a wetland, as determined by application of the federal 1987 Wetland Delineation Manual (Environmental Laboratory, 1987) and the United States Army Corps of Engineers (USACE) Interim Regional Supplement for Western Mountains, Valleys, and Coast Region (USACE, 2010), or such other manual(s) adopted by the Department consistent with RCW 90.58.380 and WAC 173-22-035, as amended.
- 397. **Wetland functions.** Natural processes performed by wetlands including functions that are important in facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic, terrestrial,



and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4b.2., 1988.

- 398. **Wetland, isolated.** A wetland that is hydrologically isolated from other aquatic resources. Isolated wetlands may perform important functions and are protected by state law (Chapter 90.48 RCW), whether or not they are protected by federal law. The term “isolated wetland” shall not apply within the City’s shoreline jurisdiction as set forth in Chapter 25.05 SMC.
- 399. **Wetlands.** Those areas in the City of Sammamish designated in accordance with the federal 1987 Wetland Delineation Manual (Environmental Laboratory, 1987) and the United States Army Corps of Engineers (USACE) Interim Regional Supplement for Western Mountains, Valleys, and Coast Region (USACE, 2010), or such other manuals adopted by the Department of Ecology pursuant to RCW 90.58.380 and WAC 173-22-035, as amended. Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and

landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

- 400. **Wetlands of local significance.** The wetland identified in the King County Council Wetlands Inventory (1990) as the East Lake Sammamish No. 21 wetland (North Beaver Lake Bog), and others as designated by the City council. Wetlands of local significance shall be subject to greater protection and environmental education efforts where possible.
- 401. **Wetpond.** An artificial water body constructed as a part of a surface water management system.
- 402. **Wildlife shelter.** A facility for the temporary housing of sick, wounded, or displaced wildlife.
- 403. **Work release facility.** A facility that allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment.
- 404. **Wrecked, dismantled, or inoperative vehicle.** A motor vehicle or the remains or remnant parts of a motor vehicle that is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor, and meets at least three of the following requirements:
  - a. Is three years old or older;

- b. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- c. Is apparently inoperable;
- d. 4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

405. **Yard.** Any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, and artificial turf, but do not include areas covered by pervious concrete or other similar materials.

406. **Yard or organic waste processing facility.** A site where yard and garden wastes, including wood and land clearing debris, are processed into new products such as soil amendments and wood chips.

## CHAPTER 21.05.

# USES

---

21.05.010 Principal Uses . . . . .	261
21.05.020 Accessory Uses . . . . .	289
21.05.030 Temporary Uses. . . . .	293
21.05.040 Re-use of Facilities . . . . .	302

## 21.05.010 Principal Uses

### A. Establishment of uses

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding 60 days. A use that will operate for less than 60 days is considered a temporary use, and subject to the requirements of [SDC 21.05.030](#). All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the City of Sammamish.

### B. Interpretation of land use tables

1. The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.
2. If an "X" appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
3. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.
4. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.

5. If the letter "S" appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.
6. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.
7. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.
8. All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

C. Residential land uses

Table of Residential Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RESIDENTIAL LAND USES						
SIC #	Zones	Residential		Neighborhood Business	Commercial	Office
		Urban Residential		Community Business		
	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
	Dwelling Units, Types					
*	Single detached	P, C9	P, C9	X	X	X
*	Townhouse	P10	P	P2	P2	P2
*	Apartment	P3	P	P2	P2	P2
*	Mobile home park	C6	P	X	X	X
*	Duplex 17.	P16	P	X	X	X
	Group Residences					
*	Community residential facility, I	C	P	P2	P2	P2
*	Community residential facility, II	X	X	P2	P2	P2
*	Dormitory	C4	P	X	X	X
*	Senior citizen assisted housing	X	P	P2	P2	P2
	Accessory Uses					
*	Residential accessory uses	P5	P5	X	X	X
*	Home business, Type I	P	P	P	P	P
*	Home business, Type II	C	C	C	C	C
*	EV charging station (11, 12)	P13	P13	P	P	P
*	Rapid charging station 14.	P15	P15	P	P	P
*	Cooperative 18.	X	X	X	X	X
*	Collective garden 18.	X	X	X	X	X
	Temporary Lodging					
7011	Hotel / motel 1.	X	X	X	P	P
*	Bed and breakfast guesthouse	P7	P7	P7	P8	X

RESIDENTIAL LAND USES						
	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
7041	Organization hotel / lodging houses	X	X	X	X	X

**Development Conditions:**

- (1) Except bed and breakfast guesthouses.
- (2) Only as part of a mixed use development subject to the conditions of [SDC 21.07.060](#), stand-alone townhouse developments are permitted subject to the provisions of [SDC 21.04.030D.](#), [SDC 21.02.030D.](#), [SDC 21.05.010D.](#) and [SDC 21.02.030I.](#)
- (3) Only in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of [SDC 21.05.030.](#)
- (4) Only as an accessory to a school, college/university, or church.
- (5) Residential accessory uses
  - a. Accessory dwelling units:
    - i. Only one accessory dwelling per primary single detached dwelling unit;
    - ii. Only in the same building as the primary dwelling unit when there is more than one primary dwelling on a lot;
  - iii. The primary dwelling unit or the accessory dwelling unit shall be owner occupied;
  - iv. The accessory dwelling units shall not exceed a floor area of 1,000 square feet when detached, except when one of the dwelling units is wholly contained within the existing residence then the floor area shall not exceed 50 percent of the floor area of the existing unit;
  - v. When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
  - vi. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in [SDC 21.04.040B.125.](#);
  - vii. Additions to an existing structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit;
  - viii. No additional off-street parking space shall be required when the parcel contains four or more parking spaces;

- ix. The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and
  - x. An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.
- b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a City right-of-way, to a waterbody or landing field, provided:
- i. No aircraft sales, service, repair, charter, or rental; and
  - ii. No storage of aviation fuel except that contained in the tank or tanks of the aircraft.
- (6) Mobile home parks shall not be permitted in the R-1 zones.
- (7) Only as an accessory to the permanent residence of the operator, provided:
- i. Serving meals to paying guests shall be limited to breakfast; and
  - ii. The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adopted by the City of Sammamish for R-1 occupancies may accommodate up to 10 persons per night.
- (8) Only when part of a mixed use development.
  - (9) Required prior to approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (C)5. of this section.
  - (10) Only when done in accordance with the low impact development standards in [SDC 21.02.030D.](#) and [SDC 21.06.070.](#)
  - (11) Level 1 and Level 2 charging only.
  - (12) Level 1 and Level 2 charging are permitted in critical aquifer recharge areas and in other critical areas when serving an existing use.
  - (13) Allowed only as accessory to a primary permitted use or permitted conditional use.
  - (14) The term "rapid" is used interchangeably with "Level 3" and "fast charging."
  - (15) Only as an "electric vehicle charging station – restricted."
  - (16) Duplexes are allowed in R-4, R-6 and R-8 zones only. Duplexes must be new construction only; no additions to existing structures are allowed.



- (17) Duplexes only are subject to the design standards in [SDC 21.07.060D.2.](#) and are defined in [SDC 21.07.050B.17.](#) Affordable duplex units that meet the provisions of [SDC 21.07.100E.](#) and [SDC 21.07.100F.](#) shall be counted as one-half of a dwelling unit for the purpose of calculating density. Units in duplexes on the corners of rights-of-way shall be counted as one-half a dwelling unit for the purpose of calculating density. The entrances to the duplex dwelling units on corners shall be located with only one entrance facing on each street side of the building.
- (18) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

#### **D. Townhouse development**

In the R-1 through R-8 zones and in the NB zone on property designated commercial outside of center in the urban area, a building that contains a grouping of attached townhouse units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of townhouses.

#### **E. Attached dwellings and group residence—Applicability**

The standards of [SDC 21.06.030E.](#) and [SDC 21.05.010F.](#) shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I community residential facilities (CRF-I). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with [SDC 21.06.030E.](#) and [SDC 21.05.010F.](#)

#### **F. Attached dwellings and group residences—Building façade modulation**

Apartment and townhouse developments and all group residences shall provide building facade modulation on facades exceeding 60 feet and facing abutting streets or properties zoned R-1 through R-4. The following standards shall apply:

1. The maximum wall length without modulation shall be 30 feet; and
2. The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet;
3. Any other technique approved by the director that achieves the intent of this section.

**G. Mixed use development—Percentages of residential uses**

Residential uses in mixed use developments shall be subject to the following limits:

1. A maximum of 50 percent of the total built floor area when located in NB zones; and
2. A maximum of 75 percent of the total built floor area when located in CB and O zones; provided, that the total percentage may be increased by an additional 10 percent with the approval of the director.

**H. Mixed use development—Residential density**

Base residential density for mixed use developments shall be determined using total site area according to [SDC 21.04.030D.1](#).

**I. Mixed use development—Building floor area**

1. For mixed use developments that utilize at least 25 percent of building square footage for residential uses in the NB zone and at least 50 percent of building square footage in the CB or O zones, the building floor area ratio shall be as follows:
  - a. 1.5/1 in NB zones;
  - b. 3.5/1 in CB zones; and
  - c. 4.0/1 in O zones.
2. Building floor area ratios of subsection 1. of this section may be increased when all required parking is contained within a common parking structure, as follows:

- a. 2.0/1 in NB zones;
- b. 4.5/1 in CB zones; and
- c. 5.0/1 in O zones.

**J. Mixed use development—Shared parking**

For mixed use developments, a 20 percent reduction of required parking shall be permitted when the criteria of [SDC 21.06.030D](#) for shared parking facilities are met.

**K. Mobile home parks—Standards for existing parks**

1. Mobile home parks established prior to August 3, 1999 shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.
2. Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved. Where internal setbacks are not specified, the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.
3. No spaces or pads in an existing mobile home park shall be used to accommodate recreational vehicles (RVs), except when the spaces or pads were specifically for RVs at the time the park was established.
4. An existing mobile home park may be enlarged, provided the proposed enlargement meets the standards set forth in [SDC 21.05.010L](#).

5. Both insignia and non-insignia mobile homes may be installed in established parks; provided, that all mobile homes supported by piers shall be fully skirted, and that nonstandard mobile homes shall meet the minimum livability and safety requirements set forth in SMC Title 16, Buildings and Construction.

**L. Mobile home parks—Standards for new parks**

New mobile home parks shall be developed subject to the following standards:

1. A mobile home park shall be at least three acres in area;
2. Residential densities in a mobile home park shall be as follows:
  - a. Six dwellings per acre in R-4 zone;
  - b. The base density of the zone in which the park is located in all R-6 through R-18 zones; and
  - c. Mobile home parks shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for mobile home parks set forth in [SDC 21.02.050](#);
3. Both insignia and non-insignia mobile homes may be installed in mobile home parks; provided, that non-insignia mobile homes shall meet the minimum livability and safety requirements set forth in SMC Title 16, Uniform Building Code;
4. A mobile home park shall be exempt from impervious surface limits set forth in [SDC 21.04.030](#);
5. At least one of the off-street parking spaces required for each mobile home shall be located on or adjacent to each mobile home pad;
6. Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the adopted interim street standards as set forth in the public works standards for residential minor access streets;
7. There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site. Accessory structures shall be located no closer than:
  - a. Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;
  - b. Five feet to accessory structures of mobile homes on adjacent spaces; and
  - c. Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;
8. All mobile homes and RVs supported by piers shall be fully skirted; and
9. A mobile home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters.

**M. Nonresidential use design standards**

1. **Applicability.** This section applies to new nonresidential uses or improvements within the R-1, R-4, R-6, and R-8 zoning designations. Nonresidential uses and improvements include, but are not limited to, those uses specified in [SDC 21.04.040F](#) through [SDC 21.04.040J](#) and supporting improvements (e.g., parking lots), or other similar uses or improvements as determined by the director.
2. **Purpose.** The purpose of this section is to establish standards for the development of civic uses such as schools, churches, community centers, and other similar uses in the R- zones to ensure compatibility with residential development. Civic uses should be designed to minimize impacts on residential neighborhoods from noise, light, visual impacts, and vehicle traffic.
3. **Location.** New nonresidential uses and improvements shall be located with direct access to a neighborhood collector or arterial street, as defined in the adopted Public Works Standards.
4. **Traffic Demand Management.** New nonresidential uses shall prepare and adhere to a traffic demand management plan to reduce traffic generation during the a.m. and p.m. peak hours. The traffic demand management plan shall be reviewed and approved by the City.
5. **Parking Lots.** New parking lots for nonresidential uses, or parking lots that are expanded by more than 50 percent of the original parking lot area, shall:
  - a. Incorporate the following low impact development design into the parking lot design as follows:
    - i. Infiltration of all stormwater generated from the proposed parking lot is required. The director may authorize a reduction in infiltration required if the applicant demonstrates that infiltration is not feasible due to site-specific soil and/or geologic conditions.
    - ii. Required landscaping shall incorporate soil amendments. Soil amendments shall be comprised of a compost or soil amendment mix consistent with the adopted Sammamish Surface Water Design Manual.
    - iii. Incorporate any other low impact development technique required by Sammamish Surface Water Design Manual.
  - b. Incorporate a minimum buffer of 30 feet with a berm around the perimeter of the parking lot where adjacent to public right-of-way and neighboring properties, designed such that the berm height is no less than three feet above the highest elevation of the parking lot. The berm shall be maintained as needed to ensure the berm height is not diminished over time due to erosion or other causes. The director may authorize an alternative design to the berm that will provide an equivalent amount of year-round screening for vehicle headlights and follow Crime Prevention Through Environmental Design (CPTED) principles such as the preservation of forest and additional landscaping.
6. **Noise.** Civic uses shall be designed to minimize noise impacts on adjacent residential properties such as the use of mature trees, landscaping and other features to minimize noise transfer across properties and using

existing topography to minimize sound travel. The City may require a noise impact study by a qualified professional to understand potential impacts and mitigation.

7. Lighting. Lighting shall be designed to minimize glare on adjacent properties using cutoff fixtures that conceal the light source from adjacent properties. Other mitigation measures should be used as needed to minimize light travel. Unless needed for safety and security, lighting should be turned off when not in use.
8. Non-Motorized Connections. Civic uses shall be designed for multiple non-motorized connections to adjacent streets and neighborhoods where feasible. The purpose of the connections is to provide easy access for people walking, biking, or rolling.

**N. Recreational/cultural land uses**

Table of Recreational/Cultural Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RECREATIONAL / CULTURAL LAND USES						
SIC #	Zones	Residential		Neighborhood Business	Commercial	
		Urban Residential			Community Business	Office
	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
	Park / Recreation					
*	Park	P1	P1, P10	P	P	P
*	Trails	P	P	P	P	P
*	Marina	C2	C2	P4	P	P
*	Sports club 9.	C3	C3	C	P	X
	Amusement / Entertainment					
*	Theater	X	X	X	P5	P5
7833	Theater, drive-in	X	X	X	X	X
793	Bowling center	X	X	X	P	X
*	Golf facility	P6	P6	X	X	X
7999	Amusement and recreation services	P7, C	P7, C	X	P	X
*	Amusement arcades	X	X	X	P	X
	Cultural					
823	Library	P8, C	P8, C	P	P	P
841	Museum	P8, C	P8, C	P	P	P
842	Arboretum	P	P	P	P	P
*	Conference center	P8, C	P8, C	P	X	P

**Development Conditions:**

- (1) The following conditions and limitations shall apply, where appropriate:
  - a. No stadiums on sites less than 10 acres;
  - b. Lighting for structures and fields shall be directed away from residential areas;
  - c. Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to [SDC 21.04.030.C](#). Buildings, service yards, swing sets, sandboxes, playhouses, other playground equipment, basketball hoops, tennis courts, camping tents, temporary tent structures used for functions and gathering, and dumpsters shall maintain a minimum distance of 20 feet from property lines adjoining residential zones R-1 to R-8.
- (2) Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available prior to date of application.
- (3) Limited to recreation facilities subject to the following conditions and limitations:
  - a. The bulk and scale shall be compatible with residential or rural character of the area;
  - b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and
  - c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.
- (4) Limited to day moorage.
- (5) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- (6) Clubhouses, maintenance buildings and equipment storage areas, and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones.
- (7) Limited to a golf driving range as an accessory to golf courses.
- (8) Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of [SDC 21.05.030](#).
- (9) Only for stand-alone sports clubs that are not part of a park.
- (10) Park structures shall maintain a minimum distance of 10 feet from property lines adjoining multifamily zones R-12 and R-18.



O. General services land uses

Table of General Services Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

GENERAL SERVICES LAND USES						
SIC #	Zones	Residential		Neighborhood Business	Commercial	
		Urban Residential			Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
	Personal Services					
72	General personal services	X	X	P	P	P3
7216	Drycleaning plants	X	X	X	X	X
7261	Funeral home / crematory	C4	C4	X	P	X
*	Cemetery, columbarium, or mausoleum	P20, C5	P20, C5	P20	P20	P20
*	Daycare I	P6	P	P	P	P7
*	Daycare II	P8, C	P8, C	P	P	P7
074	Veterinary clinic	X	X	P9	P9	X
753	Automotive repair 1.	X	X	P10	P	X
76	Miscellaneous repair	X	X	X	P	X
*	Battery exchange station	X	X	P10	P10	X
866	Churches, synagogue, temple	P11, C	P11, C	P	P	P
83	Social services 2.	P11, C12	P11, C12	P12	P	P
*	Stable	P13, C	X	X	X	X
*	Kennel or cattery	X	X	X	C	X
*	Theater production services	X	X	X	P24	X
*	Artists studios	P22	P22	P	P	P23
*	Interim recycling facility	P17	P17	P18	P18	X
	Health Services					
801 - 04	Office / outpatient clinic	P11, C12	P11, C12	P	P	P
805	Nursing and personal care facilities	X	C	X	P	X

GENERAL SERVICES LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
806	Hospital	C12	C12	X	P	C
807	Medical / dental lab	X	X	X	P	P
808 - 09	Miscellaneous health	X	X	X	P	P
*	Marijuana producer 25.	X	X	X	X	X
*	Marijuana processor 25.	X	X	X	X	X
*	Marijuana retailer 25.	X	X	X	X	X
*	Cooperative 25.	X	X	X	X	X
*	Collective garden 25.	X	X	X	X	X
	Education Services					
*	Elementary school	P	P	X	X	X
*	Middle / junior high school	P	P	X	X	X
*	Secondary or high school	P21	P21	X	X	X
*	Vocational school	P12, C	P12, C	X	C	P14
*	Specialized instruction school	P15, C16	P15, C16	P	P	P14
*	School district support facility	P19, C	P19, C	C	P	P

#### Development Conditions:

- (1) Except SIC Industry No. 7534, Tire retreading, see manufacturing permitted use table.
- (2) Except SIC Industry Group Nos.:
  - a. 835 – Daycare services; and
  - b. 836 – Residential care, which is otherwise provided for on the residential permitted land use table.

- (3) Limited to SIC Industry Group and Industry Nos.:
  - a. 723 – Beauty shops;
  - b. 724 – Barber shops;
  - c. 725 – Shoe repair shops and shoeshine parlors;
  - d. 7212 – Garment pressing and agents for laundries and drycleaners;
  - e. 217 – Carpet and upholstery cleaning.
- (4) Only as an accessory to a cemetery.
- (5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (6) Only as an accessory to residential use, provided:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
  - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
- (7) Permitted as an accessory use, see commercial/industrial accessory, [SDC 21.07.040G.1](#).
- (8) Only as a re-use of a public school facility subject to the provisions of [SDC 21.05.040](#), or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
  - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - c. Direct access to a developed arterial street shall be required in any residential zone; and
  - d. Hours of operation may be restricted to assure compatibility with surrounding development.
9. No burning of refuse or dead animals is allowed;
  - a. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
  - b. The provisions of [SDC 21.05.020](#) relative to animal keeping are met.
- (10) The repair work, battery exchange station work, or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532, Top, body, and upholstery repair shops and paint shops, is not allowed.
- (11) Only as a re-use of a public school facility subject to the provisions of [SDC 21.05.040](#).
- (12) Only as a re-use of a surplus nonresidential facility subject to [SDC 21.05.040](#).

- (13) Covered riding arenas are subject to the provisions of [SDC 21.05.020](#) and shall not exceed 20,000 square feet; provided, that stabling areas, whether attached or detached, shall not be counted in this calculation.
- (14) All instruction must be within an enclosed structure.
- (15) Only as an accessory to residential use, provided:
- a. Students are limited to 12 per one-hour session;
  - b. All instruction must be within an enclosed structure; and
  - c. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- (16) Subject to the following:
- a. Structures used for the school and accessory uses shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
  - b. On lots over two and one-half acres:
    - i. Retail sales of items related to the instructional courses are permitted, provided total floor area for retail sales is limited to 2,000 square feet;
    - ii. Sales of food prepared in the instructional courses are permitted, provided total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school; and
    - iii. Other incidental student-supporting uses are allowed, provided such uses are found to be both compatible with and incidental to the principal use; and
  - c. On sites over 10 acres, and zoned R-1 and/or R-4:
    - i. Retail sales of items related to the instructional courses are permitted, provided total floor area for retail sales is limited to 2,000 square feet;
    - ii. Sales of food prepared in the instructional courses are permitted, provided total floor area for food sales is limited to 1,750 square feet and is located in the same structure as the school;

- iii. Other incidental student-supporting uses are allowed, provided such uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;
  - iv. The use is integrated with allowable agricultural uses on the site;
  - v. Advertised special events shall comply with the temporary use requirements of this chapter; and
  - vi. Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the standards set forth in development condition (B)16.c. of this section and the requirements of this Chapter.
- (17) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (18) With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.
- (19) Only when adjacent to an existing or proposed school.
- (20) Limited to columbariums accessory to a church; provided, that required landscaping and parking are not reduced.
- (21) New high schools shall be permitted in urban residential zones subject to the review process set forth in [SDC 21.09.070](#); and
- a. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.
- (22) Only as a re-use of a surplus nonresidential facility subject to [SDC 21.05.040](#) or as a joint use of an existing public school facility.
- (23) All studio use must be within an enclosed structure.
- (24) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- (25) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

## P. Government/business services land uses

Table of Government/Business Service Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

GOVERNMENT / BUSINESS SERVICES LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
	Government Services					
*	Public agency or utility yard 25.	C25	C25	P	P	P
*	Satellite public agency or utility yard	P26, C	P26, C	P	P	P
*	Public agency or utility office	P2, P27, C	P2, P27, C	P	P	P
*	Public agency archives	P27	P27	X	X	P
921	Court	P27	P27	P3	P3	P
9221	Police facility	P27	P27	P5	P	P
9224	Fire facility	C4	C4	P	P	P
*	Utility facility	P22, C21	P22, C21	P	P	P
*	Commuter parking lot	C, P14	C, P14	P	P	P
*	Private storm water management facility	P6	P6	P6	P6	P6
*	Vactor waste receiving facility	P13	P13	P23	P23	P23
*	Farmers' market	P26, P27	P26, P27	P23	P23	P23
	Business Services					
*	Construction and trade	X	X	X	X	P7
*	Individual transportation and taxi	X	X	X	P18	P8
421	Trucking and courier service	X	X	X	P9	P10
*	Self-service storage	X	C11	X	P	P
473	Freight and cargo services	X	X	X	X	P
472	Passenger transportation services	X	X	X	P	P
48	Communication offices	X	X	X	X	P

GOVERNMENT / BUSINESS SERVICES LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
482	Telegraph and other communications	X	X	X	P	P
*	General business services	X	X	P	P	P
*	Professional office	X	P31	P	P	P
7312	Outdoor advertising service	X	X	X	X	P12
735	Miscellaneous equipment rental	X	X	X	P12	P12
751	Automotive rental and leasing	X	X	X	P	X
752	Automotive parking	X	X	P15	P15	P15
*	Off-street required parking lot	P24	P24	P24	P24	P24
7941	Professional sports team / promoters	X	X	X	X	P
873	Research, development and testing	X	X	X	X	P1
	Accessory Uses					
*	Commercial / industrial accessory uses	X	X	P16	P16	P
*	Helistop	C17	C17	C17	C17	C17
*	EV charging station (28, 29)	P	P	P	P	P
*	Rapid charging station (29, 30)	P	P	P	P	P

**Development Conditions:**

- (1) Except SIC Industry No. 8732, Commercial economic, sociological, and educational research, see general business service/office.
- (2) Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of [SDC 21.05.040](#); or
  - a. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.



- (3) Only as a re-use of a surplus nonresidential facility subject to [SDC 21.05.040](#).
- (4) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - a. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
  - b. No outdoor storage.
- (5) Limited to “storefront” police offices. Such offices shall not have:
  - a. Holding cells;
  - b. Suspect interview rooms (except in the NB zone); or
  - c. Long-term storage of stolen properties.
- (6) Private storm water management facilities serving development proposals located on commercial zoned lands shall also be located on commercial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated “urban” in the King County comprehensive plan shall only be located in the urban area.
- (7) No outdoor storage of materials.
- (8) Limited to office uses.
- (9) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
- (10) Limited to SIC Industry No. 4215, Courier services, except by air.
- (11) Accessory to an apartment development of at least 12 units, provided:
  - a. The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
  - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
  - c. The use of the facility shall be limited to dead storage of household goods;
  - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
  - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
  - f. No residential occupancy of the storage units;
  - g. No business activity other than the rental of storage units; and
  - h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (12) No outdoor storage.
- (13) Only as an accessory use to a public agency or utility yard, or to a transfer station.

- (14) Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the Department of Transportation.
- (15) No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
- (16) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
- (17) Limited to emergency medical evacuation sites in conjunction with police, fire or health service facilities.
- (18) Limited to private road ambulance services with no outside storage of vehicles.
- (19) Limited to two acres or less.
- (20) Utility yards only on sites with utility district offices; or
- (21) Public agency yards are limited to material storage for road maintenance facilities.
- (22) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
- (23) Excluding bulk gas storage tanks.
- (24) Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
- (25) Provided:
  - a. Off-street required parking for a land use located in the urban area must be located in the urban area;
  - b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
  - c. Off-street required parking must be located on a lot which would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
- (26) Prior to issuing the notice of decision, the applicant shall hold a second neighborhood meeting consistent with the provisions of [SDC 21.09.010D](#).
- (27) Accessory to an existing publicly owned and improved site, limited to parks and schools.
- (28) Accessory to an existing publicly owned and improved site, containing a school, City Hall, or civic center.
- (29) Level 1 and Level 2 charging are permitted in critical aquifer recharge areas and in other critical areas when serving an existing use.
- (30) Allowed only as accessory to a primary permitted use or permitted conditional use.
- (31) The term "rapid" is used interchangeably with "Level 3" and "fast charging."

(32) The professional office use and improvements shall be subject to the following limitations:

- a. Only allowed within the Inglewood and Pine Lake Community Centers as designated by the Sammamish Comprehensive Plan;
- b. The total floor area associated with the use shall not exceed 3,000 square feet;
- c. The hours that the business is open to the public shall be limited to between 8:00 a.m. and 6:00 p.m.;
- d. The number of individual professional office spaces shall not exceed three per building; and
- e. The individual professional office spaces shall be located on the ground floor of the building in which they are located.

**Q. Public agency and utility yards—Design requirements**

Public agency and utility yards are subject to the following design requirements:

1. Public agency and utility yards and associated structures located on sites that have direct access to principal arterials shall be set back a minimum of 15 feet from residentially zoned properties;
2. Public agency and utility yards and associated structures located on sites that have direct access to minor or collector arterials shall be set back a minimum of 20 feet from residentially zoned properties and shall incorporate one of the following into the site design:

- a. Solid wood fencing around the perimeter of the site; or
  - b. Increased landscaping density to provide a “green wall” or visually solid landscaping effect.
3. Vehicle and equipment start-up and maintenance areas shall be buffered from adjacent properties by buildings or structures designed to reduce visual and noise impacts; and
  4. Vehicle and equipment start-up and maintenance areas shall be set back from adjacent properties subject to the following criteria:
    - a. Vehicle and equipment startup and maintenance areas shall be set back a minimum of 30 feet from adjacent properties; or
    - b. Vehicle and equipment start-up and maintenance areas shall be set back a minimum of 15 feet from adjacent properties, provided:
      - i. That site design shall ensure that noise generated on the site does not exceed 70 decibels as measured at the shared property line; and
      - ii. That site design incorporates buildings or structures designed to be consistent with the design of adjacent residential development;
    - c. Required setback areas shall provide landscaping for the entire setback area.

**R. Satellite public agency and utility yards—Design requirements**

Satellite public agency and utility yards are subject to the following design requirements:

1. Buildings and structures shall be set back a minimum of 15 feet from residentially zoned properties;
2. Vehicle and equipment start-up and maintenance areas shall be buffered from adjacent properties by incorporating one of the following site design features:
  - a. Buildings or structures are designed to reduce visual and noise impacts;
  - b. Ensuring that noise generated from the satellite public agency and utility yard shall not exceed 60 decibels as measured at the property line; or
  - c. Providing 30 feet of landscaping area between the proposed development and adjacent residentially zoned properties;
3. Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 8:00 p.m., and Saturday and Sunday, 7:00 a.m. to 6:00 p.m., except in response to emergency situations or following community events (e.g., ball games, concerts, community picnics, etc.

## S. Retail land uses

Table of Retail Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RETAIL LAND USES						
SIC #	Zones	Residential		Neighborhood Business	Commercial	
		Urban Residential			Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
*	Building, hardware, and garden materials	X	X	P1	P	X
*	Department and variety stores	X	X	P	P	C
54	Food stores	X	X	P	P	C
*	Agricultural product sales	P2	X	X	X	X
553	Auto supply stores	X	X	X	P4	X
554	Gasoline service stations	X	X	P	P	X
56	Apparel and accessory stores	X	X	X	P	X
*	Furniture and home furnishings stores	X	X	X	P	X
58	Eating and drinking places	X	X	P5	P	P
*	Drug stores	X	X	P	P	C
592	Liquor stores	X	X	X	P	X
593	Used goods: antiques / secondhand shops	X	X	X	P	X
*	Sporting goods and related stores	X	X	X	P	X
*	Books, stationary, video and art supply stores	X	X	P	P	C
*	Jewelry stores	X	X	X	P	X
*	Hobby, toy, game shops	X	X	P	P	X
*	Photographic and electronic shops	X	X	P	P	X
*	Fabric shops	X	X	X	P	X
598	Fuel dealers	X	X	X	C7	P

RETAIL LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
*	Florist shops	X	X	P	P	P
*	Personal medical supply stores	X	X	X	P	X
*	Pet shops	X	X	P	P	X
*	Bulk retail	X	X	X	P	X
*	Livestock sales	P8, P9	X	X	X	X
*	Marijuana retailer 10.	X	X	X	X	X

**Development Conditions:**

- (1) Only hardware and garden materials stores shall be permitted.
- (2) Except for hay sales, limited to products produced on site; and
- (3) Covered sales areas shall not exceed a total area of 500 square feet.
- (4) Limited to SIC Industry No. 5331, Variety stores, and further limited to a maximum of 2,000 square feet of gross floor area.
- (5) Only the sale of new or reconditioned automobile supplies is permitted.
- (6) Excluding SIC Industry No. 5813, Drinking places.
- (7) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers,

public libraries, or churches which conduct religious or educational classes for minors.

- (8) No outside storage of fuel trucks and equipment.
- (9) Retail sale of livestock is permitted only as accessory to raising livestock.
- (10) Limited to the R-1 zone.
- (11) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

## T. Manufacturing land uses

Table of Manufacturing Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

MANUFACTURING LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
27	Printing and publishing	X	X	P1	P1	P1, C
32	Stone, clay, glass and concrete products	X	X	X	P2	X
357	Computer and office equipment	X	X	X	X	C
38	Measuring and controlling instruments	X	X	X	X	C
*	Marijuana producer 3.	X	X	X	X	X
*	Marijuana processor 3.	X	X	X	X	X
*	Cooperative 3.	X	X	X	X	X
*	Collective garden 3.	X	X	X	X	X

### Development Conditions:

- (1) Limited to photocopying and printing services offered to the general public.
- (2) Only within enclosed buildings, and as an accessory use to retail sales.
- (3) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.



U. Resource land uses

Table of Resource Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RESOURCE LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
	Agriculture					
01	Growing and harvesting crops	P	X	X	X	X
02	Raising livestock and small animals	P2	X	X	X	X
	Forestry					
08	Growing and harvesting products	P	X	X	X	X
*	Forest research	P2	X	X	X	X
	Fish and Wildlife Management					
0921	Hatchery / fish preserve	C	X	X	X	X
0273	Aquaculture	C	X	X	X	X

Development Conditions:

- (1) Only forest research conducted within an enclosed building.
- (2) Large livestock allowed only in the R1-8 zones. On parcels less than 2.00 acres the property must have an approved farm plan from the King County conservation district on file with the City.

## V. Regional land uses

Table of Regional Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

REGIONAL LAND USES						
SIC #	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
*	Jail	S	S	S	S	S
*	Work release facility	S	S	S	S	S
*	Public agency training facility	X	X	X	S1	S1
*	Hydroelectric generation facility	C9, S	X	X	X	X
*	Non-hydroelectric generation facility	C8, S	C8, S	C8, S	C8, S	C8, S
*	Wireless communication facility	Refer to <a href="#">SDC 21.06.060G</a> for wireless communication facility uses.				
*	Earth station	C4a, S	C4a, S	P4b, C	P	P
13	Oil and gas extraction	S	S	S	S	S
*	Energy resource recovery facility	S	S	S	S	S
*	Landfill	S	S	S	S	S
*	Transfer station	S	S	S	S	X
*	Waste treatment facility	S	S	S	S	S
*	Municipal water production	S	S	S	S	S
*	Airport / heliport	S	S	S	S	S
*	Transit bus base	S	S	S	S	S
*	School bus base	C, P3, S	C3, S	S	S	S
7948	Racetrack	S5	S5	S5	S	S5
*	Fairground	X	X	X	S	X
8422	Zoo / wildlife exhibit	S	S	X	S	X
7941	Stadium / arena	X	X	X	X	X

REGIONAL LAND USES						
	Zones	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC #	SPECIFIC LAND USE	R-1 TO R-8	R-12 TO R-18	NB	CB	O
8221-8222	College / university	P6, C7, S	P6, C7, S	P6, C7, S	P	P

**Development Conditions:**

- (1) Except weapons armories and outdoor shooting ranges.
- (2) Except outdoor shooting range.
- (3) Only in conjunction with an existing or proposed school.
- (4) Limited to no more than three satellite dish antennas.
  - a. Limited to one satellite dish antenna.
  - b. Limited to tower consolidations.
- (5) Except racing of motorized vehicles.
- (6) Only as a re-use of a public school facility subject to the provisions of [SDC 21.05.040](#).
- (7) Only as a re-use of a surplus nonresidential facility subject to the provisions of [SDC 21.05.040](#).
- (8) Limited to cogeneration facilities for on-site use only.
- (9) Limited to facilities that comply with the following provisions:
  - a. Any new diversion structure shall not:
    - i. Exceed a height of eight feet as measured from the stream bed; or
    - ii. Impound more than three surface acres of water at the normal maximum surface level;
    - iii. There shall be no active storage;
    - iv. The maximum water surface area at any existing dam or diversion shall not be increased;
    - v. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
  - b. Any transmission line shall be limited to a:
    - i. Right-of-way of five miles or less; and
    - ii. Capacity of 230 KV or less;
  - c. Any new, permanent access road shall be limited to five miles or less; and
  - d. The facility shall only be located above any portion of the stream used by anadromous fish.

## 21.05.020 Accessory Uses

### A. Purpose

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities. In addition, the intent of the home business regulations is to:

1. Maintain and preserve the character of neighborhoods;
2. Promote appropriate business and economic development opportunities within neighborhoods;
3. Ensure the compatibility of home businesses and surrounding uses; and
4. Mitigate potential impacts to surrounding uses.

### B. Animal regulations—Small animals

The raising, keeping, breeding, or fee boarding of small animals is subject to Chapter 11.04 KCC as adopted by Chapter 11.05 SMC, Animal Control, and the following requirements:

1. Small animals that are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in KCC Title 11 as adopted by Chapter 11.05 SMC.
2. Other small animals kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with

an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection 5. of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 11.04 KCC as adopted by Chapter 11.05 SMC.

3. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.
4. Animals considered to be household pets shall be treated as other small animals pursuant to subsection 5. of this section when they are kept for commercial breeding, boarding or training.
5. Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:
  - a. Birds shall be kept in an aviary or loft that meets the following standards:
    - i. The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized bird, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.
    - ii. Aviaries or lofts shall not exceed 2,000 square feet.

- iii. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.
- b. Small animals other than birds shall be kept according to the following standards:
  - i. The minimum site area shall be one-half acre if more than three small animals are being kept.
  - ii. All animals shall be confined within a building, pen, aviary or similar structure.
  - iii. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.
  - iv. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
  - v. Hamsters and chinchillas are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
  - vi. Mink and fox are permitted only on sites having a minimum area of five acres.
  - vii. Beekeeping is limited as follows:
    - a) Beehives are limited to 50 on sites less than five acres;
    - b) The number of beehives shall not be limited on sites of five acres or greater;
    - c) Colonies shall be maintained in movable-frame hives at all times;
    - d) Adequate space shall be provided in each hive to prevent overcrowding and swarming;
    - e) Colonies shall be requeened following any swarming or aggressive behavior;
    - f) All colonies shall be registered with the King County extension agent prior to April 1st of each year on a state registration form acceptable to the county; and
    - g) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in [SDC 21.09.110](#), Enforcement.

**C. Animal regulations—Livestock—Management standards**

Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers.

**D. Animal regulations—Livestock—Building requirements**

1. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property (see also [SDC 21.04.030N](#) for setbacks related to manure storage); and
2. A barn or stable may contain a caretaker's accessory living quarters.

**E. Home businesses**

1. Business License. All home businesses shall obtain required business licenses.
2. Compatibility Required. All home businesses shall be operated in such a way as to ensure compatibility between the home business and the surrounding neighborhood. In addition to other required standards, home business compatibility shall address the following aspects of the home business:
  - a. Visibility from adjacent properties and the street;
  - b. Audibility and vibrations from adjacent properties and the street;
  - c. Residential scale and intensity;
  - d. Odors;
  - e. Health and safety (including the use of significant amounts of hazardous materials or the creation of significant amounts of hazardous waste); and
  - f. Traffic.
3. Prohibited. The following home businesses are prohibited:
  - a. Automobile, truck, and heavy equipment repair;
  - b. Autobody work or painting;
  - c. Adult use facilities;
  - d. Veterinary clinic or hospitals;
  - e. Collective gardens;
  - f. Cooperatives;
  - g. Outdoor parking and storage of heavy equipment;
  - h. Outdoor storage of automobiles, boats, and recreational vehicles;
  - i. Outdoor storage of building materials for use on other properties; and
  - j. Other uses determined by the director to be similar in nature to the prohibited uses listed in this subsection.
4. Home businesses that meet the following standards will be considered Type 1 home businesses for the purposes of this chapter:
  - a. Business related activity shall be conducted within the confines of the building(s) associated with the home business;
  - b. Smoke, odors, dust, vibration or light produced by the business shall not exceed that normally associated with a residential dwelling unit;
  - c. Buildings associated with the home business shall be designed to be compatible with surrounding uses;
  - d. Properties with home business(es) shall be limited to no more than three vehicles (per property) that are visible from the street or adjacent properties on a regular basis;
  - e. Properties with home businesses engaged in sales or on-site services shall be limited to no more than three nonresident employees per property;

- f. Sales or services shall be by appointment or provided off site;
  - g. No more than one outbuilding, in addition to the dwelling unit, may be used for the home business, excluding outbuildings used solely for material storage. All outbuildings used for the home business shall not be visible from the street;
  - h. On-site client or customer related appointments shall occur between the hours of 8:00 a.m. and 9:00 p.m.;
  - i. Vehicles, equipment, and materials owned by the home business and associated with business operation shall be stored within the buildings associated with the home business; and
  - j. Truck deliveries shall be consistent with normal residential deliveries. Regular and frequent tractor-trailer or semi-trailer deliveries are prohibited.
5. Type 2 home businesses require a conditional use permit pursuant to [SDC 21.04.040D](#) and [SDC 21.09.100D](#). Prior to decision on a conditional use permit the director shall consider the compatibility criteria in subsection 2. of this section and the compatibility review in subsection 6. of this section. Type 2 home businesses shall also be subject to the following minimum standards:
- a. The home business shall be located:
    - i. Such that the home business is compatible with surrounding uses;
    - ii. On a lot with a minimum property dimension of 100 feet (measured by scaling a circle of the applicable diameter within the boundaries of the lot); and
    - iii. No closer than 20 feet to property lines.
  - b. Activities conducted outdoors shall be fully screened from adjacent properties and streets;
  - c. Vehicles, equipment, and materials owned by the home business and associated with business operation shall be fully screened from adjacent properties and streets;
  - d. Noise, traffic, vibrations, light, and odors shall be evaluated to ensure compatibility with the surrounding neighborhood;
  - e. No more than six vehicles associated with the home business shall be visible from the street or adjacent properties on a regular basis.
  - f. Home businesses engaged in activities that require a federal or state license or permit, in addition to a business license, shall be limited to sales of items produced on site.
6. Compatibility Review. In code compliance cases and in review of a Type 2 home business, the director has the authority to review and condition the proposed use to ensure that the home business complies with the compatibility standards established by subsection 2. of this section. The director may further set conditions to ensure compatibility by:



- a. Determining that a specific home business cannot be operated as a Type 1 home business and is subject to the review requirements of a Type 2 home business;
- b. Limiting the type and size of equipment used by the home business to those that are compatible with the surrounding neighborhood;
- c. Limiting the number of client or customer trips to the site related to the home business;
- d. Limiting on-site retail sales to ensure compatibility;
- e. Providing for setbacks or screening as needed to protect adjacent residential properties;
- f. Specifying hours of operation;
- g. Determining acceptable levels of outdoor lighting;
- h. Limiting or prohibiting odors from the home business;
- i. Requiring sound level tests for activities determined to produce sound levels that may be excessive for a residential neighborhood;
- j. Limiting other neighborhood impacts generated by the home business; and
- k. Establishing other conditions necessary to ensure compatibility consistent with subsection 2. of this section.

#### F. Home industry

Repealed by Ord. O2012-327.

## 21.05.030 Temporary Uses

### A. Temporary use permits—Uses requiring permits

Except as provided by [SDC 21.05.030B.](#), a temporary use permit shall be required for:

1. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or
2. Limited expansion of any use that is otherwise allowed in the zone but that exceeds the intended scope of the original land use approval.

### B. Temporary use permits—Exemptions to permit requirement

1. The following uses shall be exempt from requirements for a temporary use permit when located in the CB, NB, or O zones for the time period specified below:
  - a. Uses not to exceed a total of 30 days each calendar year:
    - i. Christmas tree lots;
    - ii. Fireworks stands; and
    - iii. Produce stands.
  - b. Uses not to exceed a total of 14 days each calendar year:
    - i. Amusement rides, carnivals, or circuses;
    - ii. Community festivals; and
    - iii. Parking lot sales.

2. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.
3. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

**C. Temporary use permits—Duration and frequency**

Temporary use permits shall be limited in duration and frequency as follows:

1. The temporary use permit shall be effective for no more than 180 days from the date of the first event;
2. The temporary use shall not exceed a total of 60 days; provided, that this requirement applies only to the days that the event(s) actually take place;
3. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
4. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period.

**D. Temporary use permits—Parking**

Parking and access for proposed temporary uses shall be approved by the City.

**E. Temporary use permits—Traffic control**

The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the Sammamish police chief.

**F. Temporary construction buildings**

Temporary structures for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such structures are:

1. Allowed only during periods of active construction; and
2. Removed within 30 days of project completion or cessation of work.

**G. Temporary construction residence**

1. A mobile home may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained.
2. The temporary mobile home permit shall be effective for a period of 12 months. The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.
3. The mobile home shall be removed within 90 days of:
  - a. The expiration of the temporary mobile home permit; or
  - b. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first.

#### H. Temporary mobile home for medical hardship

1. A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:
  - a. The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone; and
  - b. The applicant submits with the permit application a notarized affidavit that contains the following:
    - i. Certification that the temporary dwelling is necessary to provide daily care, as defined in [SDC 21.04.040B.73.](#);
    - ii. Certification that the primary provider of such daily care will reside on-site;
    - iii. Certification that the applicant understands the temporary nature of the permit, subject to the limitations outlined in subsections 2. and 3. of this section;
    - iv. Certification that the physician's signature is both current and valid; and
    - v. Certification signed by a physician that a resident of the subject property requires daily care, as defined in [SDC 21.04.040B.73.](#)
2. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical

hardship in accordance with the procedures and standards set forth in subsection 1. of this section.

3. The mobile home shall be removed within 90 days of:
  - a. The expiration of the temporary mobile home permit; or
  - b. The cessation of provision of daily care.

#### I. Temporary real estate offices

One temporary real estate office may be located on any new residential development; provided, that activities are limited to the initial sale or rental of property or units within the development. The office use shall be discontinued within one year of recording of a short subdivision or issuance of a final certificate of occupancy for an apartment development, and within two years of the recording of a formal subdivision.

#### J. Temporary school facilities

Temporary school structures may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such structures are:

1. Allowed only during periods of active construction or remodeling;
2. Do not expand the student capacity beyond the capacity under construction or remodeling; and
3. Removed within 30 days of project completion or cessation of work.

#### K. Temporary homeless encampment use permit

Homeless encampments are allowed only pursuant to a homeless encampment use permit, which shall be a Type I

permit issued by the director in accordance with the following conditions:

1. For the purposes of this section a homeless encampment may only be hosted by a religious organization, and must be located on real property owned or controlled by the religious organization.
2. Duration and Frequency.
  - a. No homeless encampment shall operate within the City of Sammamish for more than four consecutive calendar months, except that the director may allow up to five additional days to accommodate moving onto or off a site.
  - b. The director shall not grant a homeless encampment use permit that is proposed to commence on a site that contained a homeless encampment within the last 18 calendar months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior homeless encampment's occupancy.
  - c. No more than one homeless encampment may be located in the City at any time.
  - d. No more than one homeless encampment within the City limits shall be allowed in any period of 365 consecutive days.
3. All homeless encampments shall obtain, prior to occupancy, all applicable City of Sammamish and other agency permits, licenses and approvals.
4. Permit Process Requirements.
  - a. Neighborhood Meeting. The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed homeless encampment prior to submittal of an application.
    - i. The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of real property within 500 feet of the lot(s) containing the proposed homeless encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least 15 days prior to the neighborhood meeting.
    - ii. Prior to the neighborhood meeting, a representative of the sponsor and managing agency shall meet and confer with the following entities regarding the neighborhood meeting and any proposed security measures for the homeless encampment: the Sammamish police department; the administration of any public or private elementary, middle, junior high, or high school; and the operators of any properly licensed child care service, within 500 feet of the boundaries of the proposed site, and unaffiliated with the sponsor.
    - iii. At the neighborhood meeting, a representative of the sponsor and managing agency shall present in writing and verbally the proposed homeless encampment location, timing, site plan, code of conduct, encampment concerns, and a security management plan. The presentation shall also include copies of all previously submitted comments

received on the proposed homeless encampment, including comments from the Sammamish police department, schools, and child care services. Copies of the agenda and the other specified comments and materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed homeless encampment site whenever feasible.

- b. Application. An applicant shall submit a complete application for a homeless encampment use permit at least 30 days before the occupancy of a homeless encampment.
- c. Notice of Application. The City shall provide a notice of application per the mailed notice requirements of [SDC 21.09.010H.7](#).
- d. Warrant and Sex Offender Checks. Managing agencies shall obtain warrant and sex offender checks from the King County sheriff's office ("warrant check") for all homeless encampment residents. For homeless encampment residents initially moving onto the site with the homeless encampment, the warrant check must be completed at least seven days prior to the homeless encampment moving onto the site. For residents moving into the homeless encampment during the permit period, the warrant check must be completed on or before the date that the new resident moves on site. If a warrant check reveals a homeless encampment resident or prospective resident is or is required to be a registered sex offender or has an active warrant, the managing agency or sponsor shall immediately contact and so advise the City or

Sammamish police department. The sponsor shall be responsible for verifying that the warrant checks occur.

#### 5. Parking, Transportation, and Security.

- a. Parking.
  - i. Each lot occupied by a homeless encampment must provide or have available a parking and vehicular maneuvering area.
  - ii. A homeless encampment and the parking of any vehicles associated with a homeless encampment shall not displace the sponsor site's parking lot in such a way that the sponsor site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has first been approved by the director.
- b. Transportation Plan.
  - i. The sponsor or managing agency shall submit a plan with the permit application demonstrating the ability for residents to obtain access to methods of communication and services such as grocery, supplies, and medical care.
  - ii. The plan shall provide for a means of transportation to an appropriate public transportation stop and include any proposed alternative means of transportation such as private or volunteer shuttle service and/or reasonable bicycle/pedestrian paths.
- c. Security Management Plan.

- i. The sponsor or managing agency shall submit a plan with the permit application demonstrating security measures, site specific or otherwise, necessary to ensure the safety of the residents of the temporary encampment and the public.
  - ii. At a minimum, the plan shall specify the following:
    - a) The person or entity responsible for providing security;
    - b) The type of security to be used, e.g., private security firm, volunteers, or other means; and
    - c) Recommendations and/or requirements provided by the police department.
6. **Maximum Occupancy.** A homeless encampment shall be limited to a maximum occupancy not to exceed 100 persons, depending on the conditions of the proposed site (e.g., physical size, topography, site constraints, etc. A homeless encampment use permit may be conditioned to establish occupancy of less than 100 persons, depending on the conditions of the proposed site. After a homeless encampment reaches its maximum capacity, any individual who arrives after sundown (and who meets all screening criteria) will be allowed to stay for one night, after which the individual shall not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the director on a weekly basis.
7. **Minor Residents.** No children under the age of 18 shall be allowed to stay overnight in a homeless encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at a homeless encampment, the managing agency shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.
8. **Structures.** Any permanent structures, as determined by the director, shall meet the requirements of all SMC provisions and receive any necessary permits. All temporary structures for homeless encampments shall comply with the following requirements:
- a. Homeless encampment structures and facilities shall be located a minimum of 20 feet away from any property line, unless otherwise approved by the director;
  - b. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a homeless encampment and any abutting residential property. The director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is substantially achieved by other means;
  - c. Exterior lighting must be directed downward, away from adjoining properties, and contained within the homeless encampment; and
  - d. If the homeless encampment includes tents or membrane structures in excess of 400 square feet, or canopies in excess of 400 square feet, as defined by the International Fire Code, then a permit and approval for the tent, canopy or membrane structure shall first be obtained from the fire marshal.

9. Smoking Area. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.
10. Debris. Each site occupied by a homeless encampment shall be left free of debris, litter, or other evidence of the homeless encampment upon the homeless encampment moving from the site.
11. Health Department Compliance. Homeless encampments shall comply with all applicable standards of the Seattle-King County health department, or its successor.
12. Code Compliance and Hours of Service. Homeless encampments shall comply with all codes and regulations of the state of Washington, City, and other agencies with jurisdiction concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking, food handling, and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays, and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under the terms of a permit condition approved by the director in the case of demonstrated necessity.
13. Inspections. Homeless encampments shall permit regular inspections by regulatory personnel, including but not limited to, City staff, police department, fire department, King County health department, and any other regulatory agencies with jurisdiction to check for permit and other code compliance by the homeless encampment.
14. Required Services. Homeless encampments shall have services such as food, water, and waste disposal supervised by the sponsor or managing agency.
15. Resident Log. The managing agency shall maintain a resident log of all people residing at the homeless encampment. Such log shall be kept on site at the homeless encampment. When signing the log, prospective encampment residents shall provide a state of Washington driver's license, state of Washington identification card, a driver's license or identification card issued by another state, or other similar document that confirms a person's identity. The sponsor shall be responsible for verifying that the log is being properly kept and that the required identification is being provided.
16. Code of Conduct. Sponsors and managing agencies shall ensure enforcement of a code of conduct at homeless encampment sites. The code of conduct shall substantially include the following:
  - a. Possession or use of illegal drugs and marijuana is not permitted;
  - b. No alcohol is permitted;
  - c. No weapons are permitted;
  - d. All knives over three and one-half inches must be turned in to the managing agency for safekeeping;
  - e. No violence is permitted;
  - f. No open flames are permitted;



- g. No trespassing onto private property in the surrounding neighborhood is permitted;
- h. No littering on the homeless encampment site or in the surrounding neighborhood is permitted; and
- i. No convicted sex offender shall reside in the homeless encampment.

Nothing within this section shall prohibit a sponsor or managing agency from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

- 17. **Permit Violation Process.** Upon a determination that there has been a violation of any condition of permit approval, the director may give written notice to the sponsor describing the alleged violation pursuant to **SMC Title 23** and other applicable code authority, or may instead immediately pursue available judicial or other remedies. Any violation of a subsequently issued stop work order under **Chapter 23.70 SMC** is declared a nuisance and may be remedied by injunctive relief, revocation of the homeless encampment use permit and vacation of the site by the homeless encampment, or any other available remedy in law or equity.
- 18. **Health and Safety Permit Conditions.** The director may modify or establish any requirements necessary to mitigate impacts from homeless encampments on the public health and safety in accordance with the purpose of this chapter.
- 19. **Application.** An applicant for a homeless encampment use permit shall submit all of the following, unless modified by the director:

- a. Application form for a homeless encampment use permit;
- b. A site plan, which extends 50 feet beyond the proposed site’s property boundaries, drawn to scale showing all of the following:
  - i. All existing structures;
  - ii. Existing parking stalls;
  - iii. Parking stalls proposed to be unavailable for parking vehicles during the homeless encampment;
  - iv. All proposed temporary structures;
  - v. Proposed electrical and plumbing connections;
  - vi. Location of trash receptacles, including trash dumpsters;
  - vii. Location of toilets and other sanitary facilities;
  - viii. Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
  - ix. Proposed and existing ingress and egress;
  - x. Any permanent alterations on the lot to the site or structures;
  - xi. A designated smoking area; and
  - xii. Access routes for emergency vehicles;
- c. Proposed fencing or screening detail or a typical section of same;

- d. Written authorization from the sponsor on whose property the homeless encampment is to be located;
- e. A copy of any agreements with other parties regarding use of parking, either on site or off site;
- f. A copy of any agreement between the sponsor, the managing agency, and any schools and/or child care services;
- g. A copy of the code of conduct;
- h. The applicant shall provide the following neighborhood meeting documentation:
  - i. The date, time, and location of the meeting;
  - ii. Contact information for all persons representing the managing agency and sponsor at the meeting;
  - iii. A summary of comments provided for the meeting attendees by the applicant, managing agency or sponsor prior to or during the meeting;
  - iv. A summary of comments received from meeting attendees or other persons prior to or during the meeting; and
  - v. Copies of documents submitted or presented at the meeting;
- i. The Transportation and Security Management Plans;
- j. Any other information deemed necessary by the director to protect public health and safety for the processing of a homeless encampment use permit; and

- k. Application filing fees in an amount established by City resolution.

20. Modification for Emergencies. The provisions herein shall not apply when for the preservation of public health and safety the situation necessitates a need for emergency management planning and the application of [SDC 21.01.040E](#).

## 21.05.040 Re-use of Facilities

### A. **Re-use of facilities—General standards**

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities.

### B. **Re-use of facilities—Re-establishment of closed public school facilities**

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a conditional use permit.

CHAPTER 21.06.

# DEVELOPMENT STANDARDS

---

21.06.010 Development Standards—Design Requirements. . . . . 304

21.06.020 Design Standards—Landscaping and Irrigation . . . . . 304

21.06.030 Development Standards—Parking and Circulation . . . . . 323

21.06.040 Development Standards—Adequacy of Public Facilities and Services . . . . 341

21.06.050 Signage . . . . . 349

21.06.060 Wireless Communication Facilities . . . . . 358

21.06.070 Transfer of Development Rights. . . . . 377

21.06.080 Protection and Preservation of Landmarks. . . . . 384

21.06.090 Definitions . . . . . 395

## 21.06.010 Development Standards—Design Requirements

### A. Purpose

The purpose of this chapter is to improve the quality of development by providing building and site design standards that:

1. Reduce the visual impact of large residential buildings from adjacent streets and properties;
2. Enhance the aesthetic character of large residential buildings;
3. Contain sufficient flexibility of standards to encourage creative and innovative site and building design;
4. Meet the on-site recreation needs of project residents;
5. Enhance aesthetics and environmental protection through site design;
6. Allow for continued or adaptive reuse of historic resources while preserving their historic and architectural integrity;
7. Reduce the health and aesthetic impact of waste containers adjacent to streets;
8. Promote compatibility between residential and nonresidential uses; and
9. Promote health, safety, and security by minimizing glare and light trespass from outdoor lighting onto adjacent properties.

## 21.06.020 Design Standards—Landscaping and Irrigation

### A. Purpose

The purpose of this chapter is to preserve the aesthetic character of communities, to improve the aesthetic quality of the built environment, to promote retention and protection of existing vegetation; to promote water efficiency, to promote native wildlife, to reduce the impacts of development on drainage systems and natural habitats, and to increase privacy for residential zones by:

1. Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
2. Providing physical separation between residential and nonresidential areas;
3. Providing visual screens and barriers as a transition between differing land uses;
4. Retaining existing vegetation and significant trees by incorporating them into the site design;
5. Providing increased areas of permeable surfaces to allow for:
  - a. Infiltration of surface water into groundwater resources;
  - b. Reduction in the quantity of storm water discharge; and
  - c. Improvement in the quality of storm water discharge;
6. Encouraging the use of native plant species by their retention or use in the landscape design;

7. Requiring water use efficiency through water budgeting and efficient irrigation design standards;
8. Encouraging the use of a diversity of plant species that promote native wildlife habitat.

## B. Application

Except for communication facilities regulated pursuant to [SDC 21.06.060](#), all new development shall be subject to the landscaping provisions of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a conditional use permit or a special use permit shall be determined during the applicable review process.

## C. Landscaping

### 1. Landscaping – Screen types and description

The three types of landscaping screens are described and applied as follows:

#### a. Type I Landscaping Screen.

- i. Type I landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas;
- ii. Type I landscaping shall minimally consist of:
  - a) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
  - b) Between 70 and 90 percent evergreen trees;

- c) Trees provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 20 feet apart on center;
- d) Evergreen shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
- e) Groundcover pursuant to [SDC 21.06.020C.7.](#); and
- f) Subject to director’s review for consistency with subsection 1.a. of this section;

#### b. Type II Landscaping Screen.

- i. Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between commercial and industrial uses, between differing types of residential development, and to screen industrial uses from the street;
- ii. Type II landscaping shall minimally consist of:
  - a) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
  - b) At least 50 percent deciduous trees and at least 30 percent evergreen trees;
  - c) Trees provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;

- d) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
  - e) Groundcover pursuant to [SDC 21.06.020C.7](#);
- c. Type III Landscaping Screen.
- i. Type III landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;
  - ii. Type III landscaping shall minimally consist of:
    - a) A mix of evergreen and deciduous trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
    - b) At least 70 percent deciduous trees;
    - c) Trees provided at the rate of one per linear 25 feet of landscape strip and spaced no more than 30 feet apart on center;
    - d) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
    - e) Groundcover pursuant to [SDC 21.06.020C.7](#).

## 2. Landscaping – Street frontages

The required width of perimeter landscaping along street frontages shall be provided as follows:

- a. Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- b. Ten feet of Type II landscaping shall be provided for an industrial development;
- c. Ten feet of Type II landscaping shall be provided for an above-ground utility facility development, excluding distribution and transmission corridors, located outside a public right-of-way;
- d. Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and
- e. For single-family subdivisions:
  - i. Street trees shall be planted per the public works standards.

## 3. Landscaping – Side and rear lot lines

The required width of perimeter landscaping along the side and rear yard lot lines shall be provided as follows:

- a. Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;
- b. Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned R(1-8), the requirement shall be 10 feet of Type II landscaping;



- c. Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and
- d. Ten feet of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an above-ground utility facility development, excluding distribution or transmission corridors, when located outside a public right-of-way.

#### 4. Landscaping – Drainage facilities

The landscaping requirements established for detention facilities in the Sammamish Addendum to the King County Surface Water Design Manual are hereby adopted by reference and shall be mandatory for all drainage facilities not located entirely underground. The department shall review and approve proposed landscaping plans subject to the following:

- a. Revisions to plans or additional landscaping requirements may be required to ensure that the proposed landscaping provides an effective screen and an enhancement to the overall appearance of the facility.
- b. Trails or walkways shall be incorporated into the landscaping plan.
- c. Ten feet of Type I landscaping consisting of 100 percent evergreen trees and shrubs shall be required for that portion of the perimeter of detention facilities where the slope of the detention facility exceeds 3H:1V.

#### 5. Landscaping – Surface parking areas

Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of providing shade and diminishing the visual impacts of large paved areas as follows:

- a. Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;
- b. Commercial, industrial, or institutional developments shall provide landscaping at a rate of:
  - i. Twenty square feet per parking stall when 10 to 30 parking stalls are provided; and
  - ii. Twenty-five square feet per parking stall when 31 or more parking stalls are provided;
- c. Trees shall be provided and distributed throughout the parking area at a rate of:
  - i. One tree for every five parking stalls for a commercial or industrial development; and
  - ii. One tree for every 10 parking stalls for residential or institutional development;
- d. The maximum distance between any parking stall and landscaping shall be no more than 100 feet;
- e. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang; and
- f. Parking area landscaping shall consist of:

- i. Bioretention shall be evaluated in accordance with the Surface Water Design Manual to the maximum extent feasible. Vegetated areas within parking area landscaping that function as bioretention for the treatment of storm water runoff shall consist of the following:
    - a) Trees, shrubs, perennials and groundcovers tolerant of summer drought, ponding fluctuations and saturated soil conditions for prolonged lengths of time anticipated by the facility design and hydrologic conditions.
    - b) Plants should be tolerant of typical pollutants from surrounding surfaces, such as petroleum hydrocarbons, dissolved metals, and fertilizers.
    - c) Plantings should consist of native plant types; at least 15 percent of the plant palette shall be evergreen. Planting and grading for drainage features should be designed to be integrated aesthetically with the surrounding landscape and urban design elements.
    - d) Visual buffering, sight distances and setbacks should be considered for landscaping adjacent to roadways.
    - e) The planting and bioretention soil media shall consist of a bioretention soil mix in accordance with the January 2009 WSU Pierce County Extension “Bioretention Soil Mix Review and Recommendations for Western Washington,” or equivalent.
  - f) No plants that are included on the King County noxious weed list.
  - ii. Other parking area landscaping not devoted to storm water management shall consist of the following:
    - a) Canopy-type deciduous trees, evergreen trees, evergreen shrubs and groundcovers planted in islands or strips;
    - b) Shrubs that do not exceed a maintained height of 42 inches;
    - c) Groundcover pursuant to [SDC 21.06.020C.7.](#); and
    - d) At least 50 percent of trees are coniferous.
  - iii. Plantings contained in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of no less than five feet.
- 6. Landscaping – General standards for all landscape areas**
- All new landscape areas proposed for a development shall be subject to the following provisions:
- a. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
  - b. All new turf areas, except all-weather, sand-based athletic fields, shall:
    - i. Be augmented with a two-inch layer of stabilized compost material or a four-inch layer of organic

material with a minimum of eight percent organic material cultivated a minimum of six inches deep; or

- ii. Have an existing organic content of eight percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:
  - a) Determination of soil texture, indicating percentage of organic matter;
  - b) An approximated soil infiltration rate (either measured or derived from soil/texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate; and
  - c) Measure pH value.
- c. Landscape areas, except turf or areas of established groundcover, shall be covered with at least two inches of City-approved mulch to minimize evaporation.
- d. Plants having similar water use characteristics shall be grouped together in distinct hydrozones.
- e. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation meeting the requirements of this chapter is required where feasible.

**7. Landscaping – Additional standards for required landscape areas**

In addition to the general standards of [SDC 21.06.020C.6.](#), landscape areas required pursuant to [SDC 21.06.020C.2.](#) through [21.06.020C.5.](#) shall conform to the following standards:

- a. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
- b. Single-stemmed trees required pursuant to this chapter shall at the time of planting conform to the following standards:
  - i. In parking area landscaping and in street rights-of-way:
    - a) Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and
    - b) Coniferous and broadleaf evergreens shall be at least five feet in height;
  - ii. In all other required landscape areas:
    - a) Deciduous trees shall have a minimum caliper of 1.5 inches and a height of 10 feet; and
    - b) Coniferous and broadleaf evergreen trees shall be at least five feet in height.
- c. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are:
  - i. At least six feet in height; and
  - ii. Not allowed within street rights-of-way.

- d. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- e. Shrubs shall be:
  - i. At least an AAN container Class No. 2 size at time of planting in Type II, III and parking area landscaping;
  - ii. At least 24 inches in height at the time of planting for Type I landscaping; and
  - iii. Maintained at a height not exceeding 42 inches when located in Type III or parking area landscaping.
- f. Groundcovers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.
- g. All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage.
- h. Required street landscaping may be placed within City of Sammamish street rights-of-way subject to the City of Sammamish public works standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- i. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.

- j. New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species.

## 8. Landscaping – Alternative options

The following alternative landscape options may be allowed, subject to City approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures, or utilities, would render application of this chapter ineffective or result in scenic view obstruction:

- a. The amount of required landscape area may be reduced to ensure that the total area for required landscaping, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the site. For the purpose of this subsection, the net developable area of the site shall not include areas deemed unbuildable due to their location within sensitive areas and any associated buffers;
- b. The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
  - i. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or
  - ii. The landscape materials are incorporated elsewhere on-site;

- c. In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;
  - d. Landscaping standards for uses located in a rural town or rural business centers designated by the comprehensive plan may be waived or modified by the director if deemed necessary to maintain the historic character of the area. Where a local or subarea plan with design guidelines has been adopted, the director shall base the landscaping modifications on the policies and guidelines of such plan;
  - e. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;
  - f. Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than one and one-half inches;
  - g. The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent, subject to approval by the director, when a development retains existing significant trees within required landscaping areas consistent with the provisions of [SDC 21.03.060G.](#), Retention standards;
  - h. The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent when a development uses landscaping materials consisting of species typically associated with the Puget Sound basin in the following proportions:
    - i. Seventy-five percent of groundcover and shrubs; and
    - ii. Fifty percent of trees; and
  - i. The department shall, pursuant to Chapter 2.55 SMC, develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas.
9. **Landscaping – Plan design, design review, and installation**
- a. The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:
    - i. Total landscape area and separate hydrozones;
    - ii. Landscape materials botanical/common name and applicable size;
    - iii. Property lines;
    - iv. Impervious surfaces;
    - v. Natural or manmade water features or bodies
    - vi. Existing or proposed structures, fences, and retaining walls;

- vii. Natural features or vegetation left in natural state; and
- viii. Designated recreational open space areas.
- b. The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.
- c. An affidavit signed by an individual specified in subsection 9. of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan, shall be submitted to the department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the department.
- d. The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy.
- e. A tree retention plan shall be prepared and submitted separately from the proposed landscape plan; provided, that retained trees counted towards site landscaping may be identified on the landscape plan. The tree retention plan shall:

- i. Be reviewed by a certified professional to ensure selection of healthy trees pursuant to [SDC 21.03.060G](#), Tree retention requirements; and
- ii. Identify trees scheduled for future removal and/or removed within the past year, to the maximum extent feasible.

#### D. **Garbage and trash storage design**

1. Single-family detached homes shall provide a designated location for the storage of garbage, recycling, and other waste containers. The designated location shall either be placed in an enclosure or garage, or screened so that the garbage, recycling, and other waste containers are not visible from public streets. The director may authorize an alternate storage location that will meet the purpose of [SDC 21.06.010A](#).
2. Residents shall return garbage, recycling, and other waste containers to their designated storage location within 24 hours after collection, or as soon as is feasible.

#### E. **Fences**

Fences are permitted as follows:

1. Fences with a height of six feet or less may be located in the rear and side yard setbacks except that fences up to eight feet in height and not exceeding 32 linear feet in length for the segment exceeding six feet along any side or rear yard line may be located in the rear and side yard setbacks. Fences exceeding six feet within the rear or side yard setback shall only be allowed when located along a side or rear yard line shared with a property under

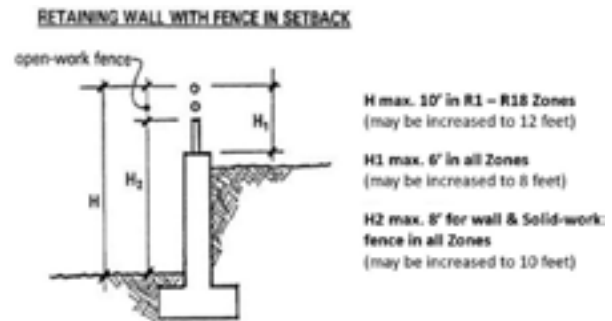
separate ownership and when an agreement with the adjoining property owner(s) has been reached resulting in an executed agreement including an approved site plan and maintenance agreement consenting to a fence of up to eight feet recorded with King County Records prior to building permit issuance. Requests for fences exceeding six feet in height shall be considered when bundled and submitted with a Type I construction permit application. Agreements shall reference the parcel number and legal description of all affected properties and conform to a format specified by the director. Provided, no fence shall exceed eight feet. Further provided, that fence height granted under this section shall not cause for a violation or non-conformance with existing site restrictions (e.g., easements) or adopted construction codes, Chapter 16.05 SMC. Fences are limited to four feet in height in the front yard setback and shall be consistent with the sight distance requirements of [SDC 21.04.030W](#). For corner or atypical shaped lots with more than one front yard a fence of six feet or less may be located within the front setback along the street frontage that does not provide access to the property when located outside of the vision clearance triangle and sight distance requirements of [SDC 21.04.030W](#).

2. Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

- a. In R-1 through R-18 zones:
  - i. The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. The

maximum height of 10 feet may be increased to 12 feet in accordance with subsection 1. of this section. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

- ii. The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet. The maximum height of six feet may be increased to eight feet in accordance with subsection 1. of this section.
- b. In the R-18 and commercial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.
- c. Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection 2.a.i. of this section), shall be an open-work fence. The height of the solid-work style fence may be increased to 10 feet in accordance with subsection 1. of this section.





3. Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone.
4. Electric fences shall:
  - a. Be permitted in all zones; provided, that when placed within R-4 through R-18 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;
  - b. Comply with the following requirements:
    - i. An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;
    - ii. An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;
    - iii. All electric fences in the R-4 through R-18 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and
    - iv. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency.
5. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-18 zone.

## F. Trail corridors

### 1. Trail corridors – Applicability

Trail easements, or tracts, of sufficient width and length consistent with the dimensional standards as defined below, shall be provided by all developments, except for single detached residential permits, when such developments are located on properties that include trail corridors shown within an adopted City parks or trails plan. In addition to the general public, the residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement shall be counted as part of the site for purposes of density and floor area calculations.

### 2. Trail corridors – Development standards

Proposed public and private trails shall be reviewed by the department of community development for consistency with the following standards:

- a. Use of Existing Corridors. Trails should generally be located along existing cleared areas or on improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, so as to avoid or minimize the need to remove additional vegetation and create other associated impacts. Where an existing right-of-way is wider than the cleared or improved area, proposed trails should generally be located on the cleared or improved portion of the right-of-way wherever possible, subject to safety and other technical factors. If sensitive areas exist on or in proximity to an existing cleared or improved corridor, then impacts from constructing the trail shall be mitigated consistent

with [SDC 21.03.020](#), including the recommendations from any required sensitive areas study. Trails may be located in other areas if it is demonstrated that a new corridor creates less overall or less incremental impact to sensitive areas and habitat while still achieving overall project goals and objectives. As shown in the adopted City comprehensive plan, parks plan or trails plan, trails and corridors should connect public lands, utility corridors, or rights-of-way or other public infrastructure to maximize transportation and public recreation uses.

- b. **Compatibility with Adjacent Land Uses.** Trails should be designed and constructed to encourage users to remain on the trail, to diminish the likelihood of trespass and to promote privacy for adjacent landowners. The applicant shall propose for the department’s review and approval the use of fencing, signage, landscaping or other appropriate means to accomplish this requirement. Any proposed lighting should be directed away from houses along the trail corridor. Safety of trail users and adjacent landowners shall be addressed through review of vehicle access and crossing locations and design. Allowed uses should be consistent with the trail types identified in an adopted city comprehensive plan, parks plan or trails plan, and/or determined through a City-approved, site-specific master planning process if applicable.
- c. **Width.** The width of the cleared area, trail corridor, surface and shoulder should be designed consistent with AASHTO standards for public multi-use paved trails (Guide for the Development of Bicycle Facilities, 1999, as amended, American Association of State Highway and Transportation Officials), and with U.S.

Forest Service standards (Trails Management Handbook, 1991, as amended, and Standard Specifications for Construction of Trails Handbook, 1984, as amended) if unpaved. Cleared areas shall be the minimum necessary consistent with the standards and requirements in the SMC.

- d. **Sensitive Areas and Buffers.** Trail impacts to sensitive areas should be reviewed consistent with the impact avoidance and mitigation sequencing requirements of [SDC 21.03.020](#). Mitigation of impacts is required, even for trails located on existing corridors consistent with subsection 1. of this section. Wetland and stream buffers shall be expanded to compensate for the total area of the trail corridor, including all disturbed areas located within the buffer area. No expansion shall be required for trails located on existing improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, within wetland or stream buffers. Mitigation shall be required for all impacts consistent with [SDC 21.03.020](#).
- e. **Location.** Except for approved viewing platforms, spur trails, wetland or stream crossings proposed consistent with [SDC 21.03.020](#), or trails located on existing corridors consistent with subsection 1. of this section, trails that are proposed in proximity to wetlands or streams or associated buffers may only be located in the outer 25 percent of the wetland or stream buffer and should be generally aligned parallel to the stream or perimeter of the wetland. Spur trails and viewing structures should be designed to minimize impacts on

sensitive area and wildlife habitat. Viewing platforms shall be placed landward of the wetland or stream edge.

- f. **Wildlife.** Trails should be designed and constructed to encourage users to remain on the trail through the use of fencing, signage, landscaping or other appropriate means to minimize impacts to wildlife and habitat. In addition to the requirements related to wildlife corridors elsewhere in the SMC, trail location, lighting, construction decisions, and requirements for use (e.g., pet leash requirements, bicycle speed limits, etc. should be guided by recommendations from sensitive areas studies to avoid, minimize and mitigate impacts to habitat for sensitive species. In a vegetation management plan developed for City review and approval consistent with [SDC 21.03.020Q.](#), all disturbed areas shall be landscaped with appropriate native vegetation upon completion of trail construction or as soon thereafter as possible. The trail maintenance entity shall ensure that such vegetation survives through an appropriate mechanism. An integrated vegetation and pest management plan shall be developed by the applicant and approved by the department that avoids or minimizes the use of pesticides, herbicides and other hazardous substances.
- g. **Surfacing.** To promote infiltration and groundwater recharge and to minimize slope instability, trail surfaces shall be made of pervious materials. Public multi-use trails, or other trails determined by the department to require impervious surfaces, may be paved; however, pervious paving or other low-impact techniques that meet overall project goals for cost and durability are

encouraged. Boardwalks may be used for areas subject to regular inundation, and should be constructed with nonhazardous materials. Impervious materials may also be used if necessary for soil stabilization or to prevent soil erosion, or if the trail is specifically designed and intended to be accessible to physically challenged persons and is identified as such in an adopted city comprehensive plan, parks plan or trails plan.

### 3. **Trail corridors – Maintenance of trail corridors/ improvements**

Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City.

## G. **Outdoor lighting**

1. **Applicability.** This section applies to the following types of lighting:
  - a. All new and replacement exterior light fixtures in parking lots, and associated with commercial, institutional, and mixed-use buildings; and
  - b. All existing, new, or replacement security or floodlighting associated with residential uses.
2. **Exemptions.** The following types of lighting are exempt from the provisions of this section:
  - a. Seasonal decorations;
  - b. Lighting used under emergency conditions (e.g., searchlights, law enforcement vehicles);

- c. Moving vehicle lights;
  - d. Underwater lighting in swimming pools;
  - e. Lighting for signs, if permitted under [SDC 21.06.050](#);
  - f. Traffic control devices;
  - g. Lights required by state or federal law (e.g., wireless communication facility towers);
  - h. Temporary lighting for construction sites, special events (e.g., theatrical performances, community events); and
  - i. Other lighting of a similar nature as approved by the director.
3. Standards.
- a. Security or Floodlighting Fixtures Associated with Single-Family Residences and Townhouses.
    - i. Lighting fixtures shall be properly aimed and installed in a manner that causes minimal or no light trespass onto adjacent properties;
    - ii. Lighting fixtures shall not exceed 1,260 lumens, unless the lighting fixture is fully shielded; and
    - iii. Motion sensors associated with security or floodlighting shall not be activated by off-site movement.
  - b. Parking Lots.
    - i. Lighting fixtures shall be partially shielded so that minimal light is emitted above a horizontal plane, and shall be installed and maintained in a way that causes minimal or no light trespass onto adjacent properties.
    - ii. Outdoor lighting shall not exceed 5.0 lumens per square foot of parking lot surface and pedestrian walkway. Requests for additional lighting may be considered with the approval of the director.
    - iii. Lighting fixtures shall be no more than 25 feet tall, with lower light fixtures preferable so as to maintain a human scale. Requests for higher light fixtures may be considered with the approval of the director.
    - iv. Site light fixtures shall be designed to use metal halide or LED light sources unless an alternative is approved by the director.
    - v. Solar-powered and high-energy-efficient lighting is encouraged. The director may allow flexibility level standards for solar-powered lights.
    - vi. Motion-sensing lighting is encouraged. The director may allow flexibility with outdoor lighting standards when motion-sensing technology is used.
  - c. Commercial, Institutional, and Mixed-Use Buildings.
    - i. Outdoor light fixtures shall be fully shielded, pointed downward, and should be maintained in a way that causes minimal or no light trespass onto adjacent properties.
    - ii. Outdoor lighting shall not exceed 5.0 lumens per square foot of hardscape outside the building structure. Requests for additional lighting may be considered with the approval of the director.

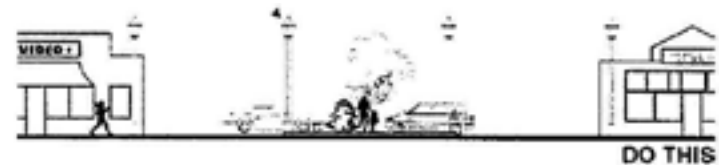
iii. Exceptions.

- a) One partially shielded light fixture or sconce is allowed if it is located beneath a building overhang and will generate less than 630 lumens;
- b) Landscape/accent lighting; provided, that the combined output of the light fixture does not exceed 2,100 lumens;
- c) Motion-sensor lighting that extinguishes the light no more than 15 minutes after the area is vacated.

iv. Outdoor lighting shall not exceed 5.0 lumens per square foot of hardscape. Requests for additional lighting may be considered with the approval of the director. Except:

- a) Drive-up windows may add 8,000 lumens per drive-up window. In order to use this allowance, light fixtures must be within 20 feet horizontal distance of the center of the window.
- b) Vehicle service stations may add lighting that results in a total of 16,000 lumens per fuel pump.

v. Site lighting shall be metal halide or LED unless an alternative is approved by the director.



H. Maintenance

1. All landscaping shall be maintained for the life of the project, including water conservation practices for turf grass such as annual aeration and dethatching, top dressing and overseeding;
2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
3. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
4. Landscape areas shall be kept free of trash.

**I. Financial guarantees**

Financial guarantees shall be required consistent with the provisions of SMC Title 27A. This time period may be extended to one year by the director, if necessary to cover a planting and growing season.

**J. Water use and irrigation**

**1. Water use – Applicability of water budget for landscape areas**

Irrigation systems of any type are optional components of a landscape area. However, a water budget for irrigation purposes shall be established for all new development, except for:

- a. Individually platted single dwelling (attached or detached) residential lots; provided, that developer-installed landscaping in common areas of residential projects is not exempt; and
- b. Any project with a total landscaped area less than 500 square feet.

**2. Water use – Irrigation water budget calculated**

- a. The water budget (WB) allocation shall be calculated using the following formula:

$$WB = (ET_o) \times (AF) \times (LA) \times (CF)$$

ET<sub>o</sub>: Referenced evapotranspiration rate (net seasonal irrigation requirement in inches; see table below)

AF: Adjustment factor value of 0.8 (i.e., 0.5 x (ET<sub>o</sub>)/0.625 irrigation efficiency coefficient)

LA: Landscape area (square feet)

CF: Conversion factor value of 0.62 (ET<sub>o</sub> inches to gallons per square foot)

REFERENCE TO TABLE - HISTORICAL DATA*	
Month	Monthly Net Irrigation Requirements (in.)
January	.00
February	.00
March	.00
April	.00
May	1.59
June	3.13
July	4.46
August	3.51
September	1.77
October	.03
November	.00
December	.00
Season total	14.49

\*These figures are based on a 30-year average of National Weather Service Data and represent the amount of additional irrigation required for turf grass. The figures are adjusted for turf typically used in commercial landscaping.

- b. The City shall periodically undertake an evaluation of the WB calculation formula outlined in subsection 2. of this section. The evaluation shall include a recommendation to retain or modify the adjustment factor or components thereof, and shall be made in consultation

with groups including landscape professionals and water purveyors.

- c. The water budget will be calculated upon the total area of the site in landscape areas and in landscape water features (such as decorative ponds, pools or fountains) that are fed by irrigation water. For the purpose of calculating the water budget, “landscape area” shall mean the entire parcel, less:
  - i. Sensitive areas and their buffers;
  - ii. The building footprint;
  - iii. Driveways;
  - iv. Paved portions of parking lots; and
  - v. Hardscapes (e.g., decks, patios, sidewalks, and other nonporous areas).
- d. Areas such as playgrounds, sport fields, golf courses, school yards, or other recreational spaces where the turf provides a playing surface or serves other recreational purposes may be allowed additional water beyond the calculated water budget. In order to receive additional water for such turf areas, the applicant shall submit a statement designating such turf areas for recreational purposes and specifying additional water needs above the water budget. This additional water need will be based upon the Eto information for the turfgrass species or species mix used in such turf areas.
- e. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation.

- f. The irrigation water use may be monitored by the water purveyor after the date of release of the performance bond.
- g. Alternative water sources such as recycled wastewater or rainwater are encouraged. Such water sources shall not be subject to the limits of the water budget.

### 3. Water use – Estimated water use calculated

The estimated water use shall be calculated using the following provisions.

- a. Estimated water use (EWU) shall be calculated for each hydrozone by using the following formula:

$$EWU = (Eto) \times (PF) \times (HA) \times (CF)$$

IE

Eto: Referenced evapotranspiration rate (net seasonal irrigation requirement in inches. See table in [SDC 21.06.020J.2.](#))

PF: Plant factor value (see subsection 3.b. of this section)

HA: Hydrozone area (square feet)

CF: Conversion factor value of 0.62 (Eto inches to gallons per square foot)

IE: Irrigation efficiency value

- b. Plant factor values shall be as follows, but may be adjusted pursuant to subsection 3. of this section:

0 to 0.3 for low water use plants



0.4 to 0.6 for average water use plants

0.7 to 1.0 for high water use plants

c. For each hydrozone, plant factor values may be determined and adjusted by the designer (based on professional judgment and applicable reference materials) considering the relevant factors such as:

- i. Water requirements of the various plant species proposed;
- ii. Density of the plantings;
- iii. Microclimate of the site; and
- iv. Soil conditions.

#### 4. Water use – Irrigation efficiency goals and system design standards

For purposes of this section, irrigation shall include any means of applying water to landscaped areas. All irrigation is at the applicant's option. Manually applied irrigation methods shall comply with subsections 1. and 2. of this section. Irrigation applied through installed irrigation systems shall comply with subsections 1. through 3. of this section:

- a. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, and impervious surfaces by:
  - i. Considering soil type and infiltration rates;

- ii. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and

- iii. Considering special problems posed by irrigation on slopes and in median strips.

- b. All irrigation water outlets, except those using alternative water sources, shall be downstream of the meter used to measure irrigation water use.

- c. Irrigation systems shall be subject to the following additional provisions:

- i. Systems shall not be located on any:

- a) Turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1); and

- b) Turfgrass portions of median strips less than eight feet width.

- ii. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters or microspray systems.

- iii. Systems shall be designed to be consistent with the requirements of the hydrozone in which they are located.

- iv. Systems shall be designed with the minimum average irrigation efficiency of 0.625 for spray type and 0.925 for low volume, low pressure emitter type systems.

- v. The use of automatic shutoff or override capabilities using rain shutoffs or moisture sensors is encouraged.
- vi. Systems shall utilize a master control valve connected to an automatic controller.
- vii. Systems shall make provisions for winterization either by providing:
  - a) Manual drains (automatic drain valves are not permitted at all low points); or
  - b) Means to blow out lines with pressurized air.
- viii. Separate valves shall be used to irrigate plants with differing water needs.
- ix. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability.

**5. Water use – Irrigation system design, design review and audit at installation**

- a. Irrigation plan design shall be certified by an Irrigation Association (IA) certified designer or a registered landscape architect or professional engineer with irrigation design experience.
- b. The irrigation system must be audited and accepted at installation by an IA-certified irrigation auditor.

**6. Water use – Irrigation design plan contents**

Proposed irrigation system design plans shall be drawn on the same base project map as the landscape plan and shall identify:

- a. Location and size of any proposed separate water meters for the landscape serving commercial, multifamily, school, church, or recreation land uses only;
- b. Location, type, and size of all components of the irrigation system;
- c. Static water pressure at the point of connection to the water supply;
- d. Flow rate (gallons per minute), application rates (inches per hour), and design operating pressure (PSI) for each station; and
- e. Cross connection prevention and/or backflow prevention device in accordance with state standards.

**7. Water use – Irrigation schedules**

Irrigation schedules consistent with the following shall be submitted:

- a. A recommended irrigation program with monthly irrigation schedules based, at a minimum on average monthly Eto, shall be required for before and after establishment.
- b. The irrigation schedule shall:
  - i. Include for each station the run time (in minutes per cycle) and cycles per week;

- ii. Indicate the amount of applied water (in the applicable billing unit used by a purveyor);
- iii. Incorporate use of evapotranspiration data reflecting local microclimates;
- iv. Be adjusted for additional water need in recreational areas;
- v. Incorporate additional operating criteria such as avoiding irrigation at times of high temperatures or winds.

#### 8. Water use – Irrigation system maintenance

Irrigation systems shall be maintained and inspected periodically to assure proper functioning and in compliance with the calculated water budget for the system. Replacement of components shall be of originally specified parts or materials, or their equivalents.

## 21.06.030 Development Standards—Parking and Circulation

### A. Purpose

The purpose of this chapter is to provide adequate parking for all uses allowed in this Title, to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles, and to increase pedestrian mobility in urban areas by:

1. Setting minimum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers;
2. Providing incentives to rideshare through preferred parking arrangements;
3. Providing for parking and storage of bicycles;
4. Providing safe direct pedestrian access from public rights-of-way to structures and between developments; and
5. Requiring uses that attract large numbers of employees or customers to provide transit stops.

### B. Authority and application

1. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
2. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking

demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. If the site is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than 75 percent of the anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director.

3. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the director for compliance with this chapter, and if approved, the contracts shall be recorded with the King County records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the director.

#### C. Computation of required off-street parking spaces

1. Except as modified in [SDC 21.06.030J.2.](#) through 4., off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage

areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

OFF-STREET PARKING MINIMUMS	
Land Use	Minimum Parking Spaces Required
Residential	
Single detached / townhouse	2.0 per DU
Apartment:	
Studio units	1.2 per DU
One bedroom units	1.5 per DU
Two bedroom units	1.7 per DU
Three bedroom units or larger	2.0 per DU
Mobile home park	2.0 per DU
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms
Hotel / motel, including organizational hotel / lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Recreational / Cultural	
Recreation / culture uses	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee

OFF-STREET PARKING MINIMUMS	
Land Use	Minimum Parking Spaces Required
Park / playfield	(Director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
General Services	
General service uses	1 per 300 square feet
Exceptions:	
Funeral home / crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools:	
Middle / junior high schools	1 per classroom, plus 1 per 50 students

OFF-STREET PARKING MINIMUMS	
Land Use	Minimum Parking Spaces Required
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per 5 students
Specialized instruction schools	1 per classroom, plus 1 per 2 students
Artist studios	0.9 per 1,000 square feet of area used for studios
Government / Business Services	
Government / business service uses	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/ reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facilities	(Director)
Fire facilities	(Director)

OFF-STREET PARKING MINIMUMS	
Land Use	Minimum Parking Spaces Required
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service and storage	1 per 3,500 square feet of storage area, plus 2 for any resident director’s unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
Retail / Wholesale	
Retail trade uses	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3, plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/ grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1,000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet

OFF-STREET PARKING MINIMUMS	
Land Use	Minimum Parking Spaces Required
Manufacturing	
Manufacturing uses	0.9 per 1,000 square feet
Winery / brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
Resources	
Resource uses	(Director)
Regional	
Regional uses	(Director)

2. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to 50 percent of the minimum required number of spaces.
3. When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.
4. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.
5. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking

shall be bike rack or locker-type parking facilities unless otherwise specified.

- a. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:
  - i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
  - ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:
    - a) Park/playfield;
    - b) Marina;
    - c) Library/museum/arboretum;
    - d) Elementary/secondary school;
    - e) Sports club; or
    - f) Retail business (when located along a developed bicycle trail or designated bicycle route).
- b. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.



- c. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
- d. When more than 10 people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.
- e. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

**D. Shared parking requirements**

The amount of off-street parking required by [SDC 21.06.030C](#) may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:

- 1. The total parking area exceeds 5,000 square feet;
- 2. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;
- 3. The amount of the reduction shall not exceed 10 percent for each use, unless:

- a. The normal hours of operation for each use are separated by at least one hour; or
  - b. A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if shared parking reductions are authorized;
  - c. The director will determine the amount of reduction subject to subsection 4. of this section;
- 4. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;
  - 5. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with King County records and elections division as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and
  - 6. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

**E. Attached dwellings and group residences—Vehicular access and parking location**

1. On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I community residential facilities (CRF-I) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the director due to physical site limitations.
2. When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.
3. When the number of uncovered common parking spaces for attached dwellings and group residences exceed 30 spaces and when there is alley access, no more than 50 percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the director due to physical site limitations.

**F. Exceptions for community residential facilities (CRF) and senior citizen assisted housing**

1. The minimum requirement of one off-street parking space per two bedrooms for CRFs and one off-street parking space per two senior citizen assisted housing units may be reduced by up to 50 percent, as determined by the director based on the following considerations:
  - a. Availability of private, convenient transportation services to meet the needs of the CRF residents;

- b. Accessibility to and frequency of public transportation; and
- c. Pedestrian access to health, medical, and shopping facilities.

2. If a CRF facility or senior citizen assisted housing is no longer used for such purposes, additional off-street parking spaces shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

**G. Parking for new lots created under [SDC 21.02.060](#)**

All new single-family residential lots, created pursuant to the provisions of [SDC 21.02.060](#) and located within the R-4 and R-6 zones, shall provide one on-street parking space along the street frontage of each lot within the project's public or private streets. If, through demonstration of design alternatives considered by the applicant, on-street parking is proven infeasible, required parking may be permitted in alternative locations in the following order of preference: within a common shared space to be managed by the homeowners' association; or within the driveway that services each new lot.

**H. Parking for the disabled**

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled.

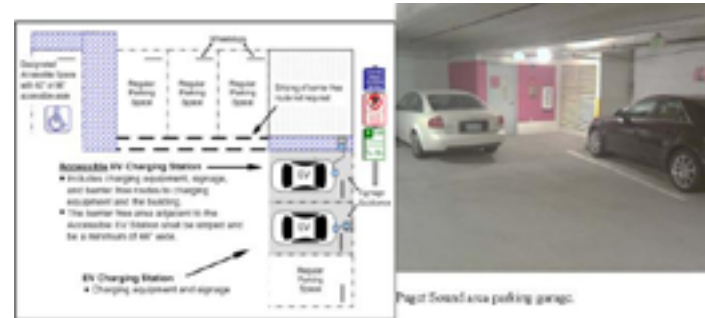
I. Electric vehicle parking stations—Provisions for

Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

1. Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table:

EV CHARGING STATION PROVISION	
Number of EV Charging Stations	Minimum Accessible EV Charging Stations
1 - 50	1
51 - 100	2
101 - 150	3
151 - 200	4
201 - 250	5
251 - 300	6

2. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.



J. Loading space requirements

1. Every nonresidential building engaged in retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

LOADING SPACE REQUIREMENTS	
Gross Floor Area	Required Number of Loading Spaces
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3

LOADING SPACE REQUIREMENTS	
Gross Floor Area	Required Number of Loading Spaces
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

- Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

LOADING SPACE REQUIREMENTS	
Gross Floor Area	Required Number of Loading Spaces
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

- Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks

shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.

- Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.
- Multi-story self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter.

**K. Stacking spaces for drive-through facilities**

- A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

2. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:
  - a. For each drive-through lane of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided; and
  - b. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided.

**L. Transit and rideshare provisions**

1. All land uses listed in [SDC 21.05.010P](#). (government/business services), and in [SDC 21.05.010T.1](#). (manufacturing), hospitals, high schools, vocational schools, universities, and specialized instruction schools shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:
  - a. The parking spaces shall be located closer to the primary employee entrance than any other employee parking except disabled;
  - b. Reserved areas shall have markings and signs indicating that the space is reserved; and
  - c. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.
2. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled

transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each business day up to a maximum reduction as follows:

- a. Four percent for each run serving land uses in [SDC 21.05.010P](#). (government/business services) and [SDC 21.05.010T.1](#). (manufacturing) up to a maximum of 40 percent; and
  - b. Two percent for each run serving land uses in [SDC 21.05.010N.1](#). (recreation/culture), [SDC 21.05.010O.1](#). (general services) and [SDC 21.05.010S](#). (retail/wholesale) up to a maximum of 20 percent; and
3. All uses that are located on an existing transit route and are required under the computation for required off-street parking spaces in [SDC 21.06.030C.1](#). to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses that reduce required parking under subsection 2. of this section shall provide transit shelters if transit routes adjoin the site.

**M. Pedestrian and bicycle circulation and access**

1. Nonresidential Uses. All permitted nonresidential uses shall provide pedestrian and bicycle access within and onto the site. Access points onto the site shall be provided
  - a. approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways; and
  - b. at all arrival points to the site, including abutting street intersections, crosswalks, and transit stops. In addition, access points to and from adjacent lots shall be coordinated to provide circulation patterns between developments.

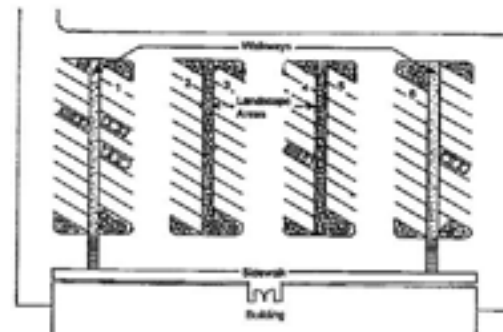
## 2. Residential Uses.

- a. All permitted residential uses of five or more dwelling units shall provide pedestrian and bicycle access within and onto the site. Access points onto the site shall be provided i. approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and ii. at all arrival points to the site, including abutting street intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent lots shall be coordinated to provide circulation patterns between sites.
- b. Residential uses of five or more dwelling units shall provide for nonmotorized circulation between cul-de-sacs or groups of buildings to allow pedestrian and bicycle access within and through the development to adjacent activity centers, parks, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public streets.
- c. Access shall only be required to school bus stops that are within or adjacent to a proposed residential use of five or more dwelling units and that are identified by the affected school district in response to a notice of application. In order to allow school districts to identify school bus stops, the department shall send a notice of application to affected school districts on all applications for residential uses of five or more dwelling units.

3. Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all

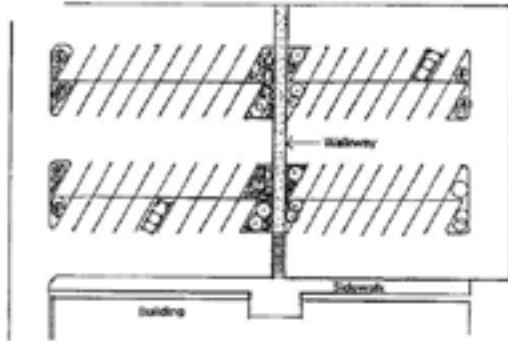
points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the site, or any parking space, is more than 75 feet from the building entrance or principal on-site destination and as follows:

- a. All developments that contain more than one building shall provide walkways between the principal entrances of the buildings;
- b. All nonresidential buildings set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots; and
- c. Walkways across parking areas shall be located as follows:
  - i. Walkways running parallel to the parking rows shall be provided for every six rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and





- ii. Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways.



- 4. Pedestrian and bicycle access and walkways shall meet the following minimum design standards:
  - a. Access and walkways shall be well lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;
  - b. Access and walkways shall be a minimum of 48 inches of unobstructed width and meet the surfacing standards of the City of Sammamish public works standards for walkways or sidewalks;
  - c. The minimum standard for walkways required to be accessible for persons with disabilities shall be designed and constructed to comply with the current State Building Code regulations for barrier-free accessibility;

- d. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.
- 5. Blocks in excess of 660 feet shall be provided with a crosswalk at the approximate midpoint of the block.
- 6. The director may waive or modify the requirements of this section when:
  - a. Existing or proposed improvements would create an unsafe condition or security concern;
  - b. There are topographical constraints or existing or required structures effectively block access;
  - c. The site is in a rural area outside of or not contiguous to an activity center, park, common tract, dedicated open space, school, transit stop, or other public facility;
  - d. The land use would not generate the need for pedestrian or bicycle access; or
  - e. The public is not allowed access to the subject land use.

The director’s waiver may not be used to modify or waive the requirements of this section relating to sidewalks and safe walking conditions for students.

- 7. The provisions of this section shall not apply on school district property.

**N. Off-street parking plan design standards**

- 1. Off-street parking areas shall not be located more than 600 feet from the building they are required to serve for all uses except those specified below; where the off-street parking areas do not abut the buildings they serve, the required



maximum distance shall be measured from the nearest building entrance that the parking area serves:

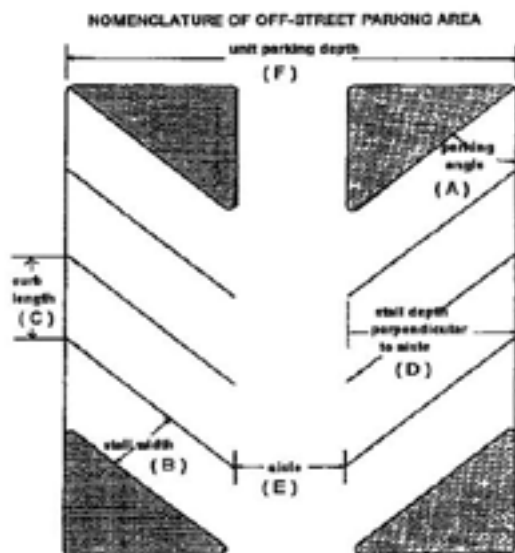
- a. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;
  - b. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the building(s) they are required to serve;
  - c. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
  - d. In designated activity, community business, and neighborhood business centers, parking lots should be located to the rear or sides of buildings, when feasible;
  - e. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and
  - f. Parking for the disabled shall be provided in accordance with [SDC 21.06.030H](#).
2. The minimum parking space and aisle dimensions for the most common parking angles are shown on the chart below. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If

dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS								
A	B		C	D	E		F	
PARKING ANGLE	STALL WIDTH		CURB LENGTH	CURB DEPTH	AISLE ONE-WAY	AISLE TWO-WAY	UNIT ONE-WAY	DEPTH TWO-WAY
0	Min. Desired	8.0*	20.0*	8.0	12.0	20.0	**	**
		8.5	22.5	8.5	12.0	20.0	29.0	37.0
		9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	Min. Desired	8.0*	16.0*	15.0	10.0	20.0	**	**
		8.5	17.0	16.5	10.0	20.0	42.0	53.0
		9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	Min. Desired	8.0*	11.5*	17.0*	12.0	20.0	**	**
		8.5	12.0		12.0	20.0	50.0	58.0
		9.0	12.5		12.0	20.0	51.0	59.0
60	Min. Desired	8.0*	9.6*	18.0	18.0	20.0	**	**
		8.5	10.0	20.0	18.0	20.0	58.0	60.0
		9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	Min. Desired	8.0*	8.0*	16.0*	24.0	24.0	**	**
		8.5	8.5	18.0	24.0	24.0	60.0	60.0
		9.0	9.0	18.0	24.0	24.0	60.0	60.0

\*For compact stalls only.

\*\*Variable with compact and standard combinations.



3. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.
4. The parking space depth may be reduced when vehicles overhang a walkway or landscaping under the following conditions:
  - a. Wheelstops or curbs are installed;
  - b. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
5. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of the City of Sammamish public works standards as adopted by [SDC 21.06.020C.5.e.](#)
5. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of the City of Sammamish public works standards as adopted by [SDC 21.08.010](#). Driveways for single detached dwellings, no more than 20 feet in width, may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.
6. Parking spaces required per this Chapter shall be located as follows:
  - a. For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, provided driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked
  - c. The amount of space depth reduction is limited to a maximum of 18 inches; and
  - d. Landscaping is designed in accordance with [SDC 21.06.020C.5.e.](#)

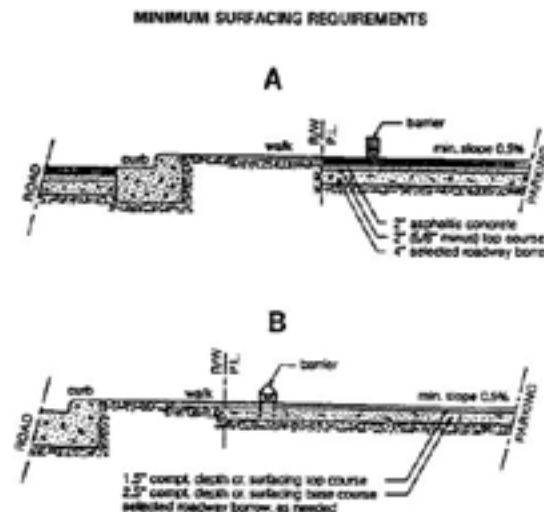
- on the driveway shall obstruct any joint user's access to the driveway or parking spaces;
- b. For all other developments parking spaces may be permitted by the director in setback areas pursuant to an approved landscape plan; and
  - c. For nonresidential uses in residential zones, parking is permitted in setback areas.
7. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct lighting of abutting properties and adjacent streets and pursuant to the provisions of [SDC 21.06.020G](#). The director shall have the authority to waive the requirement to provide lighting.
  8. Tandem or end-to-end parking is allowed in residential developments. Apartment/townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.
  9. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.
  10. The total number of vehicles parked or stored outside of a building on a single-family lot in the R-4 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots 12,500 square feet or less and eight vehicles on lots greater than 12,500 square feet.
  11. Vanpool/carpool parking areas shall meet the following minimum design standards:
    - a. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
    - b. A minimum turning radius of 26 feet four inches with a minimum turning diameter (curb to curb) of 52 feet five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.
  12. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of [SDC 21.06.040G](#).
  13. No dead-end alley may provide access to more than eight off-street parking spaces.
  14. Any parking stalls located in enclosed buildings must be totally within the enclosed building.
  15. Parking lot design for nonresidential uses located in the R-1, R-4, R-6, and R-8 zoning designations shall be designed pursuant to the provisions of [SDC 21.05.010M](#).
  16. Daycare I facilities shall provide sufficient area for the loading and unloading of passengers. This area shall:
    - a. Allow access to the entrance of the daycare I without crossing a street or travelway, and one of the following, in order of preference:
      - i. Be located off street, i.e., not within a public right-of-way or access easement; or

ii. Be located on street, outside of travel lanes, and adjacent to the daycare I; provided, that on-street loading and unloading of passengers is only allowed on local streets.

b. All off-street loading spaces shall be designed and constructed consistent with this chapter. All on-street loading spaces shall be designed consistent with the on-street parking space requirements of the adopted Public Works Standards.

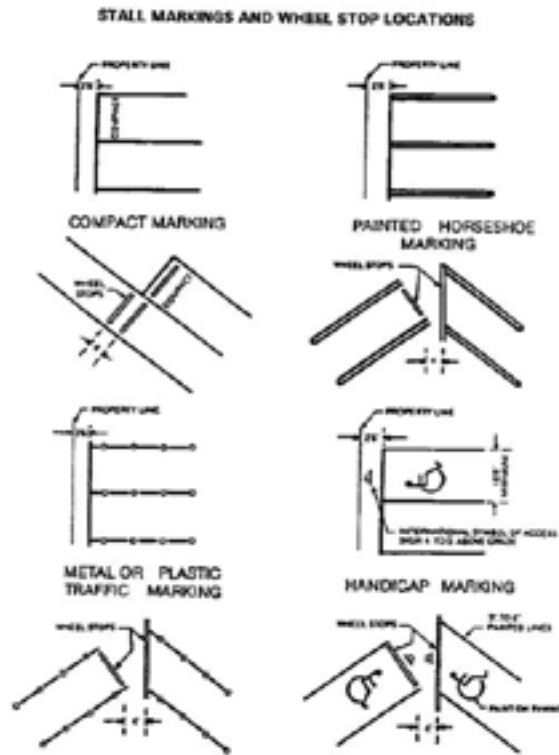
#### O. Off-street parking construction standards

1. Off-street parking areas shall have dust-free, all-weather surfacing. Typical approved sections are illustrated below. Frequently used (at least five days a week) off-street parking areas shall conform to the standards shown in A below or an approved equivalent. If the parking area is to be used more than 30 days per year but less than five days a week, then the standards to be used shall conform to the standards shown in B below or an approved equivalent. An exception to these surfacing requirements may be made for certain uses that require intermittent use of their parking facilities less than 30 days per year, and for permeable pavement, when constructed to the design specifications in the Surface Water Design Manual. Any surface treatment other than these exceptions and those graphically illustrated below must be approved by the director.



2. Grading work for parking areas shall meet the requirements of [SDC 21.03.070](#). Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 9.04 KCC as adopted by [SDC 21.03.050](#).

3. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.



**P. Electric vehicle charging spaces**

For all parking lots or garages the following shall apply:

1. There is no minimum number of charging station spaces required.
2. If electric vehicle charging stations are provided, a minimum of one accessible electric vehicle charging station should be located adjacent to any required designated accessible parking space. The electric vehicle charging space does not have to be designated as an accessible parking space.

3. Electric vehicle charging stations may be reserved for parking and charging electric vehicles only. The property owner may set hours and conditions of use on the spaces and the charging stations.
4. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
5. When a sign provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any nonelectric vehicle in a designated electric vehicle charging station space. Any nonelectric vehicle is subject to fine or removal.
6. Any electric vehicle parked in any designated electric vehicle charging station space parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to a fine and/or removal. For purposes of this subsection, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
7. The owner of the property may charge a fee for charging any electric vehicle.

**Q. Compact car allowance requirements**

In any development containing more than 20 parking spaces, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

1. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a

minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

2. Aisle widths shall conform to the standards set for standard size cars; and
3. Apartment developments with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

#### R. **Internal circulation street standards**

Internal access streets to off-street parking areas shall conform with the surfacing and design requirements for private commercial streets set forth in the City of Sammamish public works standards as adopted by [SDC 21.08.010](#).

## 21.06.040 Development Standards—Adequacy of Public Facilities and Services

### A. **Purpose**

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

1. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
2. Allocating the cost of those facilities and services fairly; and
3. Providing a general framework for relating development standards and other requirements of this code to:
  - a. Adopted service level standards for public facilities and services;
  - b. Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
  - c. The review of development permit applications.

### B. **General requirements**

1. All new development proposals including any use, activity, or structure allowed by [Chapter 21.05 SDC](#) that requires City approval shall be adequately served by the following facilities and services prior to the time of occupancy,



recording, or other land use approval, as further specified in this chapter:

- a. Sewage disposal;
  - b. Water supply;
  - c. Surface water management;
  - d. Streets and access;
  - e. Fire protection service; and
  - f. Schools.
2. All new development proposals and those that exceed 50% of the assessed value of improvements for building permits, plats, short plats, and lot line adjustments shall include a certificate of water availability and/or certificate of sewer availability to demonstrate compliance with this chapter and other provisions of the SMC, the City of Sammamish interim comprehensive plan, and the Growth Management Act. If water or sewer is not available from a water or sewer district the applicant shall provide verification from a water and sewer district along with information on when availability is expected in the future. Alternatives to public water and sewer service will be considered only if service from a water and sewer district is not available as defined in WAC 246-272A-0025.
  3. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.

4. All plats, short plats, and binding site plans must be connected to public sewer and water.
5. On-site sewage systems are prohibited in geological hazard areas including landslide and erosion hazard areas.
6. Development of parcels in the Tamarack and Inglewood plats shall comply with all provisions of this section and ensure adequate facilities both during and following construction. All facilities shall be maintained to their built condition for the life of the project. Applicants must demonstrate to the satisfaction of the City that there is adequate vehicle and pedestrian access, adequate access for fire and life safety, connecting to sewer where feasible, when a septic system is required planning for the design early in the project, adequacy of construction access and staging, and the adequacy of stormwater facilities to minimize erosion during and following construction.

#### C. Adequate sewage disposal

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

1. A public sewage disposal system is adequate for a development proposal provided that:
  - a. For the issuance of a building permit, preliminary plat or short plat approval, or other land use approval, the site of the proposed development is or can be served by an existing disposal system consistent with the adopted sewer system plans of the Plateau water and sewer district and the Northeast Sammamish water and sewer district, and the disposal system has been approved by

the department as being consistent with applicable state and local design and operating guidelines;

- b. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection 1.a. of this section is installed to serve each building or lot;
  - c. For recording a final plat, final short plat, or binding site plan, the approved public sewage disposal system set forth in subsection 1.a. of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the City of Sammamish for the future installation of an adequate sewage disposal system. The bond may be assigned to a purveyor to assure the construction of such facilities within two years of recording;
  - d. For a zone reclassification, the timing of installation of required sewerage improvements shall be contained in the approving ordinance; and
2. A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the King County department of public health as to lot size, soils, and system design prior to issuance of a certificate of occupancy for a building or change of use permit.

#### D. Adequate water supply

All new development shall be served by an adequate public or private water supply system as follows:

1. A public water system is adequate for a development proposal provided that:
  - a. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system available to serve the site:
    - i. Complies with the applicable planning, operating and design requirements of Chapter 246-290 WAC and other applicable provisions of the rules and regulations of the King County board of health, and any limitation or condition imposed by the adopted plan of the water purveyor; and
    - ii. The proposed improvements to an existing water system have been reviewed by the City engineer and determined to comply with the design standards and conditions specified in subsection 1.a.i. of this section; or
    - iii. A proposed new water supply system has been reviewed by the City engineer and determined to comply with the design standards and conditions specified in subsection 1.a.i. of this section;
  - b. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection 1.a. of this section shall be installed to serve each building or lot respectively;
  - c. For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection 1.a.

of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the City of Sammamish and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and

- d. For a zone reclassification, the timing of installation of required water system improvements shall be included in the approving ordinance.
2. An on-site, individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued if:
  - a. The water purveyor has indicated that service cannot be provided in compliance with the purveyor’s approved water system plan; and
  - b. The Seattle-King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the department and the Seattle-King County department of public health that a private individual water system will be adequate. The Seattle-King County department of public health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available.

#### E. **Surface water management**

All new development shall be served by an adequate surface water management system that is properly maintained as follows:

1. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the King County surface water design manual and KCC Title 9 as adopted by [SDC 21.03.050](#);
2. For a subdivision or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the City of Sammamish; and
3. A variance request from the requirements of the King County surface water design manual and KCC Title 9 as adopted by [SDC 21.03.050](#) shall be reviewed as set forth in KCC 9.04.050 and does not require a variance from this Title unless relief is requested from a building height, setback, landscaping or other development standard set forth in [SDC 21.04.030](#) through SDC 21.05.020.
4. All surface water management facilities shall be adequately maintained to the built condition and in accordance with all approved permits for the life of the development.

#### F. **Adequate streets**

1. All new development shall be served by adequate streets. Streets are adequate if the development’s traffic impacts

on surrounding public streets are acceptable under the level of service standards and the compliance procedures established in **Chapter 21.08 SMC**.

2. The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
3. A variance request from the street cross-section or construction standards established by the City of Sammamish public works standards adopted by **Chapter 21.08 SMC**, and does not require a variance from this Title unless relief is requested from a building height, setback, landscaping or other development standard set forth in [SDC 21.04.030](#) through [SDC 21.05.020](#).

#### **G. Adequate vehicular access**

All new development shall be served by adequate vehicular access as follows:

1. The property upon which the development proposed is to be located has direct access to:
  - a. A public or private street that meets City street standards as set forth in the public works standards or is formally declared acceptable by the City engineer; or
  - b. The property has access to such a street over a private driveway approved by the City;
2. The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and

convenient locations, as determined by the department and the City engineer; and

3. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established shall establish safe access as follows:
  - a. Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in [SDC 21.06.030](#);
  - b. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
  - c. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the City to all required off-street parking spaces on the premises.

#### **H. Adequate fire protection**

All new development shall be served by adequate fire protection as set forth below:

1. The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that provides life safety/ rescue access, and other fire protection requirements for buildings as required by **SMC Title 16, Buildings and Construction**;

2. For a zone reclassification, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the City of Sammamish; and
  3. A variance request from the requirements established by Chapter 16.05 SMC, Building Codes and Fire Code, shall be reviewed as set forth in Article 2 of the currently adopted edition of the Uniform Fire Code and does not require a variance from this Title unless relief is requested from a building height, setback, landscaping or other development standard set forth in [SDC 21.04.030](#) through [SDC 21.05.020](#).
- I. **School concurrency—Applicability and relationship to fees**
1. The school concurrency standard set out in [SDC 21.06.040L](#) shall apply to applications for preliminary plat approval, mobile home parks, requests for multifamily zoning, and building permits for multifamily housing projects that have not been previously evaluated for compliance with the concurrency standard.
  2. The City’s finding of concurrency shall be made at the time of preliminary plat or UPD approval, at the time that a request to actualize potential multifamily zoning is approved, at the time a mobile home park site plan is approved, or prior to building permit issuance for multifamily housing projects that have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.
  3. Excluded from the application of the concurrency standard are:
    - i. Building permits for individual single-family dwellings;
    - ii. Any form of housing exclusively for senior citizens, including nursing homes and retirement centers;
    - iii. Shelters for temporary placement, relocation facilities and transitional housing facilities;
    - iv. Replacement, reconstruction or remodeling of existing dwelling units;
    - v. Short subdivisions that create four or fewer lots;
    - vi. Any residential building permit for any development proposal for which a concurrency determination has already been made pursuant to the terms of this Title.
  4. All of the development activities that are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to [SDC 21.09.090](#), School Impact Fees.
  5. The assessment and payment of impact fees are governed by and shall be subject to the provisions in [SDC 21.09.090](#) addressing school impact fees.
  6. A certification of concurrency for a school district shall not preclude the City from collecting impact fees for the district. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development,

and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

**J. Findings, recommendations, and decisions regarding school capacities**

1. In making a threshold determination pursuant to SEPA, the director and/or the hearing examiner, in the course of reviewing proposals for residential development including applications for plats, mobile home parks, or multifamily zoning, and multifamily building permits, shall consider the school district's capital facilities plan as adopted by the City council.
2. Documentation that the district is required to submit to the City of Sammamish shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific development.
3. Based upon a finding that the impacts generated by the plat, mobile home park or the multifamily development were generally not anticipated at the time of the last City council review and approval of a school district capital plan and were not included in the district's long-range forecast, the director may require or recommend phasing or provision of

the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

4. Determinations of the hearing examiner or director regarding concurrency can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the hearing examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the City council for possible modifications.
5. Where the council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the hearing examiner or the director pursuant to the State Environmental Policy Act or the State Subdivision Act.

**K. Annual council review**

On at least an annual basis, the Sammamish City council shall review the reports prepared by the King County school technical review committee and confirm that the King County council has certified the plans of the Issaquah and Lake Washington School Districts.

**L. School concurrency standard**

1. Schools shall be considered to have been provided concurrently with the development that will impact the schools if:

- a. The permanent and interim improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or
  - b. The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district’s standard of service within three years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan as reviewed and adopted by the City of Sammamish.
2. Any combination of the following shall constitute the “necessary financial commitments” for the purposes of subsection 1. of this section:
- a. The district has received voter approval of and/or has bonding authority;
  - b. The district has received approval for federal, state, or other funds;
  - c. The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or
  - d. The district has other assured funding, including but not limited to, school impact fees that have been paid.

3. Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110.

**M. Credit for improvements**

Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by [SDC 21.09.090](#). The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.



## 21.06.050 Signage

### A. Purpose

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the City, allow for the expression of free speech, and promote general safety and welfare by:

1. Regulating the type, number, location, size, and illumination of signs; and
2. Recognizing the purpose of signs for identification and economic well-being of businesses in Sammamish; and
3. Ensuring a safe driving environment; and
4. Recognizing and protecting the use of the public right-of-way as a forum for noncommercial speech; and
5. Facilitating fair and consistent content-neutral enforcement; and
6. Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and
7. Allowing for limited temporary commercial signage in the public right-of-way, to provide a flow of commercial information to consumers to enable them to make vital decisions of purchasing a home, and to further the critical public goal of providing for equal access to housing; and
8. Upholding the goals and policies of the Comprehensive Plan.

### B. Permit Requirements

1. Except as otherwise provided in this chapter, no sign shall be erected, altered, or relocated within the City without a permit issued by the City.
2. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a permitted sign, or for sign face and copy changes that do not alter the size or structure of the sign.

### C. Exempt signs

The following signs or displays are exempted from the permitting requirements of this chapter, but shall conform to the other requirements set out in this chapter:

1. Historic plaques, gravestones, and address numbers;
2. Official or legal notices issued and posted by any public agency or court;
3. Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish department of public works;
4. Plaques, tablets, or inscriptions which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area;
5. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs when established and maintained by a public agency;

6. Government flags; and
7. Nonverbal religious symbols attached to a place of worship.

**D. Prohibited signs**

1. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under [SDC 21.06.050G.](#);
2. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with traffic control signs or signals;
3. Signs located in the public right-of-way, except where permitted in this chapter; provided, that in no case shall temporary signs permitted under [SDC 21.06.050G.](#) be located within travel lanes or sidewalks, or be attached to traffic control signs, utility or signal poles;
4. Posters, pennants, strings of lights, blinking lights, balloons, searchlights, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in [SDC 21.06.050G.](#) as temporary commercial displays; and
5. Billboards.

**E. Sign area calculation**

1. Sign area for pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
2. Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest

single rectangle that will enclose the combined letters and symbols.

3. Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the front surface area of the cabinet.
4. Sign area for temporary signs shall include all portions of the sign attached to the primary supporting structure of the sign, including material additions to the sign.

**F. Permanent signs**

1. Table of Permitted Signs. The table below outlines the regulations for permanent signs in the City of Sammamish. All permanent signs must be approved through the permitting process. Unless otherwise stated herein, all permanent signs must be on site. No permanent sign may be placed in the City’s right-of-way.

KEY: X Prohibited N/A Not Applicable - Sign type not allowed in zone

PERMANENT SIGNS				
Sign Criteria	Residential Zone	Community Business Zone (1) (2)	Neighborhood Business Zone (1) (2)	Office Zone (1) (2)
Freestanding Signs				
Quantity (3)	X (4)	One per street frontage (5) (18)		One per street frontage (18)
Maximum sign area	N/A	85 square feet, + 20 square feet for each additional business in a multiple tenant structure up to 145 square feet	50 square feet	
Combined Sign Area Limit for Lots with Multiple Freestanding Signs (6)	N/A	250 square feet	150 square feet	80 square feet
Maximum height	N/A	20 feet	15 feet	
Home Business Signs (7)				
Quantity	One		N/A	
Maximum sign area	6 square feet		N/A	
Permanent Residential Development Identification Signs				

PERMANENT SIGNS				
Sign Criteria	Residential Zone	Community Business Zone (1) (2)	Neighborhood Business Zone (1) (2)	Office Zone (1) (2)
Quantity	Two one-sided signs or one two-sided sign per major entrance (18)	Two one-sided signs or one two-sided sign per major entrance (8)		
Maximum sign area		32 square feet per sign		
Maximum sign height	8 feet per sign (9)	8 feet per sign		
Projecting or Awning Signs Mounted on the Sloping Portion of Roof				
Quantity (11)	X	One allowed in lieu of wall sign		
Maximum sign area	N/A	No greater than 15 percent of building facade	No greater than 10 percent of building facade	
Minimum clearance above finished grade (12)	N/A	8 feet		
Maximum projection, perpendicular from supporting building facade	N/A	6 feet		
Signs on Property with Public Agency Facilities				
Quantity	Two per facility		X	
Maximum sign area	30 square feet		N/A	
Maximum height	6 feet		N/A	
Sign on Residentially Zoned Property with Nonresidential Use				
Quantity	One		X	
Maximum sign area	25 square feet		N/A	
Maximum height	6 feet		N/A	
Wall Signs				
Maximum sign area (15)	N/A (16)	15 percent of building facade	10 percent of building facade	10 percent of building facade (17)

**Development Conditions:**

- (1) Directional signs for surface parking areas or parking structures located in the R, CB, NB, and O zones shall not be included in the sign area or number limitations stated in this table; provided, that they shall not exceed six square feet in surface area and are limited to one for each entrance or exit.
- (2) Fuel price signs shall not be included in sign area or number limitations referenced in this table, provided such signs do not exceed 20 square feet per street frontage.
- (3) Corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign.
- (4) Freestanding signs are allowed in residential zones as home business signs, permanent residential development identification signs, signs on property with public agency facilities, and signs on residentially zoned property with nonresidential use.
- (5) Multiple tenant developments in the CB and NB zones that have more than 300 feet of street frontage on one street may have one additional freestanding sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of 150 feet, if located on the same street frontage.
- (6) On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined.
- (7) Home business signs may be wall signs, monument signs, or A-frame signs.
- (8) Permanent residential identification signs are only allowed in the NB, CB, and O zones as part of a mixed-use development.
- (9) Applicable only to monument signs.
- (10) Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.
- (11) Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.
- (12) Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.
- (13) See [SDC 21.04.040B.268](#) for a list of permitted public agencies.
- (14) Nonresidential uses of residential property as outlined in [Chapter 21.05 SDC](#).
- (15) Maximum height for wall signs and changing message center signs shall not extend above the highest exterior wall or structure upon which the sign is located.
- (16) Wall signs are allowed in residential zones to identify public agency facilities, home businesses, and other nonresidential uses, subject to the regulations listed in this table.
- (17) Only on building facades with street frontage.

- (18) Permanent residential development identification signs in residential zones may only be monument signs.
- 2. Illumination of Permanent Signs. The table below outlines the regulations for illumination of permanent signs in the City of Sammamish. Temporary signs, governed by [SDC 21.06.050G.](#), shall not be illuminated. All permanent signs, including the requested illumination, must be approved through the permitting process. All electrical components for signs shall be governed by Chapter 19.28 RCW and WAC 296-46-910.

KEY: P Permitted, pursuant to permit issued by City  
 X Prohibited

SIGN ILLUMINATION				
Sign Criteria	R Zone	CB Zone	NB Zone	O Zone
Internal illumination (1)	X		P	
Indirect illumination (1) (2)			P	

**Development Conditions:**

- (1) The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign.
- (2) Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.

**G. Temporary signs**

The following temporary signs or displays are permitted and, except as required by the International Building Code; Chapter

16.20 SMC, Construction Administrative Code; or as otherwise required in this chapter, do not require a sign permit, subject to the requirements set out in this chapter. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by [SDC 21.08.010](#), Public Works Standards Adopted, and by [SDC 21.04.030W.](#), Sight distance requirements. No temporary signs shall be located within center medians or within roundabouts and the amenity zone along the outside turning edge of a roundabout, traffic circles, or islands. Temporary signs shall not be illuminated.

- 1. Noncommercial Temporary Signs. No sign permit is required to post a noncommercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Noncommercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit.
  - a. On roads that only have a shoulder and do not have a sidewalk, noncommercial temporary signs must be placed beyond the edge of the asphalt, and may not be placed so that any part of the sign extends over the asphalt.
  - b. Noncommercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.

KEY: P Permitted, pursuant to permit issued by City  
 X Prohibited

TEMPORARY SIGNS			
Sign Criteria	Noncommercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Noncommercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Noncommercial Temporary Sign Type III – Private Property (All Sign Types) 1.
Size Limit	4 square feet	6 square feet	32 square feet
Height Limit	3 feet above grade	3.5 feet	8 feet
Duration	180 consecutive days per calendar year	5 consecutive days	180 consecutive days per calendar year

**Development Conditions:**

- (1) Placement of off-premises noncommercial temporary signs on private property is subject to the landowner’s authorization.
2. Temporary Commercial Displays. Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year at businesses located in Sammamish in the CB, NB, or O zone. Temporary commercial displays shall meet the placement and dimensional standards for the sign type utilized.
3. Signs Located on Property with Active Construction.
  - a. One nonilluminated, double-faced sign is permitted for each public street upon which the project fronts;
  - b. No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

- c. Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first.

4. Signs Associated with Properties for Sale or Rent.

SIGNS FOR PROPERTIES FOR SALE OR RENT	
Sign Criteria	Limitation
<b>Signs Located on Property with Individual Unit for Sale or Rent</b>	
Sign Quantity	One per public or private street frontage
Permitted Location	Public or private street frontage
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property
Maximum Sign Area	8 square feet
Maximum Height	6 feet
<b>Signs Located Off-Site of Property with Individual Unit for Sale or Rent 1.</b>	
Sign Quantity	One 2.
Permitted Location	Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property
Maximum Sign Area	6 square feet
<b>Portable Off-Premises Residential Directional Signs for Active Open Houses for Sale or Rent 3.</b>	
Sign Quantity	4 per open house
Maximum Sign Area	6 square feet
Maximum Height	42 inches



SIGNS FOR PROPERTIES FOR SALE OR RENT	
Sign Criteria	Limitation
Signs on Property with Commercial or Industrial Property for Sale or Rent	
Sign Quantity	One
Permitted Location	Public or private street frontage
Maximum Sign Area	32 square feet
Maximum Height	12 feet
Signs on Newly Constructed Residential Developments for Sale	
Sign Quantity	One
Permitted Location	Public or private street frontage
Maximum Sign Area	32 square feet
Maximum Height	12 feet
Directional Signs Located Off-Site of Newly Constructed Residential Developments for Sale	
Sign Quantity	Two
Permitted Location	Private property (with permission); public right-of-way
Maximum Sign Area	16 square feet
Maximum Height	6 feet

**Development Conditions:**

- (1) Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.
  - a. When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; frames installed to hold multiple real estate signs shall not exceed a height of six

feet. Off-site signs located on a frame shall individually not exceed a height of one and one-half feet, a width of two feet, and an area of three square feet.

- b. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent.

**H. Legal nonconforming signs**

1. Any sign located within the City limits on the date of adoption of the ordinance codified in this Title, or located in an area annexed to the City thereafter, which does not conform with the provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:
  - a. The sign was covered by a permit on the date of adoption of the ordinance codified in this Title if one was required under applicable law; or
  - b. If no permit was required under applicable law for the sign in question, the sign was in all respects compliant with applicable law on the date of adoption of the ordinance codified in this Title.
2. Loss of Legal Nonconforming Status. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement.

**I. Variance**

1. A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of

[SDC 21.09.100C](#). Variances from the terms of this chapter may be granted by director of community development upon proper application. Variances may be granted when, because of unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

#### J. Enforcement

1. Compliance with Other Applicable Codes. All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in [SMC 16.05.070](#) by the City. If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standard shall prevail.
2. Sign Maintenance. All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the City. The area surrounding freestanding signs must be kept free of litter and debris at all times.

3. Inspection. Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
4. Abatement. In addition to the abatement authority provided by proceedings under [SDC 21.09.110C](#)., the City or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:
  - a. When a sign is determined by the City engineer or director of community development to present an immediate threat to the safety, health, and welfare of the public;
  - b. When a sign is illegally placed pursuant to [SDC 21.06.050G](#)., within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;
  - c. When a sign is determined by the City to be abandoned; provided, that the City must first provide 14 days' notice to the underlying property owner or business owner that the sign is deemed abandoned.
5. Disposal of Signs. When a sign has been removed by the City as authorized by this section, the City shall take the following actions:

- a. The City shall hold a sign for at least seven days. After seven days the City may dispose of the sign without prior notice to the sign owner. The City shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to SMC 23.100.010.
- b. For signs with a fair market value exceeding \$500.00, the City shall provide notice by mail to the following:
  - i. Sign Owner. If the mailing address can be determined by the City after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half hour of staff time.
  - ii. Underlying Property Owner. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the King County assessor's office.

## 21.06.060 Wireless Communication Facilities

### A. Purpose

The purpose of this chapter is to allow the deployment of wireless communication facilities (WCF) and provide WCF service to Sammamish residents while not compromising public health, safety, welfare, and the visual and aesthetic beauty of Sammamish. This code is designed to serve as a local regulatory tool assisting service providers, citizens, and City staff in navigating the federally preemptive regulatory field of wireless service. This shall be done by:

1. Interpreting the code to protect the visual and natural environmental beauty of the City of Sammamish; and
2. Facilitating fair and consistent design, siting, and deployment by providing a clear and predictable permit process for network providers and the community; and
3. Utilizing design and concealment concepts consistent with and complementary of colors and textures found in the natural and built environment; and
4. Protecting the use and purpose of the public right-of-way to ensure a safe driving and pedestrian environment; and
5. Providing an administrative review process to ensure that WCFs are evaluated in a fair and timely manner in accordance with other City goals and policies; and
6. Upholding the goals and policies of the Comprehensive Plan; and

7. Establishing clear regulations for the siting, design, maintenance, and operation of WCF consistent with state and federal regulations; and
8. Accommodating the growing need and demand for wireless services; and
9. Meeting the requirements of Federal Communications Commission (FCC) rules.

## B. Goals

The goals of this chapter are to:

1. Minimize visual, safety, aesthetic, and environmental impacts of WCFs on the community by establishing standards for location, structural integrity, and compatibility; and
2. Encourage the location and collocation of wireless communication antennas on existing nonmunicipal structures; and
3. Ensure that wireless facility antennas and supporting equipment are proportionate in scale and design, as technically feasible, to other elements of the built environment; and
4. Ensure that equipment does not become a barrier or impediment to pedestrians, drivers, and cyclists; and
5. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new towers and poles, when appropriate; and

6. Minimize the impact to public purpose of the public rights-of-way. Wireless facility use by network providers or their subcontractors is not an exclusive or priority use within the public right-of-way; and
7. Ensure regulations are fair and accommodate the maximum number of users.

## C. Applicability

No person shall place, construct, reconstruct, or modify a WCF within the City without the necessary permit(s), except as provided by this chapter. The director or designee shall have authority to approve, condition, or deny a WCF as prescribed in the Sammamish Municipal Code.

## D. Conflict

When any provision of any other chapter of the Sammamish Municipal Code conflicts with this chapter, the director shall apply this chapter.

## E. Fees

Fees for review pursuant to this chapter shall be established by the City and, if applicable, shall be consistent with the safe harbor provisions established by the FCC (as may be amended from time to time). Any additional time or cost shall be billed on a per-hour rate as established by adopted City of Sammamish fee schedule to cover staff time or required professional services to assist in review of an application.

## F. Definitions

For the purpose of this chapter, the following terms are defined as follows:

1. **Affidavit.** A written statement of facts that is sworn to and signed by a deponent before a notary public or some other authority having the power to witness an oath.
2. **Amateur radio (ham) tower.** A tower with antenna(s) which transmit and receive noncommercial communication signals and is defined as an amateur radio tower by the FCC. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.
3. **Antenna(s).** An apparatus designed for the purpose of emitting radio frequency (RF) to be operated or operating from a fixed location pursuant to FCC authorization for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term “antenna” does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
4. **Antenna equipment.** Base equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
5. **Antenna facility.** An antenna and associated antenna equipment.
6. **Base station.** A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.
  - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).
  - c. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in subsections 6.a. and b. of this section that has been reviewed and approved under the applicable zoning or siting process, or under either state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - d. The term does not include any structure that, at the time the relevant application is filed with the City under this chapter, does not support or house equipment described in subsections 6.a. and b. of this section.
7. **Collocation.**
  - a. Mounting or installing an antenna facility on a preexisting structure whether or not there is an existing antenna on the structure; and/or

- b. Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

Provided, that, for purposes of eligible facilities requests, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

- 8. **Director.** Community development director or designee.
- 9. **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station (as provided in 47 CFR § 1.6100), involving:
  - a. Collocation of new transmission equipment; or
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
- 10. **Equipment enclosure(s).** The specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include: cabinets attached underground, adjacent to, or on a pole. The term does not include relatively small electronic components that have protective housing, such as remote radio units, radio transceivers, amplifiers, or transceivers mounted behind antennas.
- 11. **FCC.** The Federal Communications Commission.
- 12. **Franchise agreement.** A contract between the City and a network provider who needs or desires use of the public rights-of-way (ROW) to deliver its wireless services or to locate WCFs.
- 13. **Macro cell facility.** A large wireless communication facility that does not meet the definition of a small wireless facility. Generally, macro cell facility antennas are mounted on ground-based towers, rooftops and other support structures. Macro cell facilities typically cover larger geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.
- 14. **Network provider.**
  - a. A wireless service provider; or
  - b. A person or business that does not provide wireless services but builds, installs, or maintains facilities on behalf of a wireless service provider.
- 15. **Personal wireless services.** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.
- 16. **Pole(s).** Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole or primary purpose of supporting a WCF.
- 17. **Public works standards.** The Sammamish 2016 Public Works Standards, as they exist now or are hereafter amended.
- 18. **Replacement pole.** Replacement of an existing pole with a pole that does not exceed 10 feet above the height of the



existing pole or the minimum additional height necessary for adequate clearance from electric wires, whichever is greater. Any pole exceeding these size limitations shall be considered a new installment for purposes of this chapter, regardless of whether it will physically replace an existing pole. Provided that additional height may be allowed for a replacement pole when necessary to facilitate relocation of a bird nest feature or a nest structure in accordance with [SDC 21.06.060H.1.](#) or [SDC 21.06.060L.1.a.](#)

19. **Radio frequency (RF).** The number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or hertz.
20. **Satellite dish antenna(s).** A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.
21. **Satellite dish, large.** Any satellite dish antenna(s) whose diameter is greater than four feet (see "satellite dish antenna(s)").
22. **Satellite dish, small.** Any satellite dish antenna(s) that has a diameter less than or equal to four feet.
23. **Small wireless facility.** A facility that meets the following conditions:
  - a. Is mounted on support structures 50 feet or less, including antenna; or
  - b. Is mounted on support structures no more than 10 percent taller than adjacent poles or support structures; or
  - c. Does not extend existing support structures on which the facility is located to a height of more than 50 feet or more than 10 percent, whichever is greater; and
  - d. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of "antenna" in 47 CFR § 1.1320d.), is no more than three cubic feet in volume; and
  - e. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and
  - f. The facilities do not require antenna structure registration under 47 CFR Part 17; and
  - g. The facilities are not located on tribal lands, as defined under 36 CFR § 800.16(x); and
  - h. The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307b.
24. **Structure height.** A pole/tower shall be measured from the average existing grade of land prior to any cuts and fills or other disturbances associated with the proposed project to the highest point of the structure.
25. **Structure mounted facility.** Wireless communication facility, including any mounting apparatus that is mounted on the



roof or facade or other element of the structure or building. The term does not encompass a tower or any equipment serving with a tower or a utility pole, light pole, traffic signal pole, or miscellaneous pole.

26. **Support structure.** A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used to support antennas and associated antenna equipment for the provision of personal wireless service (whether on its own or commingled with other types of services).
  27. **Technically feasible.** Capable of being accomplished based on existing technology compatible with an applicant's existing network.
  28. **Temporary wireless communication facility.** Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:
    - a. The reconstruction of a permanent WCF and limited to a duration of 12 months from the date of approval unless an extension is requested at least 30 days prior to the expiration date; or
    - b. Large-scale community events limited to the duration of the event, plus 10 days prior to the event and 10 days after; or
    - c. Emergency communications equipment to be used in anticipation of and during a declared public emergency
29. **Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to: private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.
  30. **Transmission equipment.** Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to: radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to; private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  31. **Wireless communication facility (WCF).** Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna.
  32. **Wireless pole.** A new pole that is installed for the sole purpose of providing a mounting for a WCF.
  33. **Wireless service provider (WSP).** A company that offers services to users of wireless devices (i.e., handheld

or emergency exercise as declared by the City of Sammamish emergency manager.

computers and telephones) through radio frequency (RF) signals rather than through end-to-end wire communication.

**G. WCF uses**

The land use tables in this chapter determine whether a specific WCF use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables. In the case where a proposed WCF does not fall into one of the WCF types listed in Table A, an application for a conditional use permit shall be required pursuant to [SDC 21.06.060K.2.b.](#) or [21.06.060L.2.b.](#)

KEY: P Permitted Use C Conditional Use X Prohibited Use

RESIDENTIAL LAND USES								
WCF Land Use	R-1 to R-8	R-12 to R-18	NB	CB	O	TCA-E	Public Rights-of-Way	Access and Utility Easements (Private Streets)
Amateur radio (ham) tower	P	P	P	P	P	P	X	X
Eligible facilities requests	P	P	P	P	P	P	P	P
Macro cell facility, building mounted	C3.	C	P	P	P	P	N/A	N/A
Macro cell facility, collocated with existing WCF	P	P	P	P	P	P	P	P
Macro cell facility, collocated on existing support structure	C3.	C	P	P	P	P	P	P4.
Macro cell facility, new support structure	C3.	C	C	C	C	C	C	C
Macro cell facility, replacement pole	P	P	P	P	P	P	P	P
Macro cell facility, not otherwise listed5.	C	C	C	C	C	C	C	C
Satellite dish, large	P	P	P	P	P	P	X	X
Satellite dish, small	P	P	P	P	P	P	X	X
Small wireless facility, building mounted	P	P	P	P	P	P	N/A	N/A
Small wireless facility, collocated with existing WCF1.	P	P	P	P	P	P	P	P

WCF Land Use	RESIDENTIAL LAND USES							
	R-1 to R-8	R-12 to R-18	NB	CB	O	TCA-E	Public Rights-of-Way	Access and Utility Easements (Private Streets)
Small wireless facility, collocated on existing support structure	P	P	P	P	P	P	P	P
Small wireless facility, new support structure	C	C	P	P	P	P	P	P
Small wireless facility, not otherwise listed	C	C	C	C	C	C	C	C
Small wireless facility, SEPA nonexempt	C	C	C	C	C	C	C	C
VHF and UHF receive-only television antenna(s)	P	P	P	P	P	P	X	X
WCF, temporary <sup>6</sup> .	P	P	P	P	P	P	P	P
Wireless communication facility (WCF), not otherwise listed	C	C	C	C	C	C	C	C

**Development Conditions:**

- (1) Facilities shown as permitted within this table are subject to the permitting requirements contained in this chapter. Such facilities may be exempt from receiving a wireless use permit, may be required to obtain an expedited wireless use permit, or may be required to obtain a standard wireless use permit pursuant to this chapter. Further, facilities shown as permitted within this table may require building permits, shoreline permits, or other permits as the Sammamish Municipal Code may require.
- (2) A franchise agreement and right-of-way use permit shall be required for WCFs siting in the public rights-of-way instead of a land use permit.

- (3) Macro cell facilities in zones R-1 through R-8 may only be permitted on parcels with permitted, nonresidential land uses (such as churches or schools).
- (4) Exclusive of right-of-way adjacent to R-1 through R-18 zones, for which a conditional use permit shall be required in accordance with SDC 21.06.060L.2.b.
- (5) Subject to the criteria contained in SDC 21.06.060L.
- (6) Temporary WCFs operating in excess of 30 days must obtain the appropriate wireless use permit.

#### H. Permit – Exemptions

Certain wireless communication facilities are exempt from land use review; however, the provisions of this section do not preclude applicable requirements for building, electrical, or right-of-way permits.

##### 1. Eligible Facilities Requests.

An eligible facility request, meeting the definition of an “eligible facilities request” pursuant to Section 6409a. of the Middle-Class Tax Relief and Job Creation Act of 2012 and 47 CFR § 1.6100 (or as hereafter amended or recodified), shall not be required to obtain a land use permit and shall be allowed upon the issuance of the applicable permit(s) prior to deployment, installation, or construction. An application for an eligible facilities request exemption letter shall provide information as required by the director necessary to establish that the proposal qualifies as an eligible facilities request and if a proposal would substantially change the physical dimensions of a tower or base station, as defined in 47 CFR § 1.6100, or

otherwise does not qualify as an eligible facilities request, the director shall deny a request for an exemption letter and the applicant shall apply for such other WCF permit as required pursuant to this chapter. Eligible facilities requests to add height to an existing structure where a bird nesting habitat feature/structure has been established at the top of the existing structure shall be allowed additional height beyond the limitations of an eligible facilities request to facilitate the relocation of the nest feature/structure and when the additional height is not for antennae extension and is the minimum necessary designed in consultation with a qualified habitat biologist.

##### 2. VHF and UHF Receive-Only Television Antenna(s). V

HF and UHF receive-only antenna(s) shall not be required to obtain a land use permit. VHF/UHF antenna(s) that are permitted outright shall be restricted to a height limit of no more than 10 feet above the existing or proposed roof.

##### 3. Small Satellite Dish Antenna(s).

Small dish antenna(s) in all zones shall not be required to obtain a land use permit in accordance with the Federal Telecommunications Act. Installation must comply with any applicable provisions of the City building code.

4. Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise, and any other temporary WCF not operating for a duration of more than 30 days. Temporary WCF operating more than 30 days must obtain the appropriate wireless use permit.

5. **Amateur Radio Facilities.**

Amateur radio (ham) towers are exempt from land use permits under this chapter and shall be permitted by right in all zones, pursuant to the FCC order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to amateur radio (ham) towers may be waived by the director upon a showing by the applicant that the proposed amateur radio (ham) tower is the minimum necessary for the facility to function as proposed.

I. **Wireless use permits - Types and timelines**

1. Unless exempt, no WCF shall hereafter be erected, re-erected, constructed, or altered unless the appropriate wireless use permit for the same has been issued by the City pursuant to this chapter. Further, some proposed WCF may also require other permitting, such as: shoreline permit, building permit, electrical permit, and/or right-of-way use permit (as applicable).
2. **Types of Permits. Unless otherwise specified in this chapter, all permits shall comply with procedures of [SDC 21.09.010B](#).**
  - a. **Exempt Facilities.** As indicated within [SDC 21.06.060H](#)., exempt facilities shall not require a land use permit pursuant to this chapter. The WCF shall comply with all other applicable standards contained within this chapter.
  - b. **Expedited Wireless Use Permits.** Where indicated by this chapter, an expedited wireless use permit shall be required. An expedited wireless use permit is a Type 1 permit pursuant to [SDC 21.09.010B](#). Expedited wireless use permits implicate lower levels of review time due to

proposals' strict adherence with the provisions of this chapter and the lack of the need for discretionary review by the director.

- c. **Standard Wireless Use Permits.** Where indicated by this chapter, a standard wireless use permit shall be required. A standard wireless use permit is a Type 1 permit pursuant to [SDC 21.09.010B](#). Standard wireless use permits are those anticipated to require average review time and/or some elements of discretionary review by the director.
  - d. **Conditional Use Permits.** Conditional use permits are required where indicated in [SDC 21.03.060G](#)., **Table A** or where otherwise provided by this chapter. See [SDC 21.09.100D](#). for decision criteria for conditional use permits. A conditional use permit is a Type 2 permit pursuant to [SDC 21.09.010B](#).
3. Separate permits shall be required for each individual WCF installation; however, such separate permit applications may be submitted simultaneously (in batches). A network provider may elect to apply for a land use permit and a building/electrical permit as a consolidated application. The network provider acknowledges the building permit submittal is an at-risk permit and is dependent upon receiving and approving the land use permit.
  4. Franchise agreements are required for all WCF and/or equipment in the right-of-way.
  5. A Type C right-of-way utility permit is required for WCFs located in the public rights-of-way in accordance with [SDC 21.08.060F](#). instead of the land use permits described in

subsection 2. of this section. The City engineer or designee may process ROW permit applications for WCF permits concurrently with an application for a franchise agreement, but any such ROW permit will be conditioned on approval of the franchise agreement by the City council prior to construction or deployment of the WCF.

6. If a network provider desires to make a modification to an existing permitted WCF, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole mounted or ground mounted equipment, or modifying concealment elements, prior to deployment or construction of the modification the network provider shall apply for a permit under this chapter, unless the modification qualifies as an eligible facilities request, in which case, it is exempt from land use review pursuant to [SDC 21.06.060H](#). and only building, electrical and/or right-of-way permits may be required, if applicable.
  7. All applications shall be submitted using the City's published submittal requirements. The submittal requirements are available on the City's webpage; or from the City's Permit Center.
  8. All WCF authorizations and permits are subject to the federal review timelines ("shot clocks") as described in 47 CFR § 1.6001 et seq. (or as hereafter amended).
- J. Application notice requirements**
1. Applications for Expedited Wireless Use Permits or Standard Wireless Use Permits for Small Wireless Facilities. Applications for expedited wireless use permits or standard

wireless use permits for small wireless facilities do not require application notification to surrounding property owners. However, the applicant shall provide construction notice for work in the right-of-way via mail. The notice shall be provided no later than two weeks prior to any construction or land use alteration. The content of the construction notice shall be pursuant to the public works standards. Area of construction noticing shall be consistent subsection 2. of this section.

2. Applications for Conditional Use Permits for Small Wireless Facilities. The applicant shall provide written notification of proposed pole mounted or aboveground installation of equipment to all immediately adjacent/adjoining property owners. Adjacent is inclusive of a pole in the right-of-way and the two closest parcels on the same side of the street as the pole location as well as the two lots closest to the pole location across the street/ROW.
3. Macro Cell Facilities. The applicant shall provide written notification of any application for proposed equipment/structure installation to all owners of property within 1,000 feet of the proposed location.
4. Where notification is required, written notification shall include at a minimum:
  - a. Description of the WCF including the proposed dimensions, design, color, type of facility, a rendering of the proposed facility, and proposed location. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.



- b. For macro cell facilities requiring a conditional use permit, the notice shall include information required of a Type II procedure stated in [SDC 21.09.010H.4](#).
  - c. Email and phone number of a project contact.
  - d. The network provider shall provide the City with a distribution list of property owners, a map of properties receiving notification, a copy of the materials distributed, and an affidavit of mailing.
5. The applicant shall be responsible for making notification pursuant to this section within 14 days of receipt of the department's written determination that the application is complete.
6. This section shall not apply to eligible facilities requests.

**K. Small wireless facilities**

**1. General.**

- a. New poles in the right-of-way shall only be permitted with a valid City franchise agreement.
- b. If any portion of the privately owned structure is on private property, the applicant must first obtain a letter of authorization from the private property owner, and/or an affidavit from the HOA, if applicable prior to installation.
- c. The City will not arbitrate any disputes between HOAs or other third parties and applicants.
- d. Wireless communication facilities in the City's shoreline jurisdiction or critical areas are subject to review as

provided in SMC Title 25, Shoreline Management, [SDC 21.03.020](#), Environmentally Critical Areas, and [SDC 21.09.030](#), State Environmental Policy Act Procedures, as applicable.

- e. A small wireless facility is prohibited on City-owned poles or facilities unless the attachment is approved pursuant to a franchise agreement or lease.
- f. New poles shall not be located in any zoning setback area on private and public property, as established for each zoning designation in [SDC 21.04.030](#). This shall not apply to new poles in the right-of-way or along private streets.
- g. A new small wireless facility pole may not be sited within 350 feet of an existing small wireless facility pole owned, operated, or utilized by the same wireless service provider without a conditional use permit. In no event shall new small wireless facility poles be placed 150 feet from existing small wireless facility poles, regardless of whether such poles are owned, operated, or utilized by the same provider.
- h. For new poles in the right-of-way, the network provider must provide the director or designee with a wireless-only pole (or light standard) design that meets the design criteria contained within the Wireless Facility Design Standards and any adopted public works standard design guidelines, and is subject to third-party review.

- i. For a non-City-owned structure in the public right-of-way onto which an applicant or network provider proposes to attach a small wireless facility, if the owner of the structure requires more restrictive standards than those in this chapter, then the more restrictive standards shall apply. If any portion of the privately owned structure is on private property, prior to installation the applicant must first obtain all applicable zoning and building/electrical permits in addition to right-of-way permits.
  - j. Small wireless facilities within access easements over residential property are permitted if:
    - i. The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;
    - ii. The terms of the access easement allow the installation of the small wireless facility in the proposed location;
    - iii. The installation of the small wireless facility in the proposed location does not create any access or safety issues;
    - iv. Any new structure complies with the requirements of the City's Wireless Facility Design Standards;
    - v. Any new structure complies with all applicable requirements of the City code, including any applicable land use regulations; and
    - vi. Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property.
2. **Review Process.**
- a. **Expedited Wireless Use Permit (Type 1 Review).**
    - i. **Standards.** Small wireless facilities that meet all of the applicable criteria set forth below qualify for processing pursuant to an expedited wireless use permit:
      - a) Small wireless facilities to be attached to an existing or replacement support structure or a building (such structure may be removed and replaced with a new support structure so long as the replacement structure is located within 10 feet of the existing structure, measured from the center point of the existing structure to the center point of the replacement structure); or
      - b) Small wireless facilities to utilize a new pole or support structure to be located in the NB, CB, O, and TCA-E zones; and
      - c) The proposal is compliant with the Wireless Facility Design Standards; and
      - d) An application proposing attachment to poles owned by a homeowners' association (HOA) shall submit with the application(s) a signed affidavit of approval from the HOA authorizing attachment to the HOA poles/structures. The

signed affidavit must be signed by the authorized agent of the HOA and be on a form supplied by the City.

b. **Standard Wireless Use Permit (Type 1 Review).** Small wireless facilities that otherwise meet the standards set forth in subsection 2.a.i. of this section, but that require minor deviations from the Wireless Facility Design Standards, shall instead generally be processed pursuant to the standard wireless use permit process under this subsection 2.b., unless the proposed small wireless facility requires a conditional use permit pursuant to the table contained in [SDC 21.06.060G](#).

i. "Minor deviations" are deviations to the dimensions, height, or volume of small wireless facilities which are necessary to conform the facilities to the requirements of the pole owner, provide adequate safety clearances, or address similar technical issues; provided, that such deviations do not cause the facility to exceed the cumulative totals provided by the definition of a small wireless facility and that such deviation does not defeat the concealment features set by the City's Wireless Facility Design Standards.

ii. The decision of the director to approve a small wireless facility minor deviation, if any, shall be final and not subject to appeal under City code.

c. **Conditional Use Permit (Type 2 Review).** Small wireless facilities that require a conditional use permit per the table contained in [SDC 21.06.060G](#). shall be processed according to the conditional use permit process under

this subsection 2.c. Further, any small wireless facilities that trigger SEPA review (which is a Type 2 land use decision) shall be processed under this subsection 2.c.

i. A conditional use permit may be granted by the director if the applicant demonstrates the following:

a) The proposed facility cannot be sited pursuant to subsection 2.a. or 2.b. of this section while meeting network deployment objectives (if applicable); or collocation on a nearby facility is infeasible, unavailable, and/or will not meet network deployment objectives; or

b) The applicant can demonstrate through technical analysis, subject to third-party review, that it is technically infeasible to meet the City's Wireless Facilities Design Standards and the applicant can demonstrate that the SWF can still meet all other design elements of the City's Wireless Facilities Design Standards other than the standard(s) that are technically infeasible.

#### L. **Macro cell facilities**

##### 1. **General.**

a. New macro cell facilities shall not exceed 90 feet tall including antennas and equipment. Macro cell facilities may exceed this height limitation if approved by a conditional use permit. Provided that macro cell facilities may exceed 90 feet without a conditional use permit when necessary to add height to an existing structure where a bird nesting habitat feature/structure has been established at the top of the existing structure.

In this circumstance additional height is allowed when the additional height is not for antennae extension and is the minimum height extension necessary to relocate the nest feature/structure and is designed in consultation with a qualified habitat biologist.

- b. For a non-City-owned structure in the public right-of-way onto which an applicant or network provider proposes to attach a macro cell facility, if the owner of the structure requires more restrictive standards than those in this chapter, then the more restrictive standards shall apply. If any portion of the privately owned structure is on private property, prior to installation the applicant must first obtain all applicable zoning and building/electrical permits in addition to right-of-way permits.
- c. Wireless communication facilities in the City's shoreline jurisdiction or critical areas are subject to review as provided in SMC Title 25, Shoreline Management, [SDC 21.03.020](#), Environmentally Critical Areas, and [SDC 21.09.030](#), State Environmental Policy Act Procedures, as applicable.
- d. Macro cell facilities are prohibited on City-owned structures or property (unless allowed pursuant to a franchise agreement or lease approved by City council).
- e. New poles shall not be located in any zoning setback area on private and public property, as established for each zoning designation in [SDC 21.04.030](#). This shall not apply to new poles in the right-of-way or along private streets.

- f. Macro cell facilities shall be compliant with the Wireless Facility Design Standards.
- g. New macro facilities shall be designed to discourage use by birds as a habitat feature and/or nesting structure.

## 2. Review Process.

### a. Standard Wireless Use Permit (Type 1 Review).

- i. The following macro cell facilities may be permitted with a standard wireless use permit:
  - a) Macro cell facilities collocating with an existing WCF.
  - b) Macro cell facilities located on NB, CB, O and TC-A through TC-E zoned private property.
  - c) Macro cell facilities mounted or attached to a building in a nonresidential zone.
  - d) Macro cell facilities located within public right-of-way on existing poles/structures not currently housing a WCF, exclusive of right-of-way adjacent to R zones.
  - e) Macro cell facilities along private streets on an existing or replacement support structure exclusive of any private roads in R zones.
  - f) Replacement poles as defined in [SDC 21.06.060F](#).

### b. Conditional Use Permit (Type 2 Review).

- i. Macro cell facilities that cannot be sited pursuant to subsection 2.a. of this section or that require a

conditional use permit pursuant to Table A in [SDC 21.06.060G](#). shall be processed pursuant to the conditional use permit process under this subsection 2.b. A conditional use permit may be granted by the director if the applicant demonstrates the following:

- a) Wireless use locations pursuant to subsection 2.a. of this section and [SDC 21.06.060G](#), Table A, will not meet network deployment objectives; and
  - b) Collocation on a nearby facility is infeasible, unavailable, and/or will not meet network deployment objectives.
- ii. Applicants shall submit technical analysis to support the conditional use permit request.
- iii. A conditional use permit may also be used to allow a deviation from the dimensional standards required by this chapter or the Wireless Facility Design Standards, pursuant to the following criteria:
- a) The applicant can demonstrate through technical analysis, subject to review by City consultant, that there is no other location that is technically feasible or available that would meet the dimensional requirements; or
  - b) The applicant can demonstrate through technical analysis, subject to review by City consultant, the dimensional requirements of the structure does not allow the WCF to function; and
- c) Demonstrate that the WCF can still meet all other design elements of this chapter and/or the Wireless Facilities Design Standards and public works standards if on public right-of-way.
- iv. Further, macro cell facilities that cannot be sited pursuant to subsection 2.a. of this section must meet one of the following infeasibility criteria, to the extent applicable:
- a) The network provider must provide the designated official with documentation that establishes that it contacted the owner of each existing wireless facility that currently houses a macro cell facility located within 1,000 feet of the proposed location and that owner has denied the network provider's request to collocate. If the request was granted but the network provider contends it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of why the collocation is not technically feasible or otherwise not possible, and is subject to third-party review.
  - b) The network provider must provide the designated official with documentation that establishes that it considered locations within those nonresidential zones located within 1,000 feet of the proposed location. This documentation must be completed and certified by a designated employee or contractor outlining the reasons which must be technical or permissive in nature why such locations within

nonresidential zones are not technically feasible, not possible, or unavailable, and is subject to third-party review.

#### M. **Third-party review**

If technical documentation is required to demonstrate feasibility or inability to meet the siting criteria and/or any aspects of the technical requirements of this code, or when a conditional use permit from this code is requested, the City may retain a third-party qualified consultant at the applicant's expense to review the supporting documentation for content and accuracy of the technical information.

Reasonable and actual expenses resulting directly from required third-party review shall be billed to the permit applicant or network provider as part of the permit review process. A permit shall not be issued until all permit processing costs incurred and billed have been paid.

#### N. **Design requirements**

1. Design requirements for wireless communication facilities can be found in the Wireless Facility Design Standards.
2. Wireless facility design standards may be modified by a franchise agreement between the applicant and the City.

#### O. **Installation, inspection, and maintenance**

1. All installations shall be in compliance with the issued permit(s).
2. Following construction, and prior to operation of equipment, the City shall inspect the WCF installation. Any construction performed out of compliance with

the approved permit shall be promptly corrected by the applicant following receipt of notification by the City. Failure to bring the construction into compliance with the permit may result in forfeiture of any applicable franchise guarantees for work within the right-of-way, forfeiture of any deposits for facilities located on City properties, and code enforcement penalties and fines, as applicable and as authorized by the SMC, as determined by the designated official.

3. The applicant shall maintain WCF including any required concealment or screening. The applicant shall replace any plants required by this chapter, the Wireless Facility Design Standards, or approved or required as part of the permit approval that are unhealthy or dead. In the event that screening is not maintained at the required level, the City, after giving 30 days' advance written notice to the network provider, may maintain or establish the screening and bill the responsible party for the actual costs incurred by the City for the screening until such costs are paid in full.
4. A wireless communication facility ceasing to be operational or falling into disrepair shall be removed by the facility owner within 90 days of receipt of written notification of lack of operation or disrepair by the City and an opportunity to cure. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a wireless communications facility ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the network provider, the entire wireless communications facility shall be removed, including but not limited to: all antennas, antenna

supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The facility owner may apply for an extension of time within those 90 days if resuming operation of the facility is expected. The designated official, at their sole discretion, may extend the time for a period not to exceed six months upon written request by the owner. The six-month extension is only for facilities that are expected to be operational again within the six-month time frame.

- a. If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it shall, within 14 days prior to any work, notify the designated official in writing.
- b. Should the designated official determine a permitted WCF or related equipment has become a danger to the public health, safety, welfare, or City property, the network provider shall within 24 hours remove or secure their facilities, at their sole expense, to the satisfaction of the designated official.
- c. Should a WCF or its related equipment become vandalized by graffiti, the network provider shall, within 14 calendar days of discovery or notification of the damage, either remove the graffiti or repaint the structure.
- d. All macro and small wireless poles shall contain a tag clearly visible and legible that identifies the owner and operator of the pole along with an emergency contact number for the pole owner. This does not apply to a provider leasing a pole from another entity like Puget Sound Energy.

**P. Interference**

Interference among WCF and between WCF and other equipment shall be governed by federal law and the FCC's rules and regulations with respect to radio frequency interference.



## 21.06.070 Transfer of Development Rights

### A. Purpose and intent

1. The purpose of the transfer of development rights (TDR) program is to implement a market-based tool to permanently preserve partially developed or undeveloped land with important public benefits, such as farmland, forestland, open space, and wildlife habitat, through the private acquisition of the development rights on those lands ("sending sites") and the subsequent transfer of those rights to lands more suitable for development ("receiving sites").
2. The TDR provisions supplement land use regulations, resource protection efforts and open space acquisition programs and are intended to encourage increased residential development density or increased commercial square footage where it can best be accommodated by:
  - a. Providing an incentive process for property owners of partially developed property, undeveloped land, farmland, forestland, open space and wildlife habitat to preserve lands with a public benefit; and
  - b. Providing an administrative review process to ensure that transfers of development rights are evaluated and administered in a fair and timely manner in accordance with other City goals and policies.

### B. Applicability

All new development on a site identified as a receiving site pursuant to [SDC 21.06.070D](#). shall have the option to acquire a certified transfer of development rights to increase the development potential of the receiving site. All private property

owners owning a site that qualifies as a sending site pursuant to [SDC 21.06.070C](#). and [SDC 21.06.070E](#). shall have the option to request sending site certification and to sell the development potential of a sending site to an interested buyer. The development potential of a sending site, as determined by site certification pursuant to [SDC 21.06.070F](#)., may be transferred and credited to a receiving site only when the transfer is approved in accordance with this chapter.

### C. Sending site categories and criteria

1. A sending site may be certified by the City pursuant to [SDC 21.06.070F](#)., provided the sending site meets the criteria for one of the following sending site categories, and the provisions of subsection 2. of this section:
  - a. In-City Sending Sites. Undeveloped or partially developed properties located within the following areas may qualify as in-City sending sites. The department shall maintain maps of the approximate location of these areas, which shall be subject to field verification as part of the certification process:
    - i. Properties located within the Thompson subbasin; or
    - ii. Properties located within the Inglewood subbasin; or
    - iii. Properties located within erosion hazards special district overlay; or
    - iv. Properties located within the wetland management areas special district overlay.
  - b. Interjurisdictional Sending Sites.

- i. Unincorporated King County land identified by the City council in an interlocal agreement with King County; or
    - ii. Land identified by the City council in an interlocal agreement with another jurisdiction.
  - c. For the purposes of this chapter, “undeveloped properties” are properties that have the potential to accommodate dwelling units and do not currently contain dwelling units.
2. To be eligible for the TDR program, all sending sites shall be certified by the City pursuant to [SDC 21.06.070F.](#), have intact development potential, and provide a defined public benefit.
  - a. A sending site is deemed to have a defined public benefit if the site is:
    - i. Open space adjacent to, or connected with, City park or open space lands; or
    - ii. Wildlife habitat for threatened and/or endangered species listed by the federal government or the state of Washington; or
    - iii. Located such that preservation will provide additional protection for sensitive subbasins or environmentally critical areas; or
    - iv. Farmland; or
    - v. Forestland.
  - b. A sending site is deemed to have intact development potential if the area proposed for conservation is:
    - i. Of sufficient area to create at least one development right pursuant to [SDC 21.06.070E.](#); and
    - ii. Contiguous, except for division by public rights-of-way; and
    - iii. The sending site’s development rights or development capacity is not exhausted through any of the following:
      - a) Existing development on the site; or
      - b) Agriculture, recreation, or open space easements; or
      - c) Conservation of environmentally sensitive areas and their buffers through means including, but not limited to, an open space easement or native growth easement; or
      - d) Alteration by a conservation easement or through any agreement.
3. Development rights acquired from eligible sending sites may be transferred to eligible receiving sites through the TDR transfer process. After completion of the conveyance of a sending site’s development rights, the property shall be maintained in a condition that is consistent with the criteria in this chapter under which the sending site was qualified by means of a TDR conservation easement.

**D. Receiving sites**

1. Eligible receiving sites shall be:
  - a. Town Center subarea properties as follows:
    - i. Commercial properties in Zone A of the Town Center subarea;
    - ii. Residential properties in Zones A, B, C, and D of the Town Center subarea.
  - b. [Placeholder for future receiving sites].
2. Except as provided in this chapter, development of a receiving site shall remain subject to all use, lot coverage, height, setback and other applicable requirements of the Sammamish Municipal Code.
3. A Town Center subarea receiving site may accept density credits, up to the maximum density authorized pursuant to [SDC 21.07.050](#), from any sending site or combination of sending sites.
4. A [placeholder for future receiving sites] receiving site may accept density credits, up to the maximum density authorized pursuant to [SDC 21.04.030](#), from any sending site or combination of sending sites.

**E. Calculation of available development rights from sending sites**

The number of development rights that a sending site is eligible to sell under this program shall be calculated based upon the sending site category established pursuant to [SDC 21.06.070C.](#), provided:

1. Interjurisdictional Sending Sites.
  - a. The number of development rights eligible for sale on a sending site located on land identified by the City council in an interlocal agreement with another jurisdiction shall be determined pursuant to the interlocal agreement.
  - b. If the sending site is located on unincorporated King County land identified by the City council in an interlocal agreement with King County, the number of development rights eligible for sale may be determined pursuant to the interlocal agreement.
2. In-City Sending Sites. The number of development rights eligible for sale on a sending site located in the in-City preservation sending site category shall be determined pursuant to [SDC 21.04.030G.](#) and [SDC 21.04.030H.](#), subject to the limitation of subsection 3. of this section; and provided, that the minimum number of development rights for an undeveloped property shall be one per legal lot.
3. No development rights may be assigned to land already encumbered by a conservation easement unless expressly reserved by the easement.

**F. Sending site certification**

1. Sending Sites Located within Sammamish.
  - a. The City shall be responsible for determining whether properties are eligible to be considered a sending site. The City shall base its decision on the materials provided by the landowner in a TDR sending site application and

a satisfaction of the sending site requirements outlined in [SDC 21.06.070C](#). and calculations in [SDC 21.06.070E](#).

- b. Responsibility for preparing a completed sending site application rests exclusively with the applicant. Application forms shall be available from the department of community development.
- c. Sending site landowners may obtain TDR certificates which can be transferred pursuant to [SDC 21.06.070J](#). and used by receiving area landowners. The process for obtaining the TDR certificates is as follows:
  - i. Following City review and approval of an application for TDR certificates by the sending site owner, the City shall issue a TDR certificate letter of intent. The letter shall contain the following:
    - a) A determination of the number of development rights calculated for the sending site pursuant to [SDC 21.06.070E](#). and [SDC 21.06.070J](#).; and
    - b) An agreement by the City to issue a corresponding number of TDR certificates in conversion for a conservation easement granted by the City or the City's designated agent; and
    - c) A summary of the expected terms of use for the sending site established through [SDC 21.06.070G](#).
  - ii. The sending site owner may use the TDR certificate letter of intent to market sending site development rights to potential purchasers, but the certificate letter of intent shall have no value and cannot be

transferred or used to obtain increased development rights within receiving areas.

- iii. The letter of intent shall expire 10 years from the date of issuance by the City of Sammamish.
- iv. As provided by the TDR certificate letter of intent, the City shall issue serially numbered TDR certificates to the sending site owner upon acceptance of a TDR conservation easement. The City shall have 90 days from the date the conservation easement is offered by the sending site owner in which to conduct, at its discretion, a review of the sending site records and/or a site inspection.
- v. A TDR conservation easement will not encumber a sending site until such time as a TDR certificate or certificates have been issued to sending site landowners pursuant to [SDC 21.06.070J](#). except by owner preference. The director is authorized to create administrative rules to provide for phased development of a project incorporating TDRs.

## 2. Sending Sites Located Outside of Sammamish.

- a. All development rights transferred through an interlocal agreement with another jurisdiction from sending sites located outside of the City limits of Sammamish shall be transferred into Sammamish pursuant to the terms of the interlocal TDR agreement with the relevant jurisdiction.
- b. All development rights that are not subject to the terms of an interlocal agreement with another jurisdiction and are transferred from sending sites located outside

the City limits of Sammamish shall be transferred into Sammamish pursuant to subsection 1. of this section.

3. The maximum number of sending site TDR certificates issued, and resulting in the recording of a conservation easement, shall not exceed 630.

#### G. Documentation of restrictions

1. TDR certificates issued to sending sites by the City of Sammamish shall have a conservation easement restricting the deed and granted to the City of Sammamish, or an appropriate agent, recorded with King County and notice placed on the title of the sending parcel.
2. TDR certificates issued to sending sites pursuant to an interlocal agreement with another jurisdiction shall have a conservation easement restricting the deed recorded with King County and notice placed on the title of the sending parcel.
3. The director shall establish the form of conservation easements issued by the City of Sammamish; however, the conservation easement shall contain, at a minimum the following items:
  - a. The number of development rights extinguished on the sending site through the TDR certificate issuance;
  - b. The specific public benefit identified on the subject site pursuant to [SDC 21.06.070C.](#); and
  - c. The terms of use for the subject site, consistent with required protections of the identified public benefit;

- d. The intent of the conservation easement shall be to encumber the property perpetually.

#### H. Sending site development limitations

1. Sending sites that the City has issued TDR certificate letter of intent for shall be limited to uses consistent with the purpose and intent of this chapter and with the criteria originally used as the basis for issuing the letter of intent to the sending site pursuant to [SDC 21.06.070C.](#) and [SDC 21.06.070F.](#) Failure to use the sending site in a manner consistent with the original certification may result in the City not issuing TDR certificates.
2. When only a portion of a site's development rights have been conveyed and extinguished, the owner retains all rights on the remaining buildable portion of the property and may exercise them pursuant to Sammamish Municipal Code.
3. The conservation easement by its terms may reserve dwelling units that may be developed in the future. Transferred development rights explicitly identified in the conservation easement pursuant to [SDC 21.06.070G.](#) shall be separated from the property through the conservation easement.
4. The landowner shall not undertake any division, subdivision or partitioning of the property, whether by physical or legal process, which includes, but is not limited to, any subdivision, short subdivision, platting, binding site plan, testamentary division, or other process by which the property is divided into lots or in which title to different portions of the property are not held in unified

ownership, unless such land division allocates the reserved development rights between the divided parcels of property in a manner consistent with the terms of the conservation easement.

5. Use of a sending site subject to a conservation easement shall be limited to uses consistent with the purpose and intent of this chapter and with the criteria originally used to establish the sending site.
6. Once an undeveloped or partially developed sending site has been encumbered by a conservation easement, additional development potential within the sending site area constrained by the conservation easement cannot be created by means of a rezone of the property.

**I. Receiving site incentives**

1. Development rights may be purchased to achieve TDR-based incentive densities allowed by Sammamish development regulations on receiving sites identified in [SDC 21.06.070D](#).
2. Receiving Site Incentives.
  - a. Town Center. The following table outlines TDR-based incentives for eligible receiving sites with the purchase of a development right. (For example, a sending site in the R-1 zone that generates one TDR will allow for the creation of four dwelling units at a receiving in the TC-C zone of the Town Center. Alternatively, the same site in the R-1 zone that generates one TDR will allow 7,716 square feet of additional commercial development in the Town Center):

RECEIVING SITE INCENTIVE TABLE					
	Commercial	Sending Zones			
		R-1	R-4	R-6	KC Lands
		7,716 sq. ft.	3,560 sq. ft.	2,600 sq. ft.	3,560 sq. ft.
Receiving Zones	Zone C	4 du	2 du	1 du	2 du
	Zone B	7 du	3 du	2 du	3 du
	Zone A				5 du

Note: Dwelling units may be transferred from the TC-D zone into the TC-A zones, subject to the provisions of [SDC 21.07.050D.2.d](#).

- b. [Placeholder for future receiving sites].
3. Modification of Receiving Site Incentives.
  - a. The director is authorized to recommend that the City council adopt a revised incentive table to address changing economic conditions or to further refine the receiving site incentives. The director is also authorized to recommend that the City council adopt receiving site incentives for sending sites not currently identified in subsection 2. of this section. The incentive table shall not be revised more than once in a calendar year. The director shall base the recommendation of a revised incentive table on the following economic analysis:
    - i. The expected marginal value of the receiving site incentives; and
    - ii. The prevailing cost of per square foot commercial or residential development and the impact of the

acquisition of TDRs on a project's marginal returns;  
and

iii. The appropriate regional costs of development per commercial square foot or residential dwelling unit;  
and

iv. Consistency with the conservation principles and purpose and intent of this chapter.

b. Once adopted by the Council, the modified receiving site incentive table shall be used for calculation of receiving site incentives. Within 14 days of adopting a revised incentive table, the director shall mail notification to property owners with an active TDR certificate letter of intent following adoption of a revised incentive table.

c. If adoption of a revised incentive table is requested by a developer or private property owner, the burden of preparing the economic analysis shall be on the developer or private property owner.

d. The director shall keep a log of modified receiving site incentives and shall periodically report the modifications to the City council.

#### J. TDR transfer process

1. Receiving site landowners are required to transfer sending site TDR certificates to achieve TDR-based incentive densities. Permit applications may be submitted without the purchase of TDR certificates, but no permits for development associated with a TDR project shall be issued until the TDR certificate requirement is satisfied.

2. The required TDR certificates may be acquired by:

a. Transferring development rights from certified sending sites; or

b. Transferring development rights from certified sending sites owned by a receiving site owner; or

c. Purchasing previously purchased, unexecuted development rights from another buyer.

3. All receiving site projects using TDRs must be in accordance with all other applicable laws and regulations.



## 21.06.080 Protection and Preservation of Landmarks

### A. Findings and declaration of purpose

1. The Sammamish City council finds that:
  - a. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in the City of Sammamish, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of prosperity, promote civic pride and benefit the general welfare of the residents of the City of Sammamish.
  - b. Such cultural and historic resources are a significant part of the heritage, education and economic base of the City of Sammamish, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.
  - c. Present historic preservation programs and activities are inadequate for ensuring present and future generations of the City of Sammamish residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

- d. King County has the experience and personnel qualified to administer a preservation program and that the City desires to make use of the County's expertise.
2. The purposes of this chapter are to:
    - a. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
    - b. Foster civic pride in the beauty and accomplishments of the past;
    - c. Stabilize and improve the economic values and vitality of landmarks;
    - d. Protect and enhance the City's tourist industry by promoting heritage-related tourism;
    - e. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of the City of Sammamish;
    - f. Promote and continue incentives for ownership and utilization of landmarks;
    - g. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

- h. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management.

**B. Landmarks commission created – Membership and organization**

1. The King County landmarks commission established pursuant to Chapter 20.62 KCC is hereby designated and empowered to act as the landmarks commission for the City of Sammamish pursuant to the provisions of this chapter.
2. The special member of the King County landmarks commission provided for in KCC 20.60.030 shall be appointed by the mayor subject to confirmation of the City council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an expired term. The special members of the commission shall serve without

compensation except for out-of-pocket expenses incurred connected with commission meetings or programs. The City of Sammamish shall reimburse such expenses incurred by such special member.

3. The commission shall not conduct any public hearings required under this chapter with respect to properties located within the City of Sammamish until its rules and regulations, including procedures consistent with this chapter, have been filed with the City clerk.

**C. Designation criteria**

1. An historic resource may be designated as a City of Sammamish landmark if it is more than 40 years old or, in the case of a landmark district, contains resources that are more than 40 years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:
  - a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
  - b. Is associated with the lives of persons significant in national, state or local history; or
  - c. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
  - d. Has yielded, or may be likely to yield, information important in prehistory or history; or

- e. Is an outstanding work of a designer or builder who has made a substantial contribution to the field of construction or design.
2. An historic resource may be designated a community landmark through the designation process in [SDC 21.06.080E](#). because it is an easily identifiable visual feature of a neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or City or because of its association with significant historical events or historic themes, association with important or prominent persons, or recognition by local citizens for substantial contribution to the community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of [SDC 21.06.080F](#).
  3. Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 40 years shall not be considered eligible for designation. However, such a property shall be eligible for designation if it is:
    - a. An integral part of districts that meet the criteria set out in [SDC 21.06.090](#); or
    - b. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
    - c. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
    - d. A birthplace, grave or residence of a historical figure of importance if there is no other appropriate site or building directly associated with his or her productive life; or
    - e. A cemetery that derives its primary significance from graves of persons of importance, from age, from distinctive design features, or from association with historic events; or
    - f. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or
    - g. A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
    - h. A property achieving significance within the past 40 years, if it is of exceptional importance.
- D. Nomination procedure**
1. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in this section and [SDC 21.06.080E](#). may be used to amend existing designations or to terminate an existing designation based

on changes which affect the applicability of the criteria for designation set forth in [SDC 21.06.080C](#). The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the City of Sammamish department of community development or the historic preservation officer, shall be filed with the department, and shall include all data required by the historic preservation officer.

2. Upon receipt by the department of any nomination for designation, the department shall forward the nomination to the historic preservation officer, who shall consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the historic preservation officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.
3. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the historic preservation officer shall forward the nomination

to the historic preservation officer and the landmarks commission for consideration. The historic preservation officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

- a. The date, time, and place of hearing;
- b. The address and description of the historic resource and the boundaries of the nominated resource;
- c. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in [SDC 21.06.080F](#) will apply;
- d. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of [SDC 21.06.080F](#) shall be included with the notice;
- e. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

4. The historic preservation officer shall, after mailing the notice required herein, promptly provide the commission with copies of the nomination and all supporting information to the commission. No nomination shall be considered by the commission less than 30 nor more than 45 calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state.

**E. Designation procedure**

1. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing, the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in [SDC 21.06.080C](#). and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it, that the historic resource is of significant value and likely to satisfy the criteria for designation in [SDC 21.06.080C](#). The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination, it shall specify the boundaries

of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

- a. A copy of the commission’s preliminary determination; and
  - b. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in [SDC 21.06.080F](#). shall apply to the described historic resource whether or not a building or other permit is required. A copy of [SDC 21.06.080F](#). shall be enclosed with the notice.
  - c. The final decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.
2. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

- a. The boundaries of the designated resource and such other description of the resource sufficient to identify its ownership and location;
  - b. The significant features and such other information concerning the historic resource as the commission deems appropriate;
  - c. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in [SDC 21.06.080C.](#); and
  - d. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with [SDC 21.06.080F.](#), a copy of which shall be included in the designation report. The requirements of this subsection shall not apply to historic resources designated as community landmarks.
3. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in [SDC 21.06.080C.](#) have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource that is rejected

under this subsection as a county landmark at a future time; provided, that no renomination shall occur unless a minimum of one year has passed since the prior decision of the commission.

4. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and to the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that [SDC 21.06.080F.](#) no longer applies to the subject historic resources.
5. If the commission approves, or amends a landmark designation, the provisions of [SDC 21.06.080F.](#) shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the King County records, elections and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that [SDC 21.06.080F.](#) and [21.06.080I.](#) apply. If the commission terminates the designation of a historic resource, [SDC 21.06.080F.](#) shall no longer apply to the historic resource.

#### F. Certificate of appropriateness procedure

1. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from



the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. This requirement shall apply whether or not the proposed alteration requires a building or other permit. The designation report shall supersede the preliminary determination report upon issuance.

2. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness; provided, that such work does not alter an exterior significant feature.
3. There shall be three types of certificates of appropriateness, as follows:
  - i. Type I, for restorations and major repairs which utilize in-kind materials.
  - ii. Type II, for alterations in appearance, replacement of historic materials and new construction.
  - iii. Type III, for demolition, moving and excavation of archaeological sites.
- a. The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall establish and adopt an appeals

procedure concerning Type I decisions made by the historic preservation officer.

- b. Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:
  - i. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.
  - ii. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.
  - iii. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3.b.iv. of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.



- iv. Within 45 calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 3.b. of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than 10 calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued within 10 days and the historic preservation officer shall promptly file a copy of such certificate with the director.
- v. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

#### G. Evaluation of economic impact

1. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.
2. To prove the existence of a condition of unreasonable economic return, the owner must establish and the commission must find both of the following:
  - a. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:
    - i. The current level of economic return on the landmark as considered in relation to the following:
      - a) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

- b) The annual gross and net income, if any, from the landmark for the previous five years; itemized operating and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - c) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five years;
  - d) Real estate taxes for the previous four years and assessed value of the landmark according to the two most recent assessed valuations;
  - e) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the landmark;
  - f) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;
  - g) Form of ownership or operation of the landmark, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both;
  - h) Any state or federal income tax returns on or relating to the landmark for the past two years.
- ii. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:
    - a) Any real estate broker or firm engaged to sell or lease the landmark;
    - b) Reasonableness of the price or lease sought by the owner;
    - c) Any advertisements placed for the sale or lease of the landmark.
  - iii. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:
    - a) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;
    - b) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;
    - c) Estimated market value of the landmark in the current condition after completion of the

proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

- d) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;
- e) The unfeasibility of new construction around, above, or below the historic resource;
- f) Potential economic incentives and/or funding available to the owner through federal, state, county, City or private programs.

iv. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence, to complete the alteration.

- 3. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.
- 4. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

- 5. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness.

#### H. Appeal procedure

- 1. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may appeal such decision in writing to the hearing examiner, within 21 calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness. The written notice of appeal shall be filed with the historic preservation officer and the City clerk and shall be accompanied by a statement setting forth the grounds for the appeal, the appropriate fee, supporting documents, and argument.
- 2. If, after examination of the written appeal and the record, the hearing examiner determines that:
  - a. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration; or
  - b. The decision of the commission is based on an error in law, it may modify or reverse the decision of the commission.
- 3. The hearing examiner's decision shall be based solely upon the record of the proceedings.
- 4. The hearing examiner shall take final action on any appeal from a decision of the commission by adoption of a

resolution, and shall enter findings of fact and conclusions of law based upon the record which support its action. The council may adopt all or portions of the commission's findings and conclusions.

5. The action of the hearing examiner sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within 20 calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken.

**I. Penalty for violation of [SDC 21.06.080E](#).**

Any person violating or failing to comply with the provisions of [SDC 21.06.080E](#), shall incur a civil penalty consistent with SMC Title 23; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged.

**J. Special valuation of historic properties**

1. There is hereby established and implemented a special valuation for historic properties as provided in Chapter 84.26 RCW.
2. The King County landmarks commission is hereby designated as the local review board for the purposes related to Chapter 84.26 RCW, and is authorized to perform all functions required by Chapter 84.16 RCW and Chapter 254-20 WAC.

3. All City of Sammamish landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with Chapter 84.26 RCW.

**K. Historic resources—Review process**

1. Upon receipt of an application for a development proposal located on or adjacent to a City of Sammamish historic resource, the application shall be circulated to the historic preservation officer. The City of Sammamish shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate or otherwise adversely affect any historic resource identified in the City of Sammamish historic resource inventory, pursuant to the requirements of this chapter until after the review and recommendation of the historic preservation officer is received and considered. The standards in [SDC 21.04.030](#) and [21.06.020](#) shall be expanded when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on the same or adjacent properties.
  - a. The historic preservation officer may recommend that the director continue to process the development proposal application, but not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing or issuance beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to [SDC 21.06.080F](#).

- b. On known archaeological sites, before any disturbance of the site, including but not limited to test boring, site clearing, construction, grading or revegetation, the Washington State Department of Archaeology and Historic Preservation (DAHP), and the historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The historic preservation officer may recommend that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the historic preservation officer, DAHP and appropriate tribal organizations. The historic preservation officer may recommend approval, disapproval or permit conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

#### L. **Administrative rules**

The director may promulgate administrative rules and regulations pursuant to [SDC 21.09.010](#), to implement the provisions and requirements of this chapter.

#### M. **Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

## 21.06.090 Definitions

### A. **Definitions**

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

1. **Alteration.** Any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.
2. **Building.** A structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. "Building" may refer to an historically related complex, such as a courthouse and jail or a house and barn.
3. **Certificate of appropriateness.** Written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.
4. **Commission.** The City of Sammamish landmarks commission.
5. **Community landmark.** An historic resource which has been designated pursuant to [SDC 21.06.080E.](#), but which may be altered or changed without application for or approval of a certificate of appropriateness.
6. **Council.** The Sammamish City council.
7. **Designation.** The act of the commission determining that an historic resource meets the criteria established by this chapter.

8. **Designation report.** A report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.
  9. **Director.** The director of the Sammamish department of community development or his or her designee.
  10. **District.** A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
  11. **Historic preservation officer.** The King County historic preservation officer or his or her designee.
  12. **Historic resource.** A district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.
  13. **Historic resource inventory.** An organized compilation of information on historic resources considered to be significant according to the criteria listed in [SDC 21.06.080C](#). The historic resource inventory is maintained by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.
  14. **Incentives.** Such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner or owners of designated landmarks.
- Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.
15. **Interested person of record.** Any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.
  16. **Landmark.** An historic resource designated as a landmark pursuant to [SDC 21.06.080E](#).
  17. **Nomination.** A proposal that an historic resource be designated a landmark.
  18. **Object.** A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
  19. **Owner.** A person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.
  20. **Person.** Any individual, partnership, corporation, group or association.
  21. **Person in charge.** The person or persons in possession of a landmark including, but not limited to, a mortgagee

or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

22. **Preliminary determination.** A decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.
23. **Significant feature.** Any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.
24. **Site.** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.
25. **Structure.** Any functional construction, such as a bridge or trestle, made usually for purposes other than creating human shelter.



## CHAPTER 21.07.

# TOWN CENTER

---

21.07.010 Authority, Purpose, Interpretation and Administration . . . . .	399
21.07.020 Zones, Maps and Designations . . . . .	405
21.07.030 Technical Terms and Land Use Definitions . . . . .	408
21.07.040 Permitted Uses . . . . .	416
21.07.050 Development Standards—Density and Dimensions . . . . .	433
21.07.060 Development Standards—Design Requirements. . . . .	446
21.07.070 Development Standards—Landscaping and Irrigation. . . . .	508
21.07.080 Development Standards—Parking and Circulation . . . . .	524
21.07.090 Signage . . . . .	538
21.07.100 Affordable Housing . . . . .	555
21.07.110 Development Standards—Interim Stormwater Standards. . . . .	561
21.07.120 Unified Zone Development Plans . . . . .	563
21.07.130 Development Standards—Interim Street Design Standards. . . . .	570

## 21.07.010 Authority, Purpose, Interpretation and Administration

### A. Title

This Chapter shall be known as the Town Center development code, hereinafter referred to as “this chapter.”

### B. Authority to adopt code

The Town Center development code is adopted by City of Sammamish ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution.

### C. Purpose

The general purposes of this Chapter are:

1. To encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington;
2. To protect the general public health, safety, and welfare;
3. To implement the City of Sammamish Comprehensive Plan and Town Center Plan and its policies through land use regulations;
4. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
5. To provide for adequate public facilities and services in conjunction with development; and

6. To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

### D. Conformity with this Chapter required

1. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this Chapter.
2. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this Chapter and [SDC 21.02.060](#), Land Division.
3. All land uses and development authorized by this Chapter shall comply with all other regulations and/or requirements of this Chapter as well as any other applicable local, state, or federal law. Where a difference exists between this Chapter and other City regulations, the more restrictive requirements shall apply.
4. The provisions contained in this Chapter as specified in the following sections shall apply to the Town Center: [SDC 21.03.020](#), [SDC 21.05.020](#), [SDC 21.05.030](#), [SDC 21.05.040](#), [SDC 21.06.040](#), [SDC 21.06.060](#), [SDC 21.06.070](#), [SDC 21.09.070](#), [SDC 21.09.080](#), [SDC 21.09.090](#), [SDC 21.09.020](#), [SDC 21.09.100](#), [SDC 21.09.110](#), and [SDC 21.09.130](#).
5. Where more than one part of this Chapter applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

6. Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this Chapter.

#### E. Minimum requirements

In interpretation and application, the requirements set forth in this Chapter shall be considered the minimum requirements necessary to accomplish the purposes of this Chapter.

#### F. Interpretation – Applicability and intent

1. Intent. This chapter and [SDC 21.09.070](#) establish the procedure by which the City of Sammamish will render a formal interpretation of a development regulation. The purpose of such an interpretation includes clarifying conflicting or ambiguous provisions in the City's development regulations.
2. Applicability. This chapter and [SDC 21.09.070](#) authorize the director to issue interpretations on regulations related to controls placed on development or land use activities by the City, including but not limited to zoning ordinances, critical areas ordinances, shoreline master program requirements, official controls, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto. Nothing in this chapter and [SDC 21.09.070](#) shall prevent interpretations related to the applicability of specific regulatory requirements contained within the Sammamish Municipal Code to individual projects. Further, nothing in this chapter or [SDC 21.09.070](#) shall preclude the director or hearing examiner from interpreting a regulatory requirement during the course of a public hearing.

#### G. Interpretation – General

1. In case of inconsistency or conflict, regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
2. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
3. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in [SDC 21.07.040](#) shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.
4. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this Chapter, all words and terms used in this Chapter shall have their customary meanings.
5. A written interpretation by the director of the provisions of the Sammamish Municipal Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of the code. The written interpretation shall control application of the code sections discussed in it to any specific land use application. Written interpretations issued for regulatory requirements that have been legislatively modified, repealed, or otherwise substantially changed shall be considered null and void.

6. Any written interpretation shall not be applied retroactively, unless specifically required by the terms of the interpretation.

**H. Interpretation – Standard industrial classification**

1. All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 Edition, prepared by United States Office of Management and Budget that is hereby adopted by reference. The SIC is used, with modifications to suit the purposes of this Chapter, to list and define land uses authorized to be located in the various zones consistent with the Comprehensive Plan land use map.
2. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.
3. An asterisk (\*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this Chapter. The definition may include one or more SIC sub-classification numbers, or may define the use without reference to the SIC.
4. The director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director’s determination shall be based on whether

or not permitting the proposed use in a particular zone is consistent with the purposes of this Chapter and the zone’s purpose as set forth in [SDC 21.07.020](#), by considering the following factors:

- a. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
- b. Whether or not the use complements or is compatible with other uses permitted in the zone; and
- c. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

**I. Interpretation – Zoning maps**

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners’ lot;
2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;
3. Where boundaries are indicated as following lines of ordinary high water, or government meander lines, the lines shall be considered to be the actual boundaries. If these

lines should change, the boundaries shall be considered to move with them; and

4. If none of the rules of interpretation described in subsections 1. through 3. of this section apply, then the zoning boundary shall be determined by map scaling.

**J. Interpretation – Public request – Acknowledgment – Notice**

1. A person may request a code interpretation by submitting a request in accordance with this chapter. The director may also issue a code interpretation on the director’s own initiative.
2. A request for a code interpretation must be submitted in writing to the director.
3. A code interpretation request must:
  - a. Be in writing and shall be clearly labeled – “Request for Code Interpretation.” Failure to satisfy this requirement relieves the director of any obligation to acknowledge or otherwise process the request;
  - b. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;
  - c. Identify the specific section or sections of the City of Sammamish’s development regulations for which an interpretation is requested;
  - d. Identify the parcel or site, if the code interpretation request involves a particular parcel of property or site;

- e. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;
  - f. Be accompanied by the fee required as set forth by the adopted fee resolution; and
  - g. Be limited to a single subject, which may require interpretation of one or more code sections.
4. Within 21 days after receiving a code interpretation request, the director shall acknowledge receipt of the request. The director shall mail the acknowledgment to the person submitting the request at the address provided in the request. The acknowledgment shall include the following information, as applicable:
    - i. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;
    - ii. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;

- iii. If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the City hearing examiner, the City council when acting as a quasi-judicial body, any other quasi-judicial agency or any local, state or federal court, the director shall so state in the acknowledgment. The director is then under no obligation to further process the code interpretation request; and
- iv. If a code interpretation is requested regarding an issue that the director has previously addressed through a code interpretation, the director is not obligated to issue another code interpretation and shall so state in the acknowledgment required by this section and shall identify the previous code interpretation.
  - a. If the director determines that the code interpretation request relates to a particular parcel of property, the director shall cause notice of the code interpretation request to be given to the taxpayer of record for the subject parcel.
  - b. If the code interpretation request relates to a specific development project pending before the City, the director shall cause notice of the code interpretation request to be given to all parties of record for that project, including the applicant.
  - c. If the code interpretation is initiated by the City, the director shall cause notice of the code interpretation

to be posted on the City’s website and at City Hall in addition to any other notice required by this section.

- d. The notice required under this section must include a copy of any code interpretation request and a copy of the director’s acknowledgment. Notice to property tax payers, applicants, or persons requesting an interpretation may be by United States mail or other appropriate method of delivery.

**K. Administration and review authority**

1. The director shall have authority to make decisions regarding Town Center development proposals. Unified zone development plans shall be classified as a Type 2 land use application in accordance with [SDC Chapter 21.09 SDC](#) and [SDC 21.07.120](#). All other applications shall be processed in accordance with their applicable [Chapter 21.09 SDC](#) classification.
2. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, unless a public hearing is required as set forth in [SDC 21.09.010](#), in which case this authority shall be exercised by the hearing examiner.
3. The director shall have the authority to issue a written code interpretation in accordance with the review procedures contained within this chapter and [SDC 21.09.070](#). The director shall issue such interpretations as he or she deems necessary, or upon the request of any person, in cases of any ambiguity, difference of meaning, unclear procedural requirements, or other unclear regulatory requirements of the SMC.

4. An interpretation related to a development proposal must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates.
5. The department shall have authority to grant, condition, or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in [Chapter 21.09 SDC](#) and this Chapter.
6. Except for other agencies with authority to implement specific provisions of this Chapter, the department shall have the sole authority to issue official interpretations of this Chapter, pursuant to Chapter 2.55 SMC.

#### L. Review

1. Decision Basis. In issuing an interpretation consistent with this chapter, the director may consider the following:
  - a. The purpose and intent statements of the chapters in question;
  - b. Consistency with other regulatory requirements governing the same or a similar situation;
  - c. The legislative direction of the City council, if any, provided with the adoption of the code sections in question;
  - d. The policy direction provided by the Sammamish Comprehensive Plan, or other adopted policy documents, as amended;
  - e. Relevant judicial actions related to the interpretation;

- f. Expected result or effect of the interpretation; and
  - g. Previous implementation of the regulatory requirements governing the situation.
2. Content. Consistent with the requirements of [SDC 21.09.070](#), the director shall provide facts, findings, and conclusions supporting the interpretation. At a minimum these shall include the following:
    - a. A brief summary of the issue that requires an interpretation by the director;
    - b. The context of the interpretation, if not included or implied from the summary;
    - c. Citation of the decision basis from subsection 1. of this section; and
    - d. The interpretation, signature, and date.

#### M. Classification of right-of-way

1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this Chapter, land contained in rights-of-way for streets or alleys, or railroads, shall be considered unclassified.
2. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.
3. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged.



## N. Drawings

The City staff is hereby authorized to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this Chapter; provided, that the adopted provisions of the code shall control over such drawings. If there is a conflict between written provisions of code and illustrations, the director shall make a determination as to which applies.

## 21.07.020 Zones, Maps and Designations

### A. Zones and map designations – Established

In order to accomplish the purposes of this Chapter the following zoning designations and zoning map symbols are established:

ZONES AND MAP DESIGNATIONS	
Town Center Zoning Designation	Map Symbol
Mixed-Use	TC-A
Mixed Residential	TC-B
Lower Intensity Residential	TC-C
Civic Campus	TC-D
Reserve	TC-E

### B. Zones and map designations – Purpose

The purpose of this chapter is to provide for the distribution of zoning designations that reflect the Town Center Plan's land use goals and policies. The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands within the Town Center. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations and any changes to the range of permitted uses within each zone through amendments to this Chapter.

### C. Mixed-use zone (TC-A)

1. The purpose of the mixed-use (TC-A) zone is to implement Town Center Plan goals and policies to develop a Town Center core area (TC-A-1) and a number of smaller mixed-

use centers (TC-A-2 through A-5). These purposes are accomplished by:

- a. Providing, in the TC-A-1 sub-zone, for a pedestrian-oriented mix of retail, office, residential, and civic uses that functions as the focal point for the Town Center and the City. This sub-zone emphasizes pedestrian-oriented retail and civic uses on the ground floor of core areas and has the greatest allocation of retail floor area of all the Town Center's mixed-use zones. Office and residential uses are encouraged on upper floors;
- b. Providing, in the TC-A-2 and A-3 sub-zones, for a pedestrian-oriented mix of residential, office, and public uses in a village type setting. Retail uses are allowed as a complementary use;
- c. Providing, in the TC-A-4 and A-5 sub-zones, for a pedestrian-oriented mix of retail and residential uses in a village-type setting. Office uses are allowed;
- d. Requiring unified zone development planning as part of the permit review process to ensure coordinated development consistent with Town Center Plan goals and policies;
- e. Providing for a minimum residential development intensity to support the goal of creating a vibrant and walkable mixed-use environment;
- f. Providing for maximum residential and commercial development intensities consistent with the planned level of infrastructure improvements and community design goals (subject to subsections 1.a., b., and c. of this section); and

- g. Providing development standards that achieve the Town Center Plan's design goals and policies for a vibrant and distinctive urban environment that functions as a focal point for the Town Center and the City and is sensitive to the natural environment.

2. Use of this zone is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center A-1 through A-5.

**D. Mixed residential zone (TC-B)**

1. The purpose of the mixed residential (TC-B) sub-zone is to implement Town Center Plan goals and policies by providing for areas with a mixture of housing types that support the desired activities of adjacent mixed-use zones. These purposes are accomplished by:
  - a. Providing for a mixture of apartments, townhomes, and limited cottage housing and detached single-family uses;
  - b. Providing the opportunity for commercial uses for those areas adjacent to TC-A zones provided the subject property is developed as part of a unified zone development plan with contiguous TC-A zoned properties; and
  - c. Providing development standards that achieve the Town Center Plan's design goals and policies for an attractive mix of housing types that is well connected to the mixed-use zones and preserves sensitive natural areas as an amenity to development.

2. Use of this zone is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center B.

**E. Lower intensity residential zone (TC-C)**

1. The purpose of the low intensity residential (TC-C) sub-zone is to implement Town Center Plan goals and policies by providing areas of predominately single detached dwelling units and cottage housing that buffer existing residential communities from more intensively developed Town Center zones. These purposes are accomplished by:
  - a. Providing for detached single-family housing, townhouses, and cottage housing provided they maintain a relatively low urban density; and
  - b. Providing development standards that achieve the Town Center Plan’s design goals and policies for an attractive mix of lower intensity housing types that is well connected to the mixed-use and mixed-residential zones and preserves sensitive natural areas as an amenity to development.
2. Use of this zone is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center C.

**F. Civic campus zone (TC-D)**

1. The purpose of the civic campus (TC-D) zone is to implement Town Center Plan goals and policies by providing areas for open space, recreational, civic uses, and residential uses that serve both the Town Center and the City. These purposes are accomplished by:

- a. Maintaining and enhancing the Sammamish Commons as a recreational, civic, and environmental resource for the Town Center and the City;
- b. Providing for civic uses that complement the Sammamish Commons and adjacent Town Center uses; and
- c. Providing development standards that achieve the Town Center Plan’s environmental and community design goals of incorporating exemplary environmental stewardship and creating a sense of place reflected in building forms, development patterns, and the public realm.

2. Use of this zone is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center D.

**G. Reserve zone (TC-E)**

1. The purpose of the reserve (TC-E) zone is to allow current uses to remain while preserving the opportunity for future development. These purposes are accomplished by allowing for single detached dwelling units.
2. Use of this zone is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center E.

**H. Zoning maps and boundaries**

1. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

2. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.
3. Zoning maps are available for public review at the City of Sammamish offices during regular business hours.

## 21.07.030 Technical Terms and Land Use Definitions

### A. Scope of chapter

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in [SDC 21.07.040](#). The definitions in this chapter supplement those in [SDC 21.04.040](#) and the Standard Industrial Classification Manual (SIC). See [SDC 21.07.010](#) for rules on interpretation of the code, including use of these definitions. Where there is a conflict between a definition in [SDC 21.04.040](#) and this chapter, the definition herein shall apply.

### B. Definitions

1. **AASHTO.** The American Association of State Highway and Transportation Officials, which advocates for transportation-related policies and provides technical services to support states in their efforts to efficiently and safely move people and goods.
2. **Berm.** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.
3. **Blank wall.** See [SDC 21.07.060C.5](#) for the definition and desirable treatments of a “blank wall.”
4. **Biofiltration swale.** A long, gently sloped, vegetated ditch designed to filter pollutants from stormwater. Grass is the most common vegetation, but wetland vegetation can be used if the soil is saturated.

5. **Building articulation.** The giving of emphasis to architectural elements (like windows, balconies, entries, etc. that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See [SDC 21.07.060C.2.](#) for applicable standards.
6. **Brewpub.** A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises as an accessory use. Such an accessory use shall not occupy more than 30 percent of the gross floor area of the restaurant.
7. **Clustered development.** Concentrating lots or buildings in areas to avoid development of sensitive or hazardous areas, or to minimize impervious surfaces and stormwater runoff.
8. **Collective garden.** Any area or location where qualifying patients engage in the production, processing, transporting, and delivery of marijuana for medical use.
9. **Common open space.** See [SDC 21.07.060A.9.a.iii.](#) for the definition of “common open space.”
10. **Condotel.** A building used as both a condominium and a hotel.
11. **Connector street.** Key streets that provide important connections within the Town Center. See [SDC 21.07.060A.3.](#) and [SDC 21.07.060A.4.](#) for applicable provisions.
12. **Cooperative.** An entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under Chapter 69.51A RCW where qualifying patients and designated providers share responsibility for acquiring and supplying the resources needed to produce and process marijuana for medical use of members of the cooperative.
13. **Cottage housing.** Clusters of small detached dwelling units arranged around a common open space.
14. **CPTED.** “Crime prevention through environmental design,” which is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts.
15. **Dark sky standards.** Standards that are intended to stop the adverse effects of light pollution, including energy waste, and the air and water pollution caused by energy waste, harm to human health, harm to nocturnal wildlife and ecosystems, reduced safety and security, reduced visibility at night, and poor nighttime ambience.
16. **Departure.** An alternative treatment that may be allowed by this Chapter provided the director determines that the proposal meets the intent of the standards and applicable criteria.
17. **Duplex.** A building, which is located on one legal lot or parcel, containing two dwelling units designed exclusively for occupancy by two single households living independently of each other. A single-family dwelling containing an approved accessory dwelling unit (ADU) shall not be interpreted as a duplex.
18. **Feasible.**

- a. That an action can be accomplished with technologies and methods that have been used in past circumstances;
  - b. Studies or tests (for example, a pro forma) reviewed by a knowledgeable professional such as Member, Appraisal Institute (MAI), or traffic engineer (depending on the subject area) demonstrated in similar circumstances that such approaches are currently available and likely to achieve intended results; or
  - c. Physical constraints are present that prevent conformance with the applicable standard as determined by the director.
19. **Floor area ratio.** Total occupiable building area, including garage, divided by total lot area.
20. **Green roof.** A roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. This does not refer to roofs which are merely colored green, as with green roof shingles. It may also include additional layers such as a root barrier and drainage and irrigation systems.
21. **Gross developable acreage.** The total horizontal area of a project site including new roadways internal to the development but excluding the following:
- a. Critical areas and buffers;
  - b. Areas below the ordinary high water mark;
  - c. Areas that are required to be dedicated on the perimeter of a project site for public rights-of-way.
22. **Indoor recreation area.** See [SDC 21.07.060A.9.a.iv.](#) for the definition of “indoor recreation area.”
23. **Landscaped open space.** See [SDC 21.07.060A.9.a.v.](#) for the definition of “landscaped open space.”
24. **Liquor and Cannabis Board (LCB).** The Washington State Liquor and Cannabis Board which carries out Washington liquor, marijuana, and tobacco laws and regulations.
25. **Low impact development (LID).** A stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
26. **Marijuana or “marihuana”.** All parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
27. **Marijuana concentrates.** Products consisting wholly or in part of the resin extracted from any part of the plant

- cannabis and having a THC concentration greater than 10 percent.
28. **Marijuana processor.** A person or entity licensed by the Washington State Liquor and Cannabis Board (“LCB”) to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
  29. **Marijuana producer.** A person or entity licensed by the LCB to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
  30. **Marijuana-infused products.** Products that contain marijuana or marijuana extracts and are intended for human use, are derived from marijuana, and have a THC concentration no greater than 10 percent. The term “marijuana-infused products” does not include either marijuana concentrates or useable marijuana.
  31. **Marijuana retailer.** A person or entity licensed by the LCB to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.
  32. **Mixed-use node.** One of the five TC-A zoned properties in the Town Center, including TC-A-1 through A-5.
  33. **Mixed-use street.** A type of street that allows for either a storefront built up to the public sidewalk or a building featuring a landscaped or plaza setback. See [SDC 21.07.060A.3.](#), [SDC 21.07.060A.4.](#), and [SDC 21.07.060B.1.](#) for applicable provisions.
  34. **Multifamily open space.** See [SDC 21.07.060A.9.a.vi.](#) for the definition of “multifamily open space.”
  35. **Multifamily.** An apartment per [SDC 21.04.040B.97.](#)
  36. **Pedestrian-oriented open space.** A publicly accessible space that enlivens the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing, and/or visual amenities. See [SDC 21.07.060B.5.b.](#) for design criteria for pedestrian open space.
  37. **Pedestrian-oriented street or corridor.** A type of street or corridor that is intended to be lined with storefronts built up to the edge of the sidewalk. See [SDC 21.07.060A.3.](#), [SDC 21.07.060A.4.](#), [SDC 21.07.060A.7.](#), and [SDC 21.07.060B.1.](#) for applicable provisions.
  38. **Public open space.** See [SDC 21.07.060A.9.a.vii](#) for the definition of “public open space” and [SDC 21.07.060B.5.](#) for applicable design standards and guidelines.
  39. **Rain garden.** A nonengineered shallow, landscaped depression, with compost-amended native soils and adapted plants, that allows rainwater runoff from impervious areas like roofs, driveways, walkways, and compacted lawn areas to pond, temporarily be stored, pass through the amended soil profile and be absorbed.
  40. **Residential street.** A type of street featuring residential uses and landscaped building setbacks. See [SDC 21.07.060A.3.](#), [SDC 21.07.060A.4.](#), and [SDC 21.07.060A.7.](#) for applicable provisions.
  41. **Roofline modulation.** Variation in roof form. See [SDC 21.07.060C.2.c.](#) for details.



42. **Sight distance triangle.** A required setback area at the intersection or driveway entrance off a public or private street for any fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. See [SDC 21.07.050T](#) for details.

43. **Sign.** Any medium, device, structure, fixture, or placard, including any necessary supporting structure and component parts, that is visible from a public right-of-way or surrounding properties, and uses graphics, symbols, or written copy to convey a message, attract attention to, or advertise a product, place, activity, business, event, good, service, or land use.

44. **Sign, A-frame.** A freestanding, two-panel, foldable, portable temporary sign made of rigid material.

45. **Sign, awning/marquee.** A sign painted on or attached directly to and supported by an awning or marquee. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. A marquee is a roof-like shelter, as of glass, projecting above an outer door and over a sidewalk or a terrace, which may be attached to a building or be freestanding.

46. **Sign, blade.** A small, pedestrian-oriented building-mounted sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground.

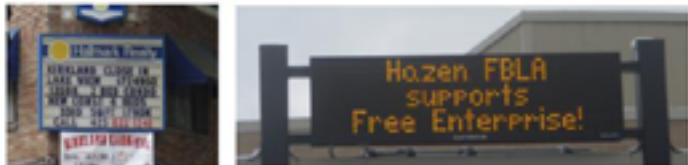


47. **Sign, box/cabinet.** A building-mounted sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane parallel to the wall of the building and where the sign or individual letters are contained within a box or cabinet and are internally illuminated.

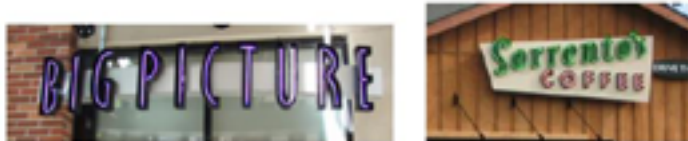


48. **Sign, building-mounted.** A sign that is attached directly to a building or indirectly attached to a building by a support structure. Building-mounted signs may include, but are not limited to, wall, hanging, blade, awning, marquee, opaque, channel, painted, shadow, and window signs.

49. **Sign, changing message.** A sign that contains electronically controlled digital or illuminated text, or a sign that contains text that can be manually changed.



50. **Sign, channel letter.** A wall sign that is comprised of lettering that is attached to and supported by the exterior wall of a building or a structure with the exposed face of the lettering or graphics on a plane parallel to the wall of the building, and where the letters contain an open channel into which neon lighting is inserted.



51. **Sign, community banner.** A temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501c. or d.

52. **Sign, directional.** A sign that is primarily designed to guide or direct pedestrian or vehicular traffic to an area, business, place, or convenience, and may include incidental graphics such as trade names and trademarks.



53. **Sign, hanging.** A small, pedestrian-oriented sign that is hung beneath an awning, canopy, or marquee sign or other structure.



54. **Sign, incidental.** A sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- a. Restrooms;
- b. Hours of operation;
- c. Acceptable credit cards;

- d. Property ownership or management;
- e. Phone booths; and
- f. Recycling containers.

- 55. **Sign, freestanding.** A sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or fence.
- 56. **Sign, fuel price.** A manually or electronically controlled sign utilized to advertise the price of gasoline and/or diesel fuel.
- 57. **Sign, logo.** A sign, graphic representation, or symbol of a company name, trademark, or abbreviation, uniquely designed for ready recognition. A logo sign may be a wall sign or a freestanding sign.
- 58. **Sign, monument.** A freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.
- 59. **Sign, opaque.** A building-mounted sign that is attached to and supported by the exterior wall of a building or a structure where the surface of the sign is generally comprised of two or more opaque materials on the same plane. Where internally illuminated, the opaque material that comprises the lettering of the sign may be translucent such that it allows limited light to shine through the sign letters.



- 60. **Sign, painted.** A sign, mural or graphic design painted directly onto a building facade or onto a flat wood or metal surface that is then attached to the building facade.



- 61. **Sign, permanent residential development identification.** A permanent sign identifying the residential development upon which the sign is located.
- 62. **Sign, pedestal.** A temporary, pedestrian-oriented sign placed atop a pedestal that is affixed to a heavy horizontal base.



- 63. **Sign, primary.** A painted, opaque, awning, marquee, or channel letter sign that is designed to be the primary source of business identification to both pedestrian and vehicular traffic.
- 64. **Sign, secondary.** A window, logo, blade, or hanging sign that generally contains secondary, pedestrian-oriented business identification, business product information, or hours of operation.
- 65. **Sign, shadow.** A wall sign comprised of individual letters or graphics that is attached to and supported by the exterior wall of a building with the exposed face of the sign lettering or graphics on a plane parallel to the wall of the building, where the surface of the sign is generally comprised of a completely opaque material. The sign lettering or graphics are separated from the building facade such that during daylight hours the lettering generates a shadow on the building facade.
- 66. **Sign, temporary.** A sign that is designed to be displayed for a limited amount of time and is not permanently placed or affixed such as to prevent its removal.
- 67. **Sign, window.** A sign that is constructed of neon, stained glass, gold leaf, cut vinyl, etched glass, or similar material in a window.
- 68. **Sign, wall.** Any sign painted on, or attached directly to and supported by, the wall of a building or structure. All wall signs are building-mounted signs. Wall signs may include, but are not limited to, window, opaque, shadow, painted, channel letter, and logo signs.
- 69. **Solar access.** The availability of (or access to) unobstructed, direct sunlight.
- 70. **Town Center Stormwater Master Plan.** The applicable Stormwater Master Plan adopted by the City for the Town Center.
- 71. **Town Center Infrastructure Plan.** The plan adopted by the City that identifies the infrastructure needed to develop the envisioned Town Center land uses and that identifies principles and application required to develop mixed-use zones in the Town Center.

- 72. **Unified zone development plan (UZDP).** A plan that is required for new development in each TC-A sub-zone per [SDC 21.07.120](#) in order to:
  - a. Establish the level and intensity of new commercial and residential development;
  - b. Provide for coordinated infrastructure such as roads and utilities and public open space;
  - c. Define street types and orientation to street of new development; and
  - d. Identify the general location of buildings and site improvements and provision of open space, parking, environmental restoration, and nonmotorized circulation.
- 73. **Usable open space.** See [SDC 21.07.060A.9.a.ii.](#) for the definition of “usable open space.”
- 74. **Winery.** A business that produces up to 10,000 cases per year. The maximum gross floor area of a winery is 10,000 square feet, including space for bottling, crushing, lab and office space, tasting room, restaurant, storage, and event space.
- 75. **Woonerf.** A term originating in Holland describing a street where pedestrians and cyclists have legal priority over motorists. Woonerfs are characterized by curbsless shared spaces with traffic calming measures such as bollards and landscaping elements. Travel speeds are typically limited to 10 or 15 miles per hour.

## 21.07.040 Permitted Uses

### A. Purpose

The purpose of this chapter is to provide for the distribution of land uses into zones and sub-zones that reflect the Town Center Plan’s goals and policies. [SDC 21.07.020](#) sets forth the purpose of each Town Center zone and sub-zone described herein.

### B. Establishment of uses

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding 60 days. A use that will operate for less than 60 days is considered a temporary use, and subject to the requirements of [SDC 21.05.030](#). All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the City of Sammamish.

### C. Interpretation of land use tables

1. The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.
2. If the letter “X” appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
3. If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district



subject to the review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.

4. If the letter “U” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the unified zone development plan application review procedures specified in [SDC 21.07.120](#). When a site is approved for development under the UZDP then all uses designated with a “U” are permitted on that site.
5. If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.
6. If the letter “S” appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in [SDC 21.09.070](#) and the general requirements of the code.
7. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.
8. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition

with the corresponding number immediately following the table.

9. All applicable requirements shall govern a use whether or not they are cross-referenced in a section.
10. “SIC#” refers to the Standard Industrial Classification number. See [SDC 21.07.010H](#) for interpretation and details.
11. Combining multiple permitted uses in one building is encouraged within the TC-A zone and TC-B zone where the property is included in an approved unified zone development plan.

D. Residential land uses

Table of Residential Land Uses

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RESIDENTIAL LAND USES										
SIC #	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
	Dwelling Units, Types									
*	Single detached	X	X	X	X	X	P2.	P	X	P
*	Duplex	X	X	X	X	X	P2.	P	X	X
*	Townhouse	U1.	U1.	U1.	U1.	U1.	P	P	P	X
*	Apartment	U1.	U1.	U1.	U1.	U1.	P	X	P	X
*	Cottage housing	X	X	X	X	X	P2.	P	P	X
*	Mobile home park	X	X	X	X	X	X	X	X	X
	Group Residences									
*	Community residential facility, I	U1.	U1.	U1.	U1.	U1.	P	P	C	P
*	Community residential facility, II	U1.	U1.	U1.	U1.	U1.	P	X	C	X
*	Dormitory	X	U(1,3)	U(1,3)	X	X	P3.	X	C	X
*	Senior citizen assisted housing	U1.	U1.	U1.	U1.	U1.	P	X	C	X
	Accessory Uses									
*	Residential accessory uses 4.	P1.	P1.	P1.	P1.	P1.	P	P	X	P
*	Home business, Type I	P	P	P	P	P	P	P	X	P
*	Home business, Type II	C	C	C	C	C	C	C	X	P
*	EV charging station (8,9,14)	P	P	P	P	P	P10.	P10.	P	P10.



RESIDENTIAL LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
*	Rapid charging station (11,14)	P	P	P	P	P	P12.	P12.	P13.	P12.
*	Cooperative 15.	X	X	X	X	X	X	X	X	X
*	Collective garden 15.	X	X	X	X	X	X	X	X	X
	Temporary Lodging									
7011	Hotel / motel / condotel (1,7)	U	U	U	U	U	U5.	X	X	X
*	Bed and breakfast guesthouse 7.	U6.	U6.	U6.	U6.	U6.	P6.	X	X	X

**Development Conditions:**

- (1) Except for lobbies or other similar entrances, the use is prohibited within 30 feet of the sidewalk on the ground floor of designated pedestrian-oriented streets or corridors.
  - (2) Provided, that single detached or cottage dwelling units account for no more than 15 percent of the total dwelling units on the development site.
  - (3) Only as an accessory to a school, college/university, or church.
  - (4) Accessory dwelling units:
    - a. Only one accessory dwelling per primary single detached dwelling unit;
    - b. The primary dwelling unit or the accessory dwelling unit shall be owner occupied;
- i. One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;
  - ii. When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
  - iii. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of "family" in [SDC 21.04.040B.126.](#);
  - iv. Additions to an existing structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit;

- c. One additional off-street parking space shall be provided;
  - d. The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and
  - e. An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.
- (5) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.
- (6) Only as an accessory to the permanent residence of the operator, provided:
- a. Serving meals to paying guests shall be limited to breakfast; and
  - b. The number of persons accommodated per night shall not exceed ten.
- (7) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses.
- (8) Level 1 and Level 2 charging only.
- (9) Level 1 and Level 2 charging are permitted in critical aquifer recharge areas and in other critical areas when serving an existing use.
- (10) Allowed only as accessory to a primary permitted use or permitted conditional use.
- (11) The term “rapid” is used interchangeably with “Level 3” and “fast charging.”
- (12) Only as an “electric vehicle charging station – restricted.”
- (13) Only as an “electric vehicle charging station – public.”
- (14) For definitions see [SDC 21.04.040](#), Technical Terms and Land Use Definitions, and [SDC 21.06.030](#) for parking requirements.
- (15) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

## E. Recreational/cultural land uses

Table of Recreational/Cultural Land Uses

KEY: P Permitted Use C Conditional Use S Special  
Use X Prohibited Use

RECREATIONAL / CULTURAL LAND USES										
SIC #	Zones SPECIFIC LAND USE	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
		A1	A2	A3	A4	A5				
	Park / Recreation									
*	Park 5.	P	P	P	P	P	P	P	P	P
*	Trails 5.	P	P	P	P	P	P	P	P	P
*	Sports club (1,5)	U	U	U	U	U	U2.	X	X	X
	Amusement / Entertainment:									
*	Theater 5.	U3.	X	X	X	X	U(2,3)	X	C4.	X
793	Bowling center 5.	U	X	X	X	X	U2.	X	X	X
7999	Amusement and recreation services 5.	U	U	U	U	U	U2.	X	C	X
*	Amusement arcades 5.	U	X	X	X	X	U2.	X	X	X
	Cultural									
823	Library 5.	X	X	X	X	X	X	X	P	X
841	Museum 5.	U	U	U	U	U	U2.	X	X	X
842	Arboretum 5.	U	U	U	U	U	P	P	C	P
*	Conference center 5.	U	U	U	U	U	U2.	X	X	X

## Development Conditions:

- (1) Only for stand-alone sports clubs that are not part of a park.
- (2) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A

zoned property and included in an approved unified zone development plan.

- (3) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, schools, licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- (4) Limited to community theaters integrated with the design of the Sammamish Commons.
- (5) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall not apply to these uses if they are publicly owned and operated. The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses if they are privately owned and operated except for those portions of the facility dedicated to sports fields, or other improvements that will result in a low-intensity use (including, but not limited to, soccer fields, tennis courts, basketball courts, swimming pools, etc.

F. General services land uses

Table of General Services Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

GENERAL SERVICES LAND USES										
SIC #	Zones SPECIFIC LAND USE	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
		A1	A2	A3	A4	A5				
	Personal Services									
7211, 7215, 7231, 7241, 7251	Dry cleaners, photographic studios, beauty salons, barber shops, shoe repair shops, shoe shine parlors 11.	U	U	U	U	U	U1.	X	X	X
7215	Coin operated laundries 11.	X	X	X	X	X	X	X	X	X
*	Daycare, I 11.	U	U	U	U	U	P2.	P2.	X	P2.
*	Daycare, II 11.	U	U	U	U	U	P2.	X	X	X
866	Churches, synagogues, temples, mosques	U	U	U	U	U	C	X	X	P
83	Social services 3.	U4.	U4.	U4.	U4.	U4.	U(4,5)	P5., C6.	C6.	C6.
*	Theatrical production services 11.	U7.	U7.	U7.	U7.	U7.	X	X	X	X
*	Artist studios 11.	U	U	U	U	U	U1.	X	X	X
*	Interim recycling facility 11.	U8.	U8.	U8.	U8.	U8.	P9.	P9.	P9.	X
	Health Services									
801- 804	Office / outpatient clinic 11.	X	U	U	U	U	U1.	X	X	X

GENERAL SERVICES LAND USES										
SIC #	Zones SPECIFIC LAND USE	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
		A1	A2	A3	A4	A5				
805, 807, 808, 809	Nursing and personal care facilities, medical / dental lab, miscellaneous health 11.	X	U	U	U	U	U1.	X	X	X
*	Marijuana producer 12.	X	X	X	X	X	X	X	X	X
*	Marijuana processor 12.	X	X	X	X	X	X	X	X	X
*	Marijuana retailer 12.	X	X	X	X	X	X	X	X	X
*	Cooperative 12.	X	X	X	X	X	X	X	X	X
*	Collective garden 12.	X	X	X	X	X	X	X	X	X
Education Services										
*	Elementary school, middle / junior high school, secondary or high school 11.	X	U	X	X	U	U1.	X	X	X
*	Vocational school, specialized instructional school, school district support facility 11.	U	U	U	U	U	U(1,10)	X	X	X

**Development Conditions:**

- (1) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.
- (2) Only as an accessory to residential use, provided:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and

- (3) Except SIC Industry Group Nos.:
  - a. 835 – Daycare services; and
  - b. 836 – Residential care, which is otherwise provided for on the residential permitted land use table.
- (4) Limited to a maximum of 5,000 gross square feet per establishment, except when within a re-use of a public school facility subject to the provisions of [SDC 21.05.040](#).
- (5) Only as a re-use of a public school facility subject to the provisions of [SDC 21.05.040](#).
- (6) Only as a re-use of a surplus nonresidential facility subject to [SDC 21.05.040](#).
- (7) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, schools, licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- (8) With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.
- (9) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (10) School district support school only allowed when adjacent to an existing or proposed school.
- (11) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall not apply to these uses if they are publicly owned and operated. The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses if they are privately owned and operated except for those portions of the facility dedicated to sports fields, or other improvements that will result in a low-intensity use (including, but not limited to, soccer fields, tennis courts, basketball courts, swimming pools, etc).
- (12) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.



G. Government/business services land uses

Table of Government/Business Service Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

GOVERNMENT / BUSINESS SERVICES LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
	Government Services									
*	Public agency or utility office	U	U	U	U	U	U2.	X	P	X
*	Public agency archives	X	X	X	X	X	X	X	P	X
9221, 9224	Police or fire facility	U	U	U	U	U	U2.	X	P	C3.
*	Utility facility	U1.	U1.	U1.	U1.	U1.	P4. C5.	P4. C5.	P4. C5.	P4. C5.
*	Commuter parking lot	U6.	U6.	U6.	U6.	X	C	X	C	P
*	Private stormwater management facility	U	U	U	U	U	P	P	P	P
	Business Services									
48, 482, 653, 752, 4724	Communication offices, telegraph and other communications, real estate agent offices, automotive parking, travel agencies 10.	U	U	U	U	U	U2.	X	C	X
*	General business service, professional office 10.	U	U	U	U	U	U2.	X	C	X
*	Off-street required parking lot 10.	U7.	U7.	U7.	U7.	U7.	P	P7.	P	X
7941	Professional sport teams / promoters 10.	X	U	U	X	X	U2.	X	C	X

GOVERNMENT / BUSINESS SERVICES LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
873	Research, development and testing 10.	X	U	U	X	X	U2.	X	C	X
	Accessory Uses									
*	Commercial / industrial accessory uses	U8.	U8.	U8.	U8.	U8.	U(2,8)	X	X	X
*	Helistop 10.	U9.	U9.	U9.	U9.	U9.	C9.	C9.	C9.	C9.

#### Development Conditions:

- (1) Except for lobbies or other similar entrances, the use is prohibited within 30 feet of the sidewalk on the ground floor of designated pedestrian-oriented streets or corridors.
- (2) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.
- (3) Fire facility conditions:
  - a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
  - c. No outdoor storage.
- (4) Excluding bulk gas storage tanks.
- (5) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
- (6) Commuter parking lots shall be within structures (surface parking lots are not allowed).
- (7) Provided off-street required parking must be located on a lot which would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
- (8) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
- (9) Limited to emergency medical evacuation sites in conjunction with police, fire or health service facilities.
- (10) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses.

H. Retail land uses

Table of Retail Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

RETAIL LAND USES										
SIC #	Zones SPECIFIC LAND USE	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
		A1	A2	A3	A4	A5				
*	Building, hardware and garden materials 10.	U(1,5)	U(2,6)	U(2,6)	U(2,6)	U(2,6)	U(1,3,4,6)	X	X	X
*	Department and variety stores 10.	U5.	U(2,6)	U(2,6)	U(2,6)	U(2,6)	U(3,4,6)	X	X	X
54	Food stores 10.	U5.	U(2,6)	U(2,6)	U(3,6)	U(3,6)	U(3,4,6)	X	X	X
*	Farmers market	P	P	P	P	P	P	X	P	X
56, 5941	Apparel and accessory stores, sporting goods and related stores 10.	U5.	U(2,6)	U(2,6)	U(2,6)	U(2,6)	U(3,4,6)	X	P9.	X
*	Furniture and home furnishings stores 10.	U2.	U(2,6)	U(2,6)	U(2,6)	U(2,6)	U(3,4,6)	X	X	X
58	Eating and drinking places 10.	U	U	U	U	U	U(3,4)	X	P	X
*	Brewpub 10.	U	U	U	U	U	U(3,4)	X	P	X
5912	Drug stores 10.	U2.	U(2,6)	U(2,6)	U(3,6)	U(3,6)	U(3,4,6)	X	X	X
5912	Liquor stores 10.	U2.	X	X	U(2,6)	X	X	X	X	X
5932	Used goods: antiques / secondhand shops 10.	U3.	U(3,6)	U(3,6)	U(3,6)	U(3,6)	U(3,4,6)	X	X	X
594	Book, stationary, video and art supply stores 10.	U(2,7)	U(2,6,7)	U(2,6,7)	U(2,6,7)	U(2,6,7)	U(4,6,7)	X	X	X
594	Hobby, toy, game shops, photographic and electronic shops, jewelry stores 10.	U(3,7)	U(3,6,7)	U(3,6,7)	U(3,6,7)	U(3,6,7)	U(3,4,6,7)	X	X	X

RETAIL LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
594, 5992	Fabric and florist shops 10.	U2.	U(3,6)	U(3,6)	U(2,6)	U(3,6)	U(3,4,6)	X	X	X
*	Personal medical supply stores 10.	U3.	U(3,6)	U(3,6)	U(3,6)	U(3,6)	U(3,4,6)	X	X	X
*	Pet shops 10.	U3.	U(3,6)	U(3,6)	U(3,6)	U(3,6)	U(3,4,6)	X	X	X
*	Marijuana retailer 11.	X	X	X	X	X	X	X	X	X

### Development Conditions:

- (1) Outdoor storage and/or sales area restrictions:
  - a. Applicable areas are prohibited along the frontage of designated pedestrian-oriented streets, except where the areas are designed as pedestrian-oriented spaces.
  - b. Applicable areas shall be limited in size to areas no more than 20 percent of the enclosed gross floor area of the applicable establishment.
- (2) Limited to 10,000 square feet gross floor area for each establishment.
- (3) Limited to 4,000 square feet gross floor area for each establishment.
- (4) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.
- (5) Limited to 40,000 square feet gross floor area for each establishment.
- (6) Use permitted only when provided within a building featuring a vertical mix of uses where the subject use is the ground floor and office and/or residential uses are provided on the upper floor or floors. The director may allow flexibility to this requirement provided the overall plan meets the goals and policies of the Town Center Plan in terms of mixed uses and pedestrian-oriented character.
- (7) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, schools, licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- (8) For all nonresidential uses subject to a size limitation in the TC-A or TC-B zones, the City may allow flexibility to the maximum size of individual businesses provided the director determines that the business is well-integrated with surrounding development and meets the goals and policies of the Town Center Plan. Factors in making this determination include the site design, building design, parking location and design, context, surrounding mix of uses, streetscape design, pedestrian amenities, compatibility

with other businesses within the sub-zone and the entire Town Center, traffic impacts, and environmental quality.

- (9) Use permitted only when accessory to a permitted use. Such use shall be limited to 2,000 square feet gross floor area for each establishment.
- (10) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses.
- (11) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

## I. Manufacturing land uses

Table of Manufacturing Land Uses.

KEY: P Permitted Use C Conditional Use S Special Use

MANUFACTURING LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
27	Printing and publishing 5.	U(1,4)	U(1,4)	U(1,4)	U(1,4)	U(1,4)	U(1,2,4)	X	X	X
357	Computer and office equipment 5.	U4.	U4.	U4.	U4.	U4.	U(2,4)	X	X	X
38	Measuring and controlling instruments 5.	X	U(3,4)	U(3,4)	U(3,4)	U(3,4)	U(2,3,4)	X	X	X
*	Marijuana producer 6.	X	X	X	X	X	X	X	X	X
*	Marijuana processor 6.	X	X	X	X	X	X	X	X	X
*	Cooperative 6.	X	X	X	X	X	X	X	X	X
*	Collective garden 6.	X	X	X	X	X	X	X	X	X

### Development Conditions:

- (1) Limited to photocopying and printing services offered to the general public.
- (2) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.
- (3) Only within enclosed buildings, and as an accessory use to retail sales.
- (4) Facilities with less than 5,000 square feet of building footprint (for subject use only).

- (5) The commercial square footage allocation established pursuant to [SDC 21.07.050C.](#), development condition No. 6 shall apply to these uses.
- (6) All marijuana related uses both medical and recreational, including marijuana collective gardens, marijuana cooperatives, marijuana producers, marijuana processors, marijuana distributors, and marijuana retailers, are prohibited in all zones in the City of Sammamish.

**J. Regional land uses**

**Table of Regional Land Uses.**

KEY: P Permitted Use C Conditional Use S Special Use X Prohibited Use

**Development Conditions:**

- (1) Limited to cogeneration facilities that are intended primarily for use within the applicable building, development, or mixed-use node.
- (2) Must be located on rooftops and effectively screened from view from surrounding streets and residential uses.
- (3) Limited to no more than three satellite dish antennas.
- (4) Properties in the TC-B zone may include the subject use, as determined by the City, if it is contiguous to a TC-A zoned property and included in an approved unified zone development plan.

REGIONAL LAND USES										
	Zones	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
SIC #	SPECIFIC LAND USE	A1	A2	A3	A4	A5				
*	Public agency training facility	X	X	X	X	X	X	X	C	X
*	Cogeneration facility	U1.	U1.	U1.	U1.	U1.	C1.	C1.	C1.	X
*	Wireless communication facility	Refer to <a href="#">SDC 21.06.060G.</a> for wireless communication facility uses.								
*	Earth station	U(2,3)	U(2,3)	U(2,3)	U(2,3)	U(2,3)	C2.	C2.	P	X
*	Transit bus base	U, S	U, S	U, S	U, S	U, S	S	S	S	S
7941	Stadium / arena	X	X	X	X	X	X	X	S	X
8221, 8222	College / university	U, S	U, S	U, S	U, S	U, S	U4., S	S	S	S



## 21.07.050 Development Standards—Density and Dimensions

### A. Purpose

The purpose of this chapter is to establish density and dimensional standards for development to implement Town Center policy goals and objectives. The standards are established to provide a balance between certainty and flexibility in project design, and promote compatibility between uses.

### B. Interpretation of tables and general development capacity provisions

1. [SDC 21.07.050C](#). contains general density and dimension standards for all Town Center zones. Additional provisions, requirements, incentives, rules, and exceptions are set forth elsewhere in this Chapter.
2. Commercial development capacity will be allocated during the unified zone development process set forth in [SDC 21.07.120](#) for the mixed-use nodes (also see [SDC 21.07.050D](#). and the Town Center Plan, Chapter IV, Land Use Element).
3. Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. A blank box or the words “none” or “NA” indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable footnote following the standard.

4. See [SDC 21.07.050D](#). for methods to acquire additional residential and commercial development capacity. **Densities and dimensions**

Table of Densities and Dimensional Standards for Town Center Zones.

DENSITIES AND DIMENSIONS					
STANDARDS	Town Center Zones				
	TC-A	TC-B	TC-C	TC-D	TC-E
Maximum Residential Density (1,2,3) (DU/Acre)	40 du/acre	20 du/acre	8 du/acre	20 du/acre	1 du/acre
Allocated Residential Density (1,3,4,20) (DU/Acre)	16 du/acre	8 du/acre	4 du/acre	8 du/acre	1 du/acre
Minimum Residential Density (1,3,5) (DU/Acre)	16 du/acre	8 du/acre	None	None	None
Allocated Commercial Area 18.	Variable (6,7)	None 8.	None	10,000 (8,19)	None
Minimum lot width	NA	NA	30 ft 9.	NA	30 ft
Minimum Street Setback (10,11,12)	0 ft	10 ft 13.	15 ft	15 ft	15 ft
Minimum Side Yard Setback (11,14)	NA	NA	7 ft 9.	7 ft	10 ft
Minimum Back Yard Setback (11, 14)	NA	20 ft	20 ft	20 ft	20 ft
Maximum Floor Area Ratio	NA	0.5 15.	0.5 15.	NA	NA
Maximum Height 16.	60 - 70 ft 17.	50 ft	35 ft	60 ft	35 ft

**Development Conditions:**

- (5) Densities are based on gross developable acreage as established by [SDC 21.07.050H](#).
- (6) Maximum density means the absolute maximum density allowed after all incentives and bonus units are added per [SDC 21.07.050D](#). Units purchased through the City’s TDR program do not count toward maximum residential density. The number of allowed units on a property may exceed the maximum allowed density by the number of TDRs purchased.

- (7) Density applies only to dwelling units and not to sleeping units.
- (8) Allocated density is the density allowed by right, before any additional units are added per [SDC 21.07.050D](#). See [Figure 21.07.050a](#) for clarification on the density allocation for all Town Center zones.
- (9) For TC-A zones, the 16 du/acre minimum density applies to the average net density for the entire sub-zone (or development site if it does not cover the whole sub-zone). Minimum densities for individual properties will be determined during the unified zone development process.
- (10) A maximum of 600,000 square feet of commercial floor area are available within the Town Center, allocated during the unified zone development process, with base allocations divided as follows:
- a. 200,000 square feet in the TC-A-1 sub-zone.
  - b. 90,000 square feet in the TC-A-2 sub-zone.
  - c. 90,000 square feet in the TC-A-3 sub-zone.
  - d. 70,000 square feet in the TC-A-4 sub-zone.
  - e. 20,000 square feet in the TC-A-5 sub-zone.
  - f. 10,000 square feet in the TC-D sub-zone.
- An additional 120,000 square feet of “bonus” commercial floor area may be allocated to the sub-zones per the bonus criteria set forth in [SDC 21.07.050D](#).
- (11) Additional commercial floor area may be available from the commercial development capacity bonus pool per [SDC 21.07.050D](#).
- (12) Commercial floor area may be permitted in the TC-B zone provided the site is developed as part of a unified zone development plan with an adjacent TC-A zone, as agreed upon in the UZDP (subject to the size and type of development). See [SDC 21.07.120B.2.c.](#) for details.
- (13) Minimum lot width and minimum side yard setbacks internal to developments may be modified for zero lot line configurations (see [SDC 21.07.060D.1.d.](#)) and townhouse developments.
- (14) See [SDC 21.07.060A.3.](#) for greater specificity, exceptions, and departures to minimum street setbacks.
- (15) See [SDC 21.07.060A.9.](#) for open space and landscaped area requirements.
- (16) Minimum setbacks for private garages or carports shall be 20 feet. This setback allows sufficient space to park most vehicles in the driveway without blocking movement along the sidewalk.
- (17) The minimum street setback may be reduced to zero if the site is part of a unified zone development plan.
- (18) See also [SDC 21.07.060](#) for greater specificity, exceptions, and departures for side and rear yard setbacks. For townhouse and multifamily development, the minimum side and back yard setback shall be 20 feet along any property line abutting R-1 through R-8 zones and TC-C

and TC-E zones, except for structures in on-site play areas, which shall have a setback of five feet.

- (19) Maximum floor area ratio (total building area available for occupation, including garage, divided by total lot area) applies only to detached single-family houses and duplexes.
- (20) See [SDC 21.07.050E.3.](#) for measurement of height.
- (21) The maximum height as measured in [SDC 21.07.050E.3.](#) is 70 feet (with a maximum of six stories above the adjacent street(s)) west of 228th Avenue SE and 60 feet (with a maximum of five stories above adjacent street(s)) east of 228th Avenue SE.
- (22) See [SDC 21.07.040](#) for commercial uses subject to the commercial allocation cap.
- (23) Commercial floor area may be permitted in the TC-D zone, provided it is developed consistent with the unified zone development principles set forth in [SDC 21.07.120E.](#)
- (24) See [SDC 21.07.100B.](#) for calculations of affordable housing units related to allocated density.

**C. Provisions to obtain additional (bonus) residential density or commercial development capacity**

- 1. Bonus Residential Dwelling Units. [SDC 21.07.050C.](#) identifies the “maximum density” and “allocated density” for each Town Center zone. Projects may obtain additional density by complying with the affordable housing provisions set forth in [SDC 21.07.100](#), by the incorporation of site amenities subject to TC-D zone residential dwelling unit transfers, and/or through the City’s transfer of development rights (TDR) program (subject to the adoption by the City

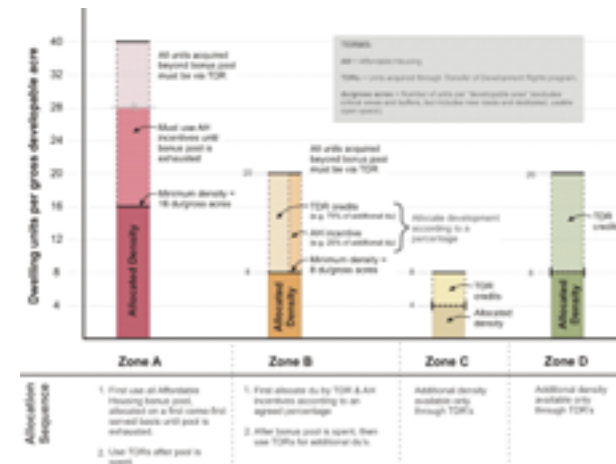
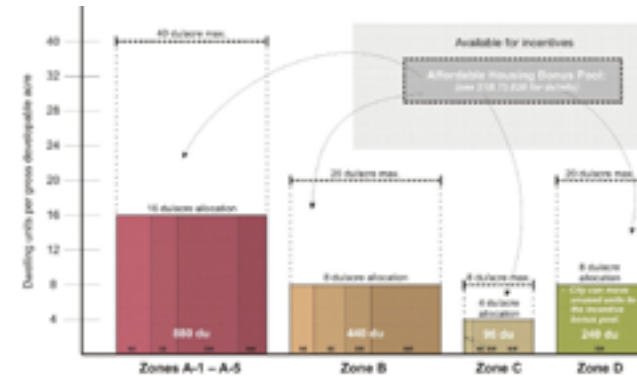
council including the Town Center as a receiving site). Bonus provisions vary by zone. Specifically:

- a. TC-A Zones. Applicants may select from the following options for obtaining additional dwelling units, subject to the provisions below:
  - i. Additional dwelling units are awarded from the Town Center’s available affordable housing bonus pool subject to compliance with affordable housing provisions set forth in [SDC 21.07.100](#). Within each quadrant, the bonus pool units shall be distributed on a first come, first served basis, up to the maximum number of bonus pool units, provided the development does not exceed the density limit for the zone.
  - ii. Additional dwelling units may also be awarded by the City from its TC-D residential density allocation pursuant to design criteria of subsection 2.b. of this section.
  - iii. Once the affordable housing bonus pool is exhausted, developments may obtain additional units through the City’s TDR program or through the provisions of subsection 2.d. of this section.
- b. TC-B Zones. Additional dwelling units may be awarded from a combination of the following, up to the zone’s specified maximum density:
  - i. Until the affordable housing bonus pool is exhausted, up to 25 percent of additional requested dwelling units may be taken from the bonus pool (subject to compliance with affordable housing

provisions set forth in [SDC 21.07.100](#)). The bonus pool units shall be distributed on a first come, first served basis, provided the development does not exceed the density limits for the applicable zone.

- ii. Additional dwelling units may also be awarded by the City from its TC-D residential density allocation pursuant to design criteria of subsection 2.b. of this section.
- iii. Additional dwelling units may be obtained through the City’s TDR program.
- c. TC-C Zones. Developments may obtain additional dwelling units only through the City’s TDR program, up to the zone’s specified maximum density.
- d. TC-D Zone. Developments may obtain additional dwelling units only through the City’s TDR program, up to the zone’s specified maximum density.
- e. TC-E Zone. Bonus dwelling units are not available in this zone.

See [SDC Figure 21.07.050D.1.e.a](#)) and [SDC Figure 21.07.050D.1.e.b](#)) for clarification on the distribution of bonus dwelling units per zone.



- 2. Bonus Commercial and Residential Development Capacity. [SDC 21.07.050C](#). and Figure 21.07.050c specify commercial floor area allocations by zones and sub-zones with an additional 120,000 square feet of commercial floor area available through bonus incentives. Subsections 2.a. and b. of this section provide the distribution and criteria for allocating bonus commercial floor area, respectively.

Subsection 2.b. of this section also includes provisions for allocating bonus residential dwelling units. Subsection 2.c. of this section provides for the opportunity for additional commercial or residential development capacity through the City’s TDR program. Subsection 2.d. of this section provides an option for the City to sell units from its TC-D residential density allocation to other properties within the Town Center.

a. Distribution of Bonus Commercial Development Capacity.

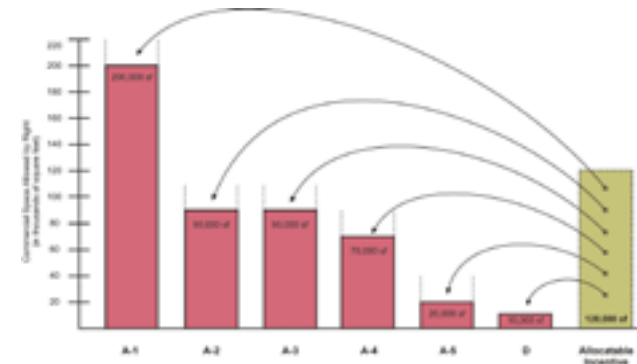
BONUS COMMERCIAL DEVELOPMENT CAPACITY			
Sub-Zone	Allocation	Max. Bonus Distribution (1,2)	Max. Allocation w/ Incentive (1, 2)
TC-A-1	200,000	50,000	250,000
TC-A-2	90,000	22,500	112,500
TC-A-3	90,000	22,500	112,500
TC-A-4	70,000	17,500	87,500
TC-A-5	20,000	5,000	25,000
TC-D	10,000	2,500	12,500
Total	480,000	120,000	600,000

Table notes:

- i. Bonus floor area shall be distributed on a proportional basis per the maximum levels indicated above until all 120,000 square feet of the available bonus floor area has been distributed. If it becomes clear after five years of adoption of the ordinance codified in this chapter that due to development patterns, the bonus development capacity will not be utilized in any of the A zones or the D zone, the

director may allow the allocation of bonus square feet of development to another part of the Town Center, provided the other provisions in this section are met.

- ii. Bonus floor area allocation is subject to the design criteria specified in subsection 2.b. of this section.



- b. Design Criteria for Awarding Bonus Commercial and Residential Development Capacity. Developments requesting available bonus commercial and residential development capacity (where awarded by the City from its TC-D residential density allocation) shall achieve a higher level of design performance than those specifically required in the Town Center development regulations. In order to qualify for bonus floor area or dwelling units, developments shall incorporate at least five of the development features listed below as determined in the unified zone development plan or other applicable review process.

- i. An extensive pedestrian network connected to the City’s trail system with lighting, landscaping, and other amenities.
  - ii. Creative and effective vehicular circulation system that minimizes impacts of motorized vehicles on the pedestrian environment.
  - iii. A unique multi-use central open space with special amenities and activities.
  - iv. Increased use of structured parking.
  - v. Enhanced off-street pedestrian routes that connect to the existing/planned trail system.
  - vi. Special accommodation of transit services.
  - vii. Extensive environmental restoration and/or tree retention.
  - viii. Environmental certification of all structures (LEED, Built Green or other similar certification).
  - ix. Enhanced commitment for affordable housing.
  - x. Includes a use or uses that will expand the range of activities in the Town Center. Such use or uses might include a gym, dance studio or health center, cultural or performing arts facilities, educational facilities, artists’ studios, medical clinics, assembly areas, small business centers and similar uses that will encourage economic diversity, additional local services, pedestrian activity and/or support for other business or community activities.
  - xi. Other significant features that exceed the development standards and regulations.
  - xii. Low impact development site planning principles/practices that minimize stormwater runoff generated by the development. Such principles may include limited site disturbance, protection of natural drainage paths/features, minimize soil disturbance/compaction and/or restoration of compacted soils back to their original state.
- The City shall maintain documentation of bonus floor area awarded in UZDP applications and which development features were utilized to obtain the bonus.
- c. Commercial and residential bonus development capacity may be accessed by use of TDR program. The ratio of TDR credit/amount of commercial or residential development shall be determined by the director and reported periodically to City council.
  - d. The City is authorized to sell dwelling units from its TC-D residential density allocation to other properties zoned TC-A within the Town Center. The City shall limit the sale of dwelling units to projects that have a pending land use application within the Town Center at the time of closing of the sale. The price of such units shall be based upon a market analysis performed within 180 days of closing on the sale and the proceeds shall be used for public benefits within the Town Center. Each unit transferred from the TC-D zone into the TC-A zone shall be worth one dwelling unit for development in the TC-A zone. For example, if 10 dwelling units are



purchased from the TC-D zone, they may be used to develop 10 dwelling units in the TC-A zone.



Extensive pedestrian network connected to the City's trail system.



Vehicle circulation that reduces impacts and enhances the development's organization and open space.



Structured parking away from primary open spaces and building entries.



Substantive use of low impact development techniques.



A unique multi-purpose open space such as this plaza that accommodates a farmer's market!



Extensive environmental restoration, especially when incorporated as an amenity as in this case.



Special amenity feature.



Development configured to maximize tree retention.

#### D. Measurement methods

The following provisions shall be used to determine compliance with this Chapter:

1. Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround, except as provided by [SDC 21.07.050O](#);
2. Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot;

provided, that an access easement shall not be included within the circle; and

3. Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle that can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms.

#### E. Minimum urban residential density

Minimum density for residential development in the urban areas designated by the Comprehensive Plan shall be based on the tables in this chapter and adjusted as provided for in [SDC 21.07.050I](#).

#### F. Calculations – Allowable dwelling units, lots or floor area

Permitted number of units, lots or floor area shall be determined as follows:

1. The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in [SDC 21.07.050H](#) by the applicable allocated residential density number;
2. The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by [SDC 21.07.050D.1](#) or [SDC 21.07.100](#) to the allocated residential units computed under subsection 1. of this section;
3. The allowed commercial floor area includes all leasable floor area designed for commercial tenant occupancy, including basements, mezzanines, and upper floors, if any,

expressed in square feet and measured from the interior face of exterior walls. Structured or underground parking areas and areas housing mechanical equipment shall be excluded from commercial floor area calculations; and

4. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - a. Fractions of 0.50 or above shall be rounded up; and
  - b. Fractions below 0.50 shall be rounded down.

#### G. **Calculations – Gross developable acreage**

1. All site areas may be used in the calculation of allocated and maximum allowed residential density or project floor area except as outlined under the provisions of subsection 2. of this section.
2. Submerged lands, landslide hazard areas and buffers, Category I through IV wetlands and buffers, and Type S, F, Np, and Ns streams and buffers shall not be credited toward allocated and maximum density or floor area calculations. Property used for new roadways, trails, stormwater facilities, or other features used by residents or the general public shall be counted as part of the site area for density calculations. Property transferred to the City for the construction of public roadways or other public feature shall be counted as part of the site area if the City and property owner reach such an agreement as part of the transfer.

#### H. **Calculations – Site area used for minimum density calculations**

Minimum density shall be determined by multiplying the minimum density (dwelling units/acre) as set forth in [SDC 21.07.050C.1](#) by the gross developable acreage of the project site as forth in [SDC 21.07.050H](#).

#### I. **Lot area – Prohibited reduction**

Any portion of a lot that was used to calculate compliance with the standards and regulations of this Chapter shall not be subsequently subdivided or segregated from such lot.

#### J. **Measurement of setbacks**

1. **Street Setback.** The street setback is measured from the street right-of-way or the edge of a surface improvement which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone.
2. **Side Yard Setback.** The side setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
3. **Back Yard Setback.** The back yard setback is measured from the rear lot line adjacent to another private property to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.

4. Corner Lots. For corner lots, setbacks from all street rights-of-way shall conform to setback and other development standards for front yards.

**K. Setbacks – Specific building or use**

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use.

**L. Setbacks – Modifications**

The following setback modifications are permitted:

1. When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and
2. When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.

**M. Setbacks – From regional utility corridors**

1. In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.
2. In other types of land development permits, easements shall be used to delineate such corridors.
3. All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the

utility corridor or when structures are allowed by mutual agreement in the utility corridor.

**N. Setbacks – From alley**

Accessory structures and accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access are provided within the alley.

**O. Setbacks – Required modifications**

In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

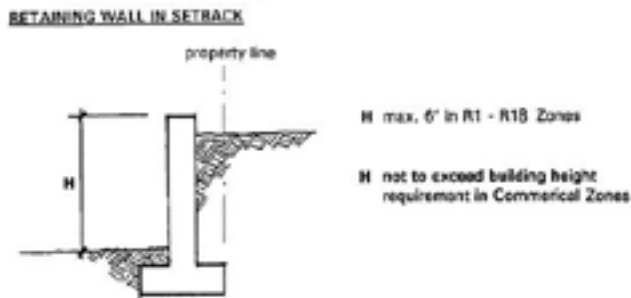
**P. Setbacks – Projections and structures allowed**

Provided, that the required setbacks from regional utility corridors of [SDC 21.07.050N](#), and the sight distance requirements of [SDC 21.07.050T](#), are maintained, structures may extend into or be located in required setbacks, as follows:

1. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a street setback, provided such projections are:
  - a. Limited to two per facade; and
  - b. Not wider than 10 feet;
2. Unenclosed porches and entry features may project six feet into the street setback;
3. Eaves may not project more than:
  - a. Twenty-four inches into a street setback;

- b. Eighteen inches across a lot line in a zero lot line development; provided, that any neighboring building and its associated eaves are 10 feet from the lot line;
- 4. Fences may be allowed within front, side, or back yard setback per [SDC 21.07.060B.7](#). For fences along an alley, see [SDC 21.07.060D.1.c.](#);
- 5. Rockeries, retaining walls and curbs may project into or be located in any setback, provided these structures do not exceed a height of six feet from the property line grade;
- 6. Fences located on top of rockeries, retaining walls or berms are subject to the requirements of [SDC 21.07.060B.7.](#);
- 7. Telephone poles and lines; power poles and lines; cable TV and Internet lines; light and flagpoles; trellises not exceeding eight feet in height, not wider than 10 feet; culverts; underground water facilities; underground sewer facilities; and accessory facilities for the provision of utilities, such as drains, but excluding electrical and cellular equipment cabinets, and similar utility boxes and vaults;
- 8. The following may project into or be located within a setback, but may only project into or be located within a setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County department of records and elections prior to the installment or construction of the structure:
  - a. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
  - b. Security system access controls;
- c. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in [SDC 21.07.060A.6.](#) and [SDC 21.07.060B.6.](#) such as benches, picnic tables and drinking fountains; and
- d. Surface water management facilities as required by City of Sammamish stormwater management regulations;
- 9. 9. Mailboxes and newspaper boxes may project into or be located within street setbacks but will not be allowed in TC-A zones;
- 10. Fire hydrants and associated appendages;
- 11. Metro bus shelters may be located within street setbacks;
- 12. Unless otherwise prohibited in [SDC 21.07.050T.](#) and [SDC 21.07.090](#), freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet, may project into or be located within street setbacks;
- 13. Storm water vaults, structures, and conveyance systems, both above and below ground, provided such projections are:
  - a. Consistent with setback, easement and access requirements specified in the current Surface Water Design Manual; or
  - b. In the absence of said specifications, not within 10 feet of the property line for stormwater vaults and structures, and not within five feet of the property line for conveyance systems; and
- 14. Building elements that a. do not restrict pedestrian access to or views from the street into the setback area or b. make

a fire or safety hazard or adverse impact. Such elements may, in some conditions, include canopies, awnings, blade signs, and lights.



**Q. Height – Exceptions to limits**

The following structures may be erected above the height limits set forth in [SDC 21.07.050C.](#):

1. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
2. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the TC-A and TC-B zones provided the design meets the provisions of [SDC 21.07.060B.3.](#);
3. Fire or parapet walls may exceed the height limit by up to 10 feet in the TC-A and TC-B zones provided the design meets the building design provisions of [SDC 21.07.060](#); and

4. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures.

**R. Lot divided by zone boundary**

When a lot is divided by a zone boundary, the following rules shall apply:

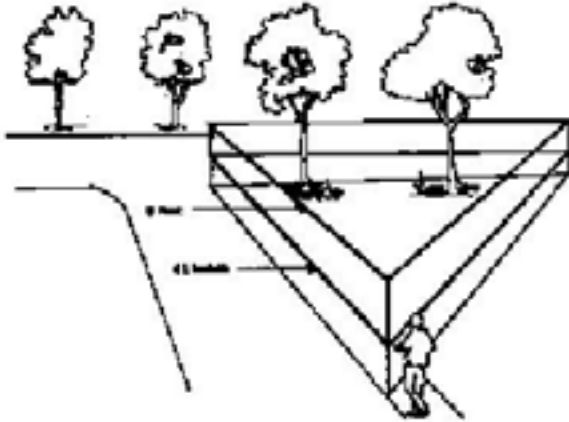
1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
2. When a lot contains residential zones of varying density:
  - a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;
  - b. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and
3. Uses on each portion of the lot shall only be those permitted in each zone pursuant to [SDC 21.07.040](#).

**S. Sight distance requirements**

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

1. A sight distance triangle area as determined by subsection 2. of this section shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical

obstruction between 42 inches and eight feet above the existing street grade;



- a. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and
- b. No reasonable driveway relocation alternative for an adjoining lot is feasible.

2. The sight distance triangle at:
  - a. A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or
  - b. A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and
3. The director may require modification or removal of structures or landscaping located in required street setbacks, if:



## 21.07.060 Development Standards—Design Requirements

### A. Article I. Site Planning Elements

#### 1. Purpose

The purpose of this chapter is to implement the goals and policies of the Town Center Plan by providing site planning, pedestrian access and amenities, and building design standards that:

- a. Orient development to adjacent streets and open spaces;
- b. Provide an attractive and connected system of sidewalks, trails, and pathways throughout the Town Center;
- c. Provide for compatibility and an appropriate transition between developments;
- d. Preserve and integrate sensitive natural features as an amenity for developments;
- e. Locate and design service elements and mechanical equipment to minimize impacts to the visual environment and surrounding uses;
- f. Provide a hierarchy of public and private open spaces in the Town Center;
- g. Emphasize human scale, fine detailing, quality building materials, and an inviting appearance in new buildings; and

- h. Provide a site layout and facilities that encourage pedestrian and bicycle access and reduce vehicle trip miles.

#### 2. Applicability

The design requirements within this chapter shall apply to all development proposals within the Town Center unless otherwise noted. For example, some sections apply only to commercial and multifamily development, while others apply only to detached single-family development. Unless otherwise indicated, duplexes, apartments, and townhomes are considered multifamily residences.

#### 3. Site planning – Streetfront orientation

The streetfront orientation standards for Town Center properties vary depending on the type of street(s) or public open space the property fronts on. These standards provide for five different street types: 1. pedestrian-oriented streets (and corridors) – which are intended to be lined with storefronts, 2. mixed-use streets – which could include storefronts or a combination of retail, office, civic, and/or residential uses with modest landscaped setbacks, 3. residential streets – which include residential streets with modest landscaped setbacks; 4. connector streets – which are treated similar to residential streets but with some extra flexibility; or 5. 228th Avenue SE – where trees and other landscaping elements should be emphasized along the streetfront.

Figure 21.07.060a illustrates an example configuration of street types based on the vision illustration in the Town Center Plan. Pedestrian-oriented streets and mixed-use



street designations shall be designated by the adopted unified zone development plans (see [SDC 21.07.120](#)) for TC-A zoned properties. The criteria for designating street types are set forth in [SDC 21.07.060A.4.b](#). The standards herein thus apply to developments that front onto these street types.



- a. Properties Adjacent to Pedestrian-Oriented Streets and Corridors (Including Specified Park Edges).
  - i. Buildings shall be located adjacent to (within three feet of) the sidewalk and feature a “pedestrian-

oriented facade.” To meet this requirement, the ground floor facade shall incorporate the following characteristics:

- a) Transparent window area along a minimum of 75 percent of the ground floor facade between a height of two and eight feet above the ground;
- b) The primary building entry shall be on this facade; and
- c) Weather protection shall be provided at least six feet in depth (measured perpendicular to the building front) along at least 75 percent of the facade width.
- d) If the building occupies a corner site, then the standards apply to both streets, unless the director finds such orientation not feasible.

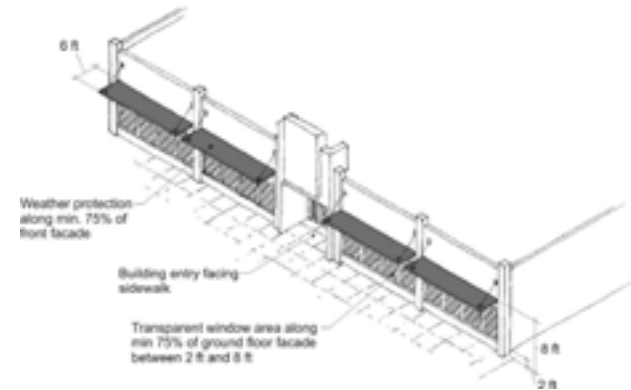
Specific requests, exceptions, and departures to the above requirements:

- e) Buildings may be set back from the sidewalk where pedestrian-oriented space (as defined in [SDC 21.07.060A.9.a.](#)) or setback landscaping, as approved by the director, is included between the sidewalk and the building. In this case, no parking or vehicular circulation is allowed between the street right-of-way and the building.
- f) For buildings fronting on two pedestrian-oriented streets, pedestrian entries shall be placed on both facades or at the street corner.

Individual unified zone development plans (see [SDC 21.07.120](#)) may provide greater specificity and/or departures to this requirement.

- g) Civic uses fronting on pedestrian-oriented streets warrant greater flexibility in the application of the transparency and weather protection requirements due to their unique disposition. However, alternative frontage treatments shall meet the following objectives, as determined by the director:

- 1) The building emphasizes civic uses and includes a visually prominent element within the subject TC-A zone. The building shall be visually prominent from the street;
- 2) The design treatment contributes to the desired pedestrian-oriented character of the TC-A zone;
- 3) The design treatment provides continuous visual interest at the pedestrian scale along the adjacent sidewalk;
- 4) There is a direct pedestrian connection between the building and the street; and
- 5) There is no parking between the building and the street.



- ii. Surface parking lots shall be located behind buildings and away from pedestrian-oriented streets. A safe, attractive pathway consistent with [SDC 21.07.060B.2](#) shall be provided between parking areas and the storefront and street. New surface parking lots adjacent to a pedestrian-oriented street are prohibited.
- iii. Driveways for surface parking lots are prohibited on pedestrian-oriented streets unless the director determines there is no feasible or preferred option to meet the Town Center Plan’s goals and policies.
- iv. Parking structures located adjacent to pedestrian-oriented streets shall be designed with commercial

space fronting on the street consistent with standards herein. Such commercial space shall be at least 30 feet deep. Vehicular entrances and other ground floor openings of the parking garage are allowed but shall not count as transparent window area for the purpose of determining compliance with pedestrian-oriented street frontage requirements. Also see [SDC 21.07.080O](#). for related parking structure provisions.

- v. There shall be a pedestrian walkway at least six feet wide between the parking area or garage and the public right-of-way.



**b. Properties Adjacent to Mixed-Use Streets.**

- i. Buildings featuring nonresidential uses on the ground floor may be placed up to the edge of the sidewalk (unless otherwise noted herein) only if they feature a pedestrian-oriented facade (see [Figure 21.07.060b](#)).

- ii. All other developments shall feature at least 10 feet of landscaping or pedestrian-oriented space between the sidewalk or front property line and any building, parking area, storage, or service area. Exceptions and departures:

- a) See [SDC 21.07.050Q](#). for projections and structures allowed within the setback area.
- b) Reduced building setbacks shall be permitted where the director determines that the proposed streetfront design will create an attractive, safe, and comfortable pedestrian environment. At least one of the following features shall be integrated into the design (or preferably a combination of features). Adopted unified zone development plans may include more detailed departure criteria.

- 1) The building’s facade includes artwork or special treatment that adds interest to the streetscape;
- 2) The building includes effective pedestrian cover and lighting; and/or
- 3) The setback area includes an especially attractive treatment or feature, such as a fountain, water feature, special masonry, special material detailing, or specially designed raised planter area with stormwater function.

All buildings with setback departures shall meet minimum transparency requirements set forth in subsection 2.h. of this section.



iii. Required Landscaping Types.

- a) Type II, III, or IV landscaping (or a combination thereof) is required between sidewalk and any building without pedestrian-oriented facade. However, landscaping types and species shall be utilized and maintained to maximize for views between windows and the street for safety, as determined by the director.
- b) Type III landscaping is required between sidewalk and any parking lot.
- c) Type I or Type II landscaping shall be used to screen any unwanted views, such as service areas or mechanical equipment, as determined by the director.

Alternative landscaping types may be considered for approval by the director, provided the project applicant can successfully demonstrate that the landscaping enhances the pedestrian environment

along the sidewalk and effectively screens any unwanted views. Specific examples include:

- d) Landscaping includes a colorful mixture of native and drought tolerant shrubs, perennials, and groundcover that provides four-season interest;
  - e) Landscaping includes a distinctive mixture of trees, shrubs, and groundcover that do not meet specific landscaping type definitions, but meet the intent of the standards;
  - f) Terraced planting beds with a combination of shrubs, perennials, and groundcover; and
  - g) Landscape plan integrates pre-existing vegetation with new trees, shrubs, perennials, and groundcover.
- iv. Buildings shall feature primary pedestrian entrances that face the street. Exceptions and departures:
- a) Buildings organized around a courtyard may feature entrances facing the courtyard provided there is clear pedestrian access between the courtyard and the street.
  - b) For corner buildings fronting on both a pedestrian-oriented street and mixed-use street, pedestrian entrances for nonresidential uses shall be placed on the pedestrian-oriented street, adjacent to the street corner, or both streets.
- v. Surface parking lots shall be located to the side or back of buildings. No more than 50 percent and not more than 130 linear feet of the ground floor street

frontage of a lot may be occupied by parking lots or vehicular access areas. Parking lots with more than 64 feet of frontage on a street shall include an architectural feature (in addition to the required landscaping) that maintains visual continuity and interest along the street. Examples could include a landscaped trellis, decorative low wall (perhaps doubling as a sitting ledge), weather protection element, or architectural columns.

Exception: Adopted unified zone development plans may include provisions that provide for flexibility in the location and frontage design of temporary surface parking facilities in conjunction with the phasing plan. However, design elements shall be included along the sidewalk edge to mitigate impacts of the parking area on the street and enhance the pedestrian environment, even if the parking areas are only temporary.



Parking bed in front of low wall

Decorative columns along shared planting bed

Elevated planter with sitting ledge

- vi. Parking lots shall not be located adjacent to street corners. Parking garages may be located at street corners provided commercial uses occupy the ground floor at the street corner. The depth of the commercial space shall be at least 30 feet wide and deep.

- vii. Structured parking facilities shall generally be concealed within or under buildings and away from streetfronts. Where in-structure parking is provided on the ground floor, for example, provide residential or retail uses along the streetfront, with parking facilities placed behind the uses and away from streets. Structured parking on upper floors along streets is discouraged, but may be allowed if the facade meets transparency standards herein and articulation standards set forth in [SDC 21.07.060C.2](#). Except for required driveways, ground-level structured parking exposed to the street shall be prohibited, except where the design features that add visual interest to the pedestrian and minimize unwanted views into garage are included.
- viii. Transparent windows and/or doors shall cover at least 50 percent of the ground floor facade of nonresidential uses between four and eight feet above the sidewalk. For residential uses, the standard for transparency is 15 percent and applies to all vertical surfaces of the facade facing the street as determined by the director. Reduced transparency proposals will be considered provided alternative design treatments create an interesting pedestrian experience and meet the goals and policies of the Town Center Plan and the adopted unified zone development plan. Examples could include, but are not limited to, a vertical trellis with vine plants, a mural, a series of terraced planting beds between the facade and the sidewalk, or distinctive building details that provide interest at a pedestrian scale. A blank wall with no windows and a simple evergreen



planting screen will not be enough to meet the intent of the guidelines.



c. Properties Adjacent to Residential Streets.

- i. Standards below apply to all development except for single detached dwelling units and duplexes. (See [SDC 21.07.060D.1.](#) through [21.07.060D.3.](#) for related site planning standards.
- ii. Developments shall feature at least 10 feet of landscaping, pedestrian-oriented space, or a combination thereof, between the sidewalk or front property line and any building, parking area, or service area. Exceptions and departures:
  - a) See [SDC 21.07.050Q.](#) for projections and structures allowed within the setback area.

- b) Reduced setbacks shall be permitted where the director determines that the proposed streetfront design will create an attractive, safe, and comfortable pedestrian environment and the privacy and comfort of residents are ensured. The finished ground floor elevation of dwelling units within 10 feet of the sidewalk should be elevated at least 30 inches above the level of the sidewalk to increase privacy of residents while enhancing the residents' ability to observe activity on the street. For example, proposals for a reduced planting area width could include terraced planting beds along the sidewalk and/or special building detailing that adds special interest at a pedestrian scale. The far left image in Figure 21.07.060h is a good example.

- iii. Required landscaping types between the sidewalk and any building, parking area, or service area shall include:
  - a) Type II, III, or IV landscaping (or a combination thereof) is required between sidewalk and any building. However, landscaping types and species shall be utilized and maintained to maximize for views between windows and the street for safety, as determined by the director;
  - b) Type III landscaping is required between sidewalk and any parking lot; and
  - c) Type I or Type II landscaping may be used to screen any unwanted views, such as service areas or mechanical equipment.

Alternative landscaping types will be considered provided the director determines that the landscaping achieves design and environmental goals and policies of the Town Center Plan, especially:

- d) To maintain existing vegetated corridors and restore degraded corridors; and
  - e) To create a hierarchy of public and private open spaces.
- iv. Buildings shall feature pedestrian entrances that face the streets. Exceptions and departures:
- a) Buildings organized around a courtyard may feature entrances facing the courtyard provided there is clear pedestrian access between the courtyard and the street.
  - b) For street corner sites, the pedestrian entries may be placed on either or both streets.
  - c) Residential buildings with entrances that are visible from the street and which connect to the street by a clear and well-lit pathway are acceptable.
- v. Parking Standards.
- a) Parking lots (including structured parking of more than two vehicles) shall be located behind, to the side, back, or underneath buildings. No more than 50 percent of the street frontage shall be occupied by surface or structured parking. Exceptions may be considered by the director

provided the building/parking area location takes advantage of unique site features and the design treatment along the street minimizes the visual impacts of parking areas on the streetscape and adds visual interest to pedestrians;

- b) Where alleys are present, vehicular access shall be from the alley;
- c) One shared driveway access is permitted from residential streets for each building. Additional driveways may be permitted at the director’s discretion where such driveways do not negatively impact the pedestrian environment; and
- d) Individual private driveways and garages onto a public street are prohibited. Such private garages may be accessed off of internal private streets.



vi. For residential uses, the standard for transparency is 15 percent and applies to all vertical surfaces of the facade facing the street as determined by the director.

d. **Properties Adjacent to Connector Streets.** Properties shall comply with frontage standards for residential



streets in subsection 3. of this section with the following exceptions:

- i. Developments are exempt from subsection 3.d. of this section, which requires pedestrian building entries to face the street.
- ii. Developments are exempt from parking lot location standards set forth in subsection 3.e.i. of this section provided the minimum required landscaping between the street and the parking area be increased from 10 to 20 feet in width and the parking areas are effectively screened from views from the right-of-way by trees and shrubs.

**e. Properties Adjacent to 228th Avenue SE.**

- i. Developments shall adhere to at least one of the sets of standards, Options 1, 2, or 3 below (or any combination of the three).

Option 1: Developments shall maintain a landscaped buffer a minimum of 50 feet in width between the back of the sidewalk and any building or parking area. Pathways and pedestrian-oriented space are permitted within the designated landscape buffer area provided the buffer design meets the design criteria set forth below. The required landscape buffer shall include:

- a) Retention of existing trees and understory native vegetation to the extent practical and desirable as determined by the director; and

- b) Infill landscaping shall be planted that will provide full screening of buildings (up to a height of 15 feet for multi-story buildings) and structures and also all signs, parking lots, and storage areas within five years.



Option 2: The facades, site layout and building orientation of developments shall adhere to the requirements for pedestrian-oriented streets, although one driveway (20 feet maximum width) is permitted if the director determines that no other access option is feasible.

Option 3: Developments shall be shielded from 228th Avenue SE by at least a 20-foot-wide strip of landscaping. At a minimum, the landscaping shall include:

- c) One row of evergreen trees, no more than 10 feet or three-fourths the width of the tree crown at maturity, whichever is greater, on center. The mature height of these trees shall not be less than 40 feet. The tree planting shall consist of at least two different species;
- d) One or more rows of evergreen trees and shrubs spaced no more than six feet apart. The shrubs shall have a mature height of at least eight feet and be at least 75 percent evergreen. The

- planting of small trees and shrubs shall feature at least three different species;
- e) Smaller shrubs and groundcover to completely cover the landscape strip within three years;
  - f) Irrigation to maintain the plantings as approved by the director; and
  - g) The plantings shall obscure at least 50 percent of the building and parking upon development occupancy and be designed to obscure 100 percent of all within 10 years.
- ii. Additional Standards Applicable to All Options.
- a) Sign Standards along 228th Avenue SE.
    - 1) The only signs visible from 228th Avenue SE shall be either monument signs no taller than seven feet above grade or wall signs less than 30 square feet or 18 inches multiplied by the length of the front facade measured parallel to 228th Avenue SE (whichever is smaller);
    - 2) Except for wall signs on pedestrian-oriented facades built up to the sidewalk, all signs visible from 228th Avenue SE are limited to signs that advertise a commercial node or group of businesses rather than a single business; and
    - 3) For all other sign standards, see [SDC 21.07.090](#).
  - b) Accessory use parking, service areas, mechanical equipment, storage areas, blank walls and outdoor sales areas shall not be visible from 228th Avenue SE.
  - c) Required landscaping may include parts of the public right-of-way if the director determines that pedestrian safety or access is not adversely impacted and the area is not needed for future public improvements. In this case, the project proponent shall be responsible for the irrigation and maintenance of the landscaping for the duration of the occupancy.
  - d) Single-purpose residential development shall be set back at least 50 feet from the public right-of-way.
- f. **Orientation to a Public Park.** The site development orientation to a public park for properties in the TC-A zones shall be determined during the unified zone development planning process.
- For other properties adjacent to a park, orientation requirements shall be set by the director during the permit application review process. All of the following shall apply:
- i. Buildings with nonresidential uses on the ground floor facing a park with usable outdoor space shall feature transparent windows or entries over at least 50 percent of the ground floor facade of nonresidential uses between four and eight feet above the sidewalk.

- ii. For residential uses, the standard for transparency is 15 percent and applies to all vertical surfaces of the facade facing the street as determined by the director.
- iii. In lieu of subsection 6.a. of this section, new development may be screened from the public park by at least 10 feet of Type I landscaping.
- iv. Parking and service areas shall be screened from a public park by at least 15 feet of Type I landscaping.

#### 4. Site planning – Street layout

The Transportation Element of the Town Center Plan includes goals, policies, and actions aimed at producing a connected hierarchy of streets that accommodates desired Town Center land uses and human activities. Streets within the mixed-use nodes will be planned during the unified zone development planning process (see [SDC 21.07.120](#)) with reference to the Town Center Infrastructure Plan. Other streets may be planned either collectively or by individual property owners. The following provisions serve as guidelines for the unified zone development planning process and development standards if the roads are planned by a private property owner in the TC-B or TC-C zones.

Figure 21.07.060a illustrates a conceptual layout of streets within the Town Center. While it is expected that the network of streets that is eventually built will differ from this configuration, the provisions below are intended to ensure that new streets meet the goals and policies of the Town Center Plan.

- a. **Connected Network of Streets.** Project applicants shall demonstrate to the director’s satisfaction how the proposed development meets the following policies of the Town Center Plan:
  - i. Provide for a safe and connected network of roadways to serve Town Center development;
  - ii. Limit the placement of buildings or other development features that inhibit the desired connectivity of the Town Center circulation network; and
  - iii. Configure roadways to minimize impacts to environmentally critical areas.
- b. **Provide for a Hierarchy of Streets.** Provide for a hierarchy of streets, including:
  - i. Connector roads that provide for automobile, service, bicycles, and pedestrian circulation throughout the Town Center. Development in the Town Center shall accommodate connector streets in the northwest, northeast, and southeast quadrants consistent with the goals and policies of the Town Center Plan.
  - ii. Pedestrian-oriented streets. TC-A-1, A-2, and A-3 zoned areas shall include designated pedestrian-oriented street segment, as determined by the City through the unified zone development planning process. Pedestrian-oriented streets are intended to be streets featuring continuous storefronts or plaza spaces, wide sidewalks, street trees, bioretention, and on-street parking. Designations

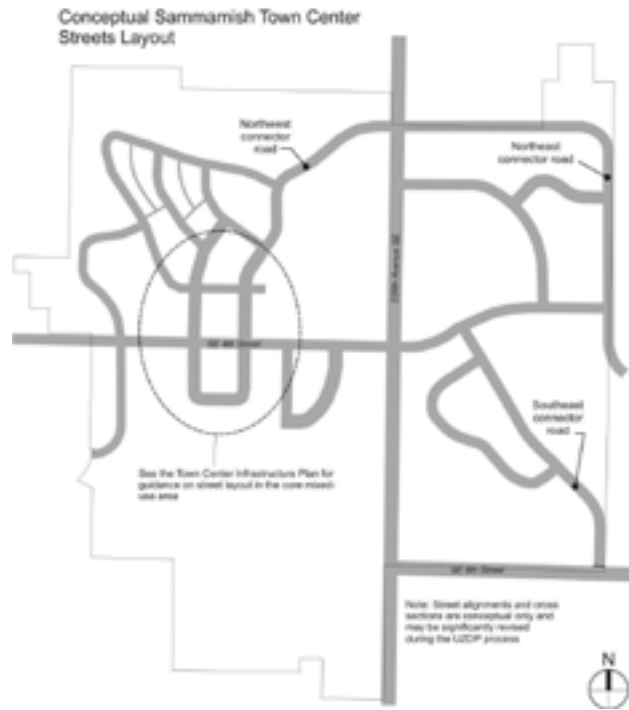
for pedestrian-oriented streets could cover an entire street, a single block, or a portion of a block, depending upon the area. Pedestrian-oriented street designations are intended for areas where a concentration of pedestrian activity is desired. See [SDC 21.07.060A.3.a.](#) for related development frontage standards.

- iii. Mixed-use streets, which are all other new streets besides connector roads and pedestrian-oriented streets within the TC-A zones. These are localized streets which should include generous sidewalks, street trees, bioretention, on-street parking (to the extent possible), and slow moving traffic.
  - iv. Residential streets, which are all other new streets besides connector roads within the TC-B and TC-C zones. These are localized streets within residential neighborhoods and should contain sidewalks, planting strips with street trees or bioretention, on-street parking on one or both sides, and slow moving traffic.
  - v. Alleys are encouraged where useful to access parking or service areas.
- c. **Maximum Block Dimensions for Individual Development.** For an individual development, unless otherwise stated in a unified zone development plan, the maximum block length in any direction is 480 feet and maximum block perimeter is 1,400 feet. Departures are permitted in the TC-A zones subject to unified zone development plan approval and compliance with the Town Center Plan’s goals and policies. Departures

for streets in all other Town Center zones shall be considered by the director based on one or more criteria listed below.

- i. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the project applicant, and an equivalent alternative which can meet the Town Center Plan’s goals and policies is available;
- ii. A departure provides the opportunity for a public open space or other public amenity that would otherwise not be possible;
- iii. The location of institutional or other similar uses requires a larger block size; and/or
- iv. A private internal road(s) or pedestrian route may be used to meet cross circulation standards as determined by the director per the following:
  - a) Adjacent properties do not rely on applicable roadway for primary vehicular access;
  - b) Roadway should be designed to look and function like public streets (planting strips, street trees, sidewalks, and parallel parking, where appropriate per the director); and
  - c) Roadway or pedestrian route shall be accessible to the public.

- d. **Multimodal Transportation.** The layout of streets shall include consideration of vehicular, transit, bicycle, and pedestrian circulation.



- 5. **Site planning – Multiple building/large lot/multiple lot developments**
  - a. **Large Lots with Multiple Buildings.** All development permit applications for sites over two acres or with multiple buildings, except for single-family development, shall demonstrate that the project is

based on a unifying site planning concept that meets the following criteria:

- i. Incorporates open space and landscaping as a unifying element;
- ii. Where possible, incorporates screening, environmental mitigation, utilities, and drainage as positive elements (ex: create a “natural” open space or wet pond as a site feature to accommodate surface water runoff);
- iii. Provides pedestrian paths or walkways connecting all businesses and the entries of multiple buildings;
- iv. Incorporates low impact development measures and stormwater management systems as part of the site plan, unless infeasible. Participating in a multi-property stormwater facility or system will also satisfy this requirement; and



- v. Building entrances shall not be focused around a central parking lot but be connected by a sidewalk/pathway system and/or open space(s).

The director may waive or modify this standard if it has been addressed within an adopted unified zone development plan.



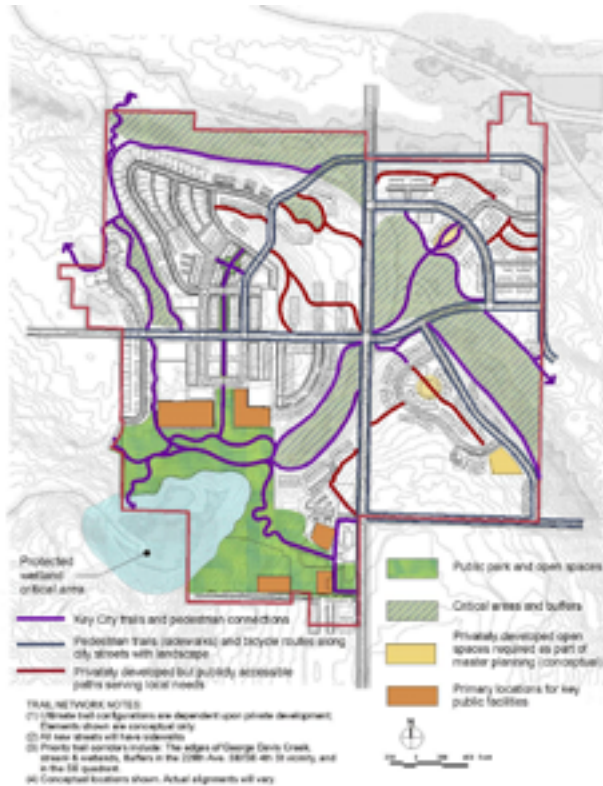
## 6. Site planning – Pedestrian and nonmotorized vehicle circulation

Project applicants shall be prepared to demonstrate that the proposal includes an integrated pedestrian circulation system that connects buildings, open space, and parking areas with the adjacent street sidewalk system, trail network, and adjacent properties. Specific standards:

- a. **Trail Network.** Developments shall provide off-street trails that meet the goals and policies of the Town Center Plan. The conceptual trails plan in [SDC Figure 21.07.060A.6.a](#) shall serve as an example of a desirable trail network within the Town Center. The trail network is to be accessible for pedestrians, cyclists, and other nonmotorized vehicles, although some sections may be for pedestrians only. Trails within the TC-A zones shall be planned during the unified zone development planning process (see [SDC 21.07.120](#)). Other trails may be planned either collectively or by individual property owners. The conceptual trails plan serves as a guideline for development in the TC-A zones (through the unified zone development planning process) and as a standard for development in the TC-B or TC-C zones. Alternative trail configurations may be considered, provided the project applicant can demonstrate that the proposed trail network is equal to or better than the conceptual trails plan in terms of trail connectivity, accessibility, scenic values, safety, and minimizing environmental



impacts, as determined by the director. See [SDC 21.07.060B.6](#) for trail corridor design standards.



- b. **Access to Sidewalk.** All buildings shall have clear pedestrian access to a public sidewalk. Where a use fronts onto two streets, access shall be provided from the road closest to the main entrance, but preferably from both streets. The walkway shall be at least six feet wide. The director may require wider pathways where significant pedestrian activity is expected. Exceptions will be granted for sites with existing physical

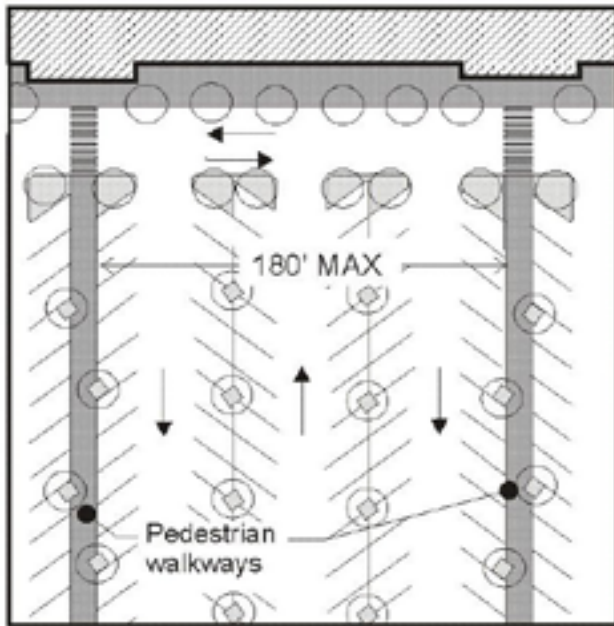
constraints that prevent conformance with the standard, as determined by the director.

- c. **Entrances.** Developments shall adapt building access to site conditions for level, convenient, clearly identified pedestrian entry.
- d. **On-Site Connections.** Pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site shall be provided.
- e. **Future Connectivity.** For sites abutting vacant or underdeveloped land, the director may require new development to provide for the opportunity for future connection to its interior pathway system through the use of pathway stub-outs, building configuration, and/or parking lot layout. For example, a grid of pedestrian connections at intervals of 200 to 300 feet in the TC-A and TC-B zones would meet the intent statements above and be scaled consistent with the Town Center vision.
- f. **Parking Lot Pathways.** A paved walkway or sidewalk shall be provided for safe walking areas through surface parking lots greater than 180 feet long (measured either parallel or perpendicular to the streetfront). Walkways shall be provided for every three parking aisles or a distance of less than 180 feet shall be maintained between paths (whichever is more restrictive). Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material which may be raised above



the vehicular pavement. Speed bumps may not be used to satisfy this requirement.

- g. **Americans with Disabilities Act.** All pathways shall conform to the Americans with Disabilities Act (ADA).



## 7. Site planning – Internal vehicular circulation

- a. **Vehicular Circulation.** Developments shall provide a safe and convenient network of vehicular circulation that connects to the surrounding road/access network and provides opportunities for future connections to adjacent parcels, where applicable.
- b. **Internal Access Roads.** Interior access roads in multi-building commercial or multifamily developments shall look and function more like public streets. This includes

planting strips and street trees or bioretention on both sides, sidewalks on one or both sides, and perpendicular parking on one or both sides. The use of these features will be determined for developments in the TC-A zones through the unified zone development planning process (see [SDC 21.07.120](#)), depending on the size and configuration of the development and nature of uses and the circulation system. The director may approve innovative and special street designs, such as a woonerf people street, provided pedestrian safety and other street functions are achieved.

## c. Driveway Standards and Guidelines for All Nonresidential and Multifamily Development.

- i. Driveways to surface parking lots are prohibited on pedestrian-oriented streets, unless there are no alternatives, as determined in the unified zone development planning process;
- ii. Driveways shall be restricted to no more than one entrance and exit lane per 300 lineal feet (lf) of frontage. Properties with less than 300 lineal feet of frontage shall be restricted to one entrance and exit lane for vehicular access. For corner properties, the separate street frontages shall be measured separately unless both streets are classified as an arterial or collector;
- iii. Vehicular access to corner lots shall be located on the lowest classified roadway and as close as practical to the property line most distant from the intersection;

- iv. Driveway widths shall be minimized per the director to reduce pedestrian conflicts. Driveway lanes shall be no wider than 11 feet per entry or exit lane unless the director determines wider lanes are appropriate for the use and that the design does not significantly impact vehicular circulation, stormwater runoff, public safety, pedestrian movement, or visual qualities; and
- v. All dedicated truck loading zones and service areas for commercial businesses, except for on-street loading zones and businesses under 20,000 square feet that use parking spaces for incidental deliveries, shall be in the back of the building and shall not face a pedestrian or residential street. For related standards on loading zones, see [SDC 21.07.080G](#).

**8. Site planning – Side and back yard compatibility**

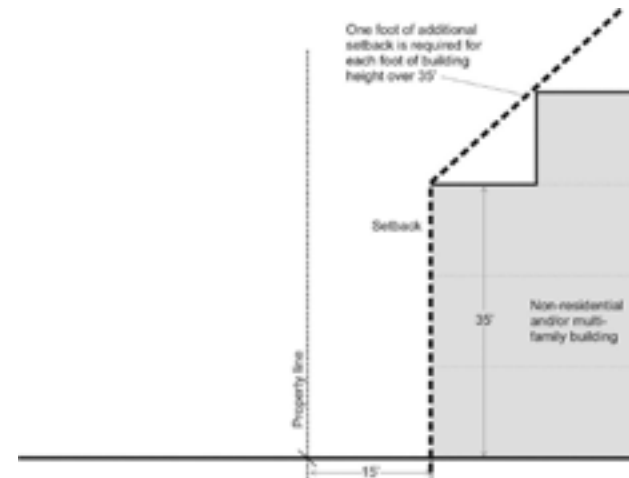
The following specific requirements take precedence over the minimum setback requirements listed in [SDC 21.07.050C](#).

**a. Specific Side and Back Yard Setback Requirements.**

- i. TC-A Zones and Other Unified Zone Development Plan Sites.
  - a) Zero feet for windowless fire walls up to 35 feet in height are allowed unless provisions for taller fire walls are allowed through a unified zone development plan.
  - b) Ten feet minimum for all other buildings and portions of buildings over 35 feet high unless

otherwise permitted by an adopted unified zone development plan.

- ii. Nonresidential and Multifamily Buildings in Any Town Center Zone Except TC-A. Minimum 15 feet for buildings up to 35 feet in height. One foot of additional setback is required for each foot of height over 35 feet (applied to building portions over 35 feet high). These side yard setbacks do not apply to lot lines that divide individual townhouse units within a building.

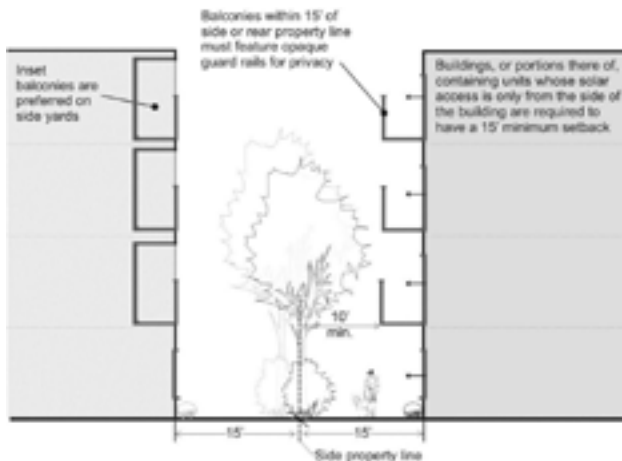


**b. Solar Access and Privacy for Multifamily Dwelling Units.**

- i. Buildings or portions thereof containing dwelling units whose only solar access is from the applicable side of the building (facing towards the side property line) shall be set back from the applicable side or back property lines at least 15 feet;

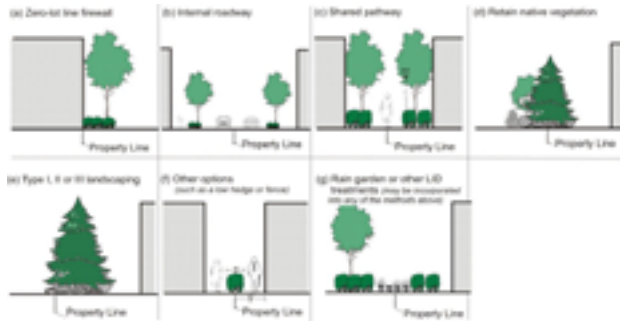
- ii. Transparent windows shall occupy no more than 10 percent of any facade within 15 feet of the side or back property line facing an adjacent property where either property's residential privacy may be compromised; and
- iii. Balconies shall be set back at least 10 feet from side or back yard property lines separating adjacent residential or mixed-use properties. Balconies or rooftop decks within 15 horizontal feet of a side or back property line shall utilize opaque guard rails to minimize impacts to privacy on adjacent properties.

The director may relax or waive these requirements where he or she finds that it achieves no practical increase in privacy. Consideration shall be given to the physical and development conditions on-site and any applicable recorded agreements between property owners.



- c. **Side and Back Yard Design Options for Nonresidential and Multifamily Development.** Project applicants shall incorporate one or more of the following design options into the site's design:
  - i. Provide a zero lot line fire wall for commercial or mixed-use developments within unified zone development plan areas;
  - ii. Provide a shared internal roadway along the property line;
  - iii. Provide a trail or other internal pathway along the property line. This may be required in some areas to implement the Town Center Trails Plan;
  - iv. Retain existing native or desirable mature vegetation along the side or back property line. [SDC 21.07.070](#) standards for tree protection apply;
  - v. Provide Type I, II, or III landscaping at least seven feet deep along side and back property lines. A fence may be included with the landscaping. This option may be used only where options a., b., or c. above are not viable as determined by the director; and/or
  - vi. Other treatments that meet the intent of the standards as approved by the director. Factors that shall be considered in determining the appropriate treatment include views, applicable uses, connectivity, environmental conditions, and desired level of privacy;

- vii. A rain garden or other low impact development measure may be incorporated as part of the treatments above.

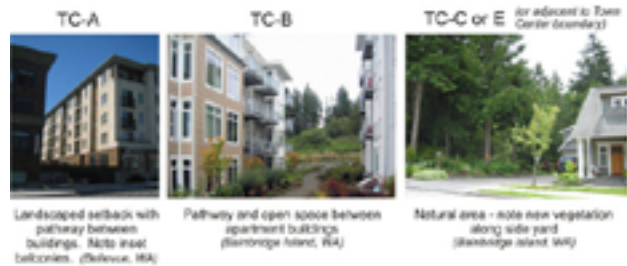


- d. **Table of Landscaped Separators and Buffers.** In order to mitigate the impacts of new development on adjacent residential areas, public open spaces, and public trails, the required buffer standards listed in the table below are established. A new development use or facility listed in the first column shall include the buffer indicated in the cell in the applicable Adjacent Uses and Zoning column. The buffers are only required where the new and existing developments have a common property line (not properties across the street from one another). The director may modify the requirements if such a revision results in a public benefit and better condition for the adjacent properties. See subsection 5. of this section for buffers and setbacks for interface between TC-A and TC-C and TC-A and E zones. Other ways to provide separation include artistically treated walls and dense vegetated screens. Where this chart conflicts with another standard in these regulations, the widest dimension shall apply.

LANDSCAPED BUFFERS					
		Adjacent Uses and Zoning			
Proposed new development		EXISTING SINGLE-FAMILY RESIDENTIAL AND UNDEVELOPED LAND IN THE TC-C OR TC-E ZONES OR LAND OUTSIDE THE TOWN CENTER 1.	EXISTING MULTIFAMILY, MIXED-USE, OR UNDEVELOPED LAND IN THE TC-B ZONES	STREET RIGHT-OF-WAY (NOTE: SCREENING STANDARDS FOR SPECIFIC STREET TYPES NOTED IN <a href="#">SDC 21.07.060A.3</a> . TAKE PRECEDENCE OVER THIS CHART)	PUBLIC TRAIL OR PUBLIC OPEN SPACE
Uses and Zoning	NEW MULTIFAMILY RESIDENTIAL	20 feet of Type I, Type II, or Type IV landscaping	None required	None required	10 feet of any type of landscaping
	NEW TOWNHOUSE, COTTAGE HOUSING, OR CLUSTER DEVELOPMENT	10 feet of Type I, Type II, or 20 feet of Type IV landscaping	None required	None required	None required
	NEW COMMERCIAL OR MIXED-USE	20 feet of Type I landscaping	10 feet of Type I, Type II, or Type III landscaping	None required	None required with a pedestrian-oriented facade; 10 feet of Type I, Type II, or Type III landscaping without a pedestrian-oriented facade
Facilities	PARKING AREA	20 feet of Type I or Type II landscaping	10 feet of Type I or Type II landscaping	10 feet of Type III landscaping	6 feet of Type I, Type II, or Type III landscaping
	SERVICE, LOADING, OR WASTE MANAGEMENT AREAS	20 feet of Type I landscaping	15 feet of Type I or Type II landscaping	10 feet of Type I landscaping	6 feet of Type I or Type II landscaping

Notes:

1. These buffers do not apply to new development that is adjacent to single-family residences in the TC-A or TC-B zones.



e. Where TC-A zones are adjacent to either TC-C or E zoned properties, the following shall apply.

- i. Portions of buildings and structures, including parking garages, over 35 feet in height shall be set back from TC-C and E zoned properties at least 50 feet and shall be buffered by at least a 20-foot-wide strip of Type I, II or IV landscaping if there is not another improvement, such as a roadway or parking lot between the structure and the building, which requires a different form of buffering;
- ii. Storage areas, service areas, activities and site elements that could cause significant adverse glare, shading, noise or odor impacts to residential properties in the TC-C or E zoned properties shall be set back at least 50 feet from TC-C and E zoned properties and shall be buffered by at least a 20-foot-wide strip of Type I, II or IV landscaping if they are within 60 feet of the TC-C or E zoned properties. Parking lots and standard mechanical equipment for heating and cooling of buildings shall not be considered to cause adverse impacts but service areas for large trucks and exhaust from

restaurants may be considered to cause such impacts;

- iii. All structures in TC-A zoned properties over 10 feet in height and all parking lots shall be set back from TC-C and E zoned properties and buffered by at least a 20-foot-wide strip of Type I, II or IV landscaping;
- iv. Trails and parks may be located adjacent to TC-C and E zoned properties. Active recreation areas such as sports fields and children’s play area shall be buffered by at least a 10-foot-wide strip of Type I, II or IV landscaping unless the City and adjacent property owners agree that such landscaping is not necessary;
- v. Public and private roadways may be located adjacent in TC-A zoned properties adjacent to TC-C and E zoned properties. The director may require that the roadway be buffered from the TC-C and E zoned properties if (s)he determines that such a roadway will cause significant adverse impacts to existing residences. The director may also require additional landscaping to either side of the roadway to mitigate significant adverse impacts to properties in TC-C or E zones; and
- vi. Land areas in TC-A zones adjacent to TC-C and E zones that are left unimproved after development of the A zone property shall be landscaped with Type I, II or IV landscaping as described in [SDC 21.07.070C](#).

## 9. Site planning – Open space

a. **Intent and Explanation of Terms.** The Sammamish Town Center Plan Policy OS-1 calls for “a hierarchy of interconnected public and private open spaces, ranging from an active town centralized plaza or town square to less formal gathering areas, quiet residential courts, and natural open spaces.” To implement this directive, this section and [SDC 21.07.060B.5](#) establish standards for several different types of open spaces in different settings within the Town Center. This section establishes requirements for the amounts and location of open spaces, and [SDC 21.07.060B.5](#) sets standards for the characteristics and elements of each type of required open space. To facilitate the application of these two sections, the following terms are employed.

- i. **Pedestrian-oriented open space.** Publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing, etc., and visual amenities that contribute to the unique character of the Town Center. Pedestrian-oriented open spaces are often, but not necessarily, associated with commercial and civic uses where pedestrian activity is particularly encouraged.
- ii. **Usable open space.** Space that accommodates human activity, generally featuring some pavement, lawn area, or element such as a play area that allows for movement. Gardens with pathways for strolling and trails or walkways may be considered usable open space. Usable open space may be either public or private. Steep slopes, critical areas, and vehicle

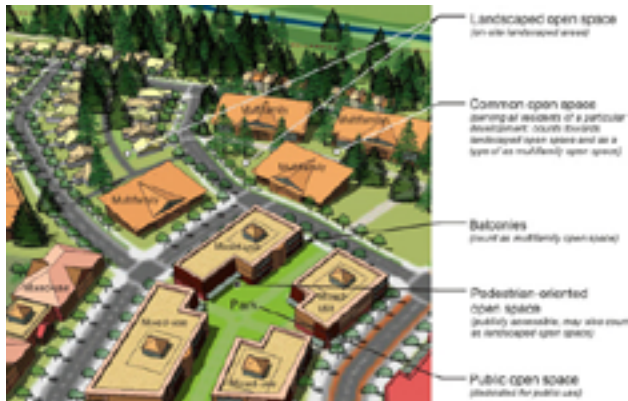
circulation and parking areas shall not be considered usable open space.

- iii. **Common open space.** Spaces that are available to all the residents in a particular development. Types of common open space include landscaped courtyards or decks, front porches, gardens with pathways, children’s play areas, or other multi-purpose recreational and/or green spaces.
- iv. **Indoor recreation area.** A room or indoor space where formal or informal recreational activities, such as exercise, classes, reading, meetings, board games, etc., can take place.
- v. **Landscaped open space.** Areas featuring primarily vegetation or special pavements and outdoor furniture. Pedestrian-oriented, usable, common and multifamily open space may also be considered landscaped open space provided the landscaped elements meet the standards set forth in [SDC 21.07.070](#). Calculations to determine compliance with landscaped area standards shall apply to development on each lot. Public rights-of-way or alleys shall not count as lot area in the calculations. Critical areas, if within the applicable lot, shall be counted as landscaped open space in the calculations.
- vi. **Multifamily open space.** Private open space primarily, but not necessarily, exclusively for the use of the development’s residents. Multifamily open space may be in the form of balconies, decks, common open space (courtyards or gardens, etc.,



or interior open space as noted in subsection 9.c. of this section.

- vii. **Public open space.** Publicly accessible open space on public land or land that has been officially dedicated to open space for public use through an easement or other agreement.



**b. Open Space Requirements for Nonresidential Uses.**

- i. All nonresidential development, including commercial portions of mixed-use development, shall provide pedestrian-oriented open space as determined in the unified zone development

planning process described in [SDC 21.07.120](#). For nonresidential developments in the TC-A-4 and A-5 zones, the pedestrian open space shall be at least equal to one percent of the net developable site area plus one percent of the gross nonresidential building floor area, exclusive of structured parking; and

- ii. All other portions of the site not occupied by building, pavement for circulation or human activity, or pedestrian open space shall be landscaped open space meeting the requirements in [SDC 21.07.070](#).

**c. Open Space Requirements for Multifamily Uses (Excluding Townhouses and Cottage Housing).**

- i. The intent of these standards is to provide a variety of private and common open spaces to serve the development. All multifamily development, including multifamily portions of mixed-use development, shall provide open space at least equal to 10 percent of the building living space, not counting corridors, lobbies, etc. For buildings that are adjacent to or across the street from a public park, the minimum required open space shall be five percent of the livable floor area of dwelling units within each building. The required open space may be provided in a combination of the following ways.

- a) One hundred percent of the required open space may be in the form of common open space available to all residents and meeting the requirements of [SDC 21.07.060B.5.c.i](#). Common open space may be in the form of courtyards,

front porches, patios, play areas, gardens or similar spaces;

- b) Up to 50 percent of the required open space may be provided by private or common balconies meeting the requirements of [SDC 21.07.060B.5.c.ii.](#);
  - c) Up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements of [SDC 21.07.060B.5.c.iii.](#); and/or
  - d) Up to 25 percent of the required open space may be provided by common indoor recreation areas meeting the requirements of [SDC 21.07.060B.5.c.iv.](#)
- ii. All other portions of the site not occupied by building, pavement for circulation or human activity, or pedestrian open space shall be landscaped open space meeting the requirements in [SDC 21.07.070](#). For those multifamily developments not within a unified zone development plan area, the minimum amount of landscaped open space is 30 percent of the net developable site area. Pathways and common open spaces as described in [SDC 21.07.060B.5.c.](#) may be counted towards the 30 percent site area requirement, upon the director's approval.
- d. **Open Space Requirements for Townhouses.**  
Townhouses and other ground based multifamily

residential units with individual exterior entries shall provide open space at least equal to 10 percent of the building living space, not counting automobile storage. The required open space may be provided by one or more of the following ways:

- i. Usable on-site open space that has minimum dimensions of at least 12 feet on all sides and is configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc.;
  - ii. Balconies, decks and/or front porches meeting the requirements of [SDC 21.07.060B.5.c.ii.](#); and/or
  - iii. At least 50 square feet of landscaped open space meeting the requirements of [SDC 21.07.070](#) in the front yard of the house.
- e. **Open Space Requirements for Detached Single-Family Housing and Duplexes.** See the requirements set forth in [SDC 21.07.060D.2.](#)
  - f. **Open Space Requirements for Cottage Housing.** See the requirements set forth in [SDC 21.07.060D.3.](#)
  - g. **Maintenance and Dedication of Cooperative Public Open Space.**
    - i. Public open space that is dedicated to the City as a park shall meet the following criteria:
      - a) The dedicated area is at least one acre in size, except when adjacent to an existing or planned public park;

- b) The dedicated land provides one or more of the following:
  - 1) Shoreline access;
  - 2) Regional trail linkages;
  - 3) Habitat linkages;
  - 4) Recreation facilities; or
  - 5) Heritage sites.
- c) The dedicated area is located within 1,200 feet of the project site.
- ii. Unless the open space is dedicated to the City pursuant to subsection 9.a. of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City. There shall be a public easement or other instrument to ensure continued public access.
- h. **Children Play Areas.** The TC-A-1, A-2, and A-3 zones shall include at least one children’s play area, play fountain, or other facility. This area should include active recreation opportunities for all age groups (e.g., sports courts). Size and location will be determined during the unified zone development planning process.
- i. **Open Space Tracts in Clustered Developments.** Any open space resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces

may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate tract.

#### 10. Site planning – Stormwater facility planning

- a. **Policy Intent.** This section is intended to implement the Town Center Plan natural systems section in Chapter IV by directing project proponents to conform to Town Center Stormwater Master Plan and unified zone development plan recommendations, employing low impact development techniques, and where feasible, treating stormwater management facilities as visual, open space and natural resources.

Acknowledging that not all low impact development techniques will be effective on all sites, the intent of these guidelines is to achieve what is possible to improve stormwater conditions on site in an integrated manner coordinated with other stormwater management efforts.

- b. **Adherence to Sub-Basin Plans and Unified Zone Development Plan.** Project proponents shall demonstrate that their proposals adhere to the recommendations of the applicable Stormwater Sub-basin Plan and Stormwater Master Plan for the Town Center.
- c. **Low Impact Development (LID) Requirements.** The project shall adhere to the low impact development

standards and requirements in the Stormwater Master Plan for the Town Center.

- i. Rain gardens and similar landscape measures to treat stormwater may be counted as part of landscaped open space, pedestrian-oriented space, and common open space for the purpose of meeting the requirements of [SDC 21.07.060A.9.](#); provided, that the director finds that they are located and designed to enhance the visual, pedestrian-oriented or residential qualities of the development as well;
  - ii. Green roofs may be counted for up to 50 percent of the required multifamily residential open space required in [SDC 21.07.060A.9.c.](#) if there is access for residents to the roof and elements, such as seating to allow them to enjoy the space;
  - iii. Stormwater ponds meeting the requirements of subsection 4. of this section may be counted as landscaped area in meeting the requirements of [SDC 21.07.060A.9.](#); and
  - iv. Areas where native vegetation is retained may be counted as landscaped area in meeting the requirements of [SDC 21.07.060A.9.](#)
- d. **Visual Standards for Stormwater Management Ponds and Biofiltration Swales and Other Stormwater Management Features (Reference [SDC 21.07.070.](#))**
- i. **Intent.** To integrate detention ponds, grass swales and other features into site design while maintaining biofiltration efficiency.
  - ii. Where possible, integrate biofiltration swales and ponds into the overall site design. Methods of filtration are listed below in order of preference:
    - a) Locate biofiltration swales, ponds, or other approved stormwater management systems as part of a landscape feature such as a screen, natural area or garden. Trees may be planted near the grass swale as long as they do not substantially shade the grass within the swale. The swale or pond should be designed so it does not impede pedestrian circulation or shared parking between two or more properties;
    - b) Where topography is favorable, locate the biofiltration swale, wet pond, or other approved stormwater management system within the paved parking or service area. The swale or pond should be landscaped as part of the required internal parking lot landscaping and oriented so it does not impede pedestrian circulation; or
    - c) Locate the swale along the front edge of the property. Incorporate landscaping and screening to visually enhance the swale without reducing maintainability and sun exposure; and

- d) The incorporation of landscaping into biofiltration swale designs is encouraged if the biofiltration swale is located and/or designed as a positive landscaping feature with approved design and plant materials. Where appropriate, shade tolerant plants should be used.
- e) The sloped edges of unfenced bioswales shall be no greater than two and one-half percent. Where slopes are greater than two and one-half percent, the swale shall be fenced or vegetated to avoid safety hazards.



11. Site planning – Street corners

- a. **Street Corner Treatments.** All development proposals located at street corner sites in the TC-A-1, A-2, and A-3 zones shall include at least one of the design treatments described below (in order of preference, subsection 1.a. of this section being the highest):
  - i. Locate a building on the street corner (preferably with a corner entry); or
  - ii. Provide pedestrian-oriented space at the corner leading directly to a building entry or entries.

If the director determines that subsection 1.a. or b. of this section is not feasible, and if the site is not on a pedestrian-oriented street, provide for one of the following options:

- iii. Install substantial landscaping: At least 30 feet by 30 feet or 900 square feet of ground surface area with trees, shrubs, and groundcover in a decorative manner that provides four-season interest. The space shall include a special architectural element, such as a trellis, to add identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses); or
- iv. Other treatments will be considered, provided they meet the intent of the standards and guidelines as determined by the director.



Note: Ensure that “sight triangles” are maintained for visibility from vehicles. See [SDC 21.07.050T](#).

B. **Article II. Site Design Elements**

1. **Site design elements – Pedestrian amenities**

- a. **Durable Pedestrian Furniture.** Pedestrian furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not

retain rainwater and can be reasonably maintained over an extended period of time.

- b. **Streetscape Amenity Requirements for Pedestrian-Oriented and Mixed-Use Streets.** Streetscape amenities shall be included along all designated pedestrian-oriented streets and mixed-use streets. For each 100 cumulative lineal feet of pedestrian-oriented street frontage, at least three of the desired amenity elements listed below shall be included. At least one element shall be seating. Along designated mixed-use streets, at least two amenity elements shall be included unless otherwise noted. The type, location, and design of chosen amenities shall contribute to a well-balanced mix of features on the street, as determined by the director. All amenities below are valued at one amenity element unless otherwise noted. Desired amenities include:
- i. **Seating.** Each six feet of seating area or four fixed individual seats count as one amenity element. Seating areas should generally be located in areas that provide views of pedestrian activity. Seating ledges shall be at least 12 inches wide to qualify;
  - ii. **Trash Receptacles.** To qualify as an amenity, at least one trash receptacle is needed per 100 linear feet of sidewalk.
  - iii. **Permanent landscaping elements** including planting beds, large containers, and other landscaping elements that add visual interest to the sidewalk as determined by the director;

- iv. Special pavement patterns and/or tree grates;
- v. Bicycle racks;
- vi. Informational kiosks (worth two amenity elements);
- vii. Transit shelters (worth two amenity elements unless provided by applicable transit agency);
- viii. Decorative clocks (worth two amenity elements);
- ix. Artwork as approved by the arts commission (worth two amenity elements);
- x. Special lighting; and
- xi. Other amenities that meet the intent as determined by the director.

Features above that are publicly funded, already required by code, and/or obstruct pedestrian movement shall not qualify as an amenity to meet this standard.

- c. **Seating Requirement.** For developments in TC-A and B zones with residential units not on pedestrian-oriented or mixed-use streets, provide one bench or seating area for every 600 feet of street frontage.
2. **Site design elements – Internal pedestrian paths**
- a. **Internal Pathway Standards and Guidelines.**
    - i. All internal pedestrian walkways shall have at least six-foot-wide unobstructed walking surfaces. Walkways adjacent to a building entrance or



pedestrian-oriented facade shall be at least 12 feet wide from the building to the face of the curb.

- ii. Where walks are adjacent to parking areas, they shall be set back or widened so that overhanging parked vehicles do not narrow the pathway width to less than six feet. See also subsection 2.b. of this section for landscaping requirements.

b. Landscaping along Pathways.

- i. Pedestrian walks shall be separated from structures at least three feet for landscaping, except where the adjacent building features a pedestrian-oriented facade or other treatment, such as the use of a trellis with vine plants on wall or sculptural, mosaic, bas-relief artwork, or other decorative wall treatments, that adds visual interest at a pedestrian scale that is acceptable to the director.
- ii. All internal walkways along pedestrian-oriented building fronts and walkways on the edge of parking areas shall feature at least one street tree (on average) for every 30 feet of walk. Trees may be sited to maintain entry sign visibility.



3. Site design elements – Mechanical equipment and service areas

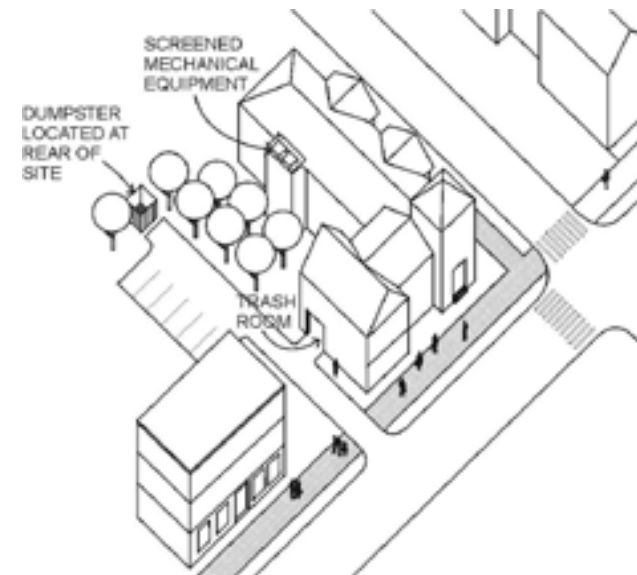
- a. **Service Enclosure Space Standards.** The storage space for the collection of trash and recyclables shall be provided on-site. The applicant shall demonstrate to the director’s satisfaction that the service area is adequate to handle the anticipated trash containers and equipment and does not conflict with the primary pedestrian entrance to the building. The following provisions in subsections 1.a. through d. of this section provide guidance for trash and service space:
  - i. One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a county-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
  - ii. Two and one-half square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;



- iii. Four square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
- iv. Six square feet per every 1,000 square feet of building gross floor area in retail developments.

**b. Service Element Location Standards and Guidelines.**

- i. Service and storage areas shall be located to minimize impacts on the pedestrian environment and adjacent uses. Such areas may not be located in any required setback areas.
- ii. Multifamily Service Element Location.
  - a) Service elements should generally be concentrated and located where they are accessible to service vehicles and convenient for tenant use. For buildings with more than 20 dwelling units, the trash/service area shall be located within the building.
  - b) Collection points located in separate buildings/ structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
- iii. For nonresidential uses, storage space may be allocated to a centralized collection point. Nonresidential buildings greater than 30,000 gross square feet of floor area shall provide a trash/service area within the building.



**c. Outdoor Service Enclosure Standards.**

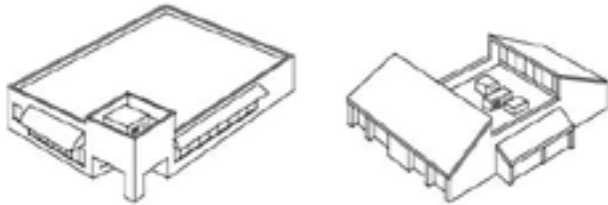
- i. Service areas visible from the street, pathway, pedestrian-oriented space or public parking area (alleys are exempt) shall be enclosed and screened around their perimeter by a solid wall or fence at least six feet high.
- ii. Service enclosures should be designed consistent with the architecture of the primary structures. This includes the use of similar material and/or detailing. Acceptable materials include masonry, ornamental metal or wood, or some combination of the three.
- iii. Trash and recyclable collection points shall be identified by signs not exceeding two square feet.

- iv. If the area is adjacent to a public or private street, sidewalk, or internal pathway or within 10 feet of an adjacent property, it shall be fully enclosed, including a roof, with access away from pedestrian circulation patterns.
- v. Service enclosures shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
- vi. Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
- vii. Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way.
- viii. The architectural design of any outdoor collection point enclosure shall be consistent (in terms of design details, materials, articulation, color, and/or finish) with the design of the primary building and/or site structures. Metal fencing, especially chain link fencing, is not acceptable.



- ix. Only recyclable materials generated on site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off site.
  - x. The director may waive or modify specific storage space and collection point requirements set forth in this section if the director finds, in writing, that an alternate recycling program design proposed by the project applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables.
- d. **Roof-Mounted Mechanical Equipment and Other Systems.**
- i. Roof-mounted mechanical equipment should be located so as not to be visible from the street, public open space, parking areas, and from the ground

level of adjacent properties. Screening features should utilize similar building materials and forms to blend with the architectural character of the building. [SDC 21.07.050R](#) provides exceptions to height limits for any screening necessary to hide or enclose roof-mounted equipment.



- ii. Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so as not to be visible from adjoining and nearby streets and minimize visual impacts from private internal streets, open spaces, and pedestrian walkways.

#### 4. Site design elements – Street design

- a. **Street Design Standards.** The streets shall be designed consistent with the goals and policies of the Town Center Plan, the adopted street standards, and the development principles of the Town Center Infrastructure Plan. To meet this standard, project applicants shall use the figures below, reproduced from the Town Center Plan, reproduced as [SDC Figure 21.07.060B.4.a.](#), as a guide to determining the appropriate sidewalk width, landscaping elements, and roadway width and configuration until the City develops a more specific set of roadway standards applicable

to the Town Center. During the permit application review process, the City will determine the appropriate cross-section(s) for the road(s) being proposed. Some flexibility to the design of the streets may be granted by the City based on unique environmental challenges or where alternative designs can better meet the Town Center Plan’s goals and policies.



#### b. Crosswalks and Driveways.

- i. Crosswalks are required when a walkway crosses a paved area accessible to vehicles.
- ii. Project applicants shall continue the sidewalk pattern and material across driveways.

- c. **Traffic Calming.** Street design should include traffic calming measures as indicated in the Town Center Infrastructure Plan, unified zone development plan (see [SDC 21.07.120](#)), and/or other applicable street design standards as determined by the City. Examples include raised crosswalks, traffic circles, and medians, where

directed by the director to increase pedestrian and vehicular safety, reduce traffic speeds, ease congestion, and enhance streetscapes.

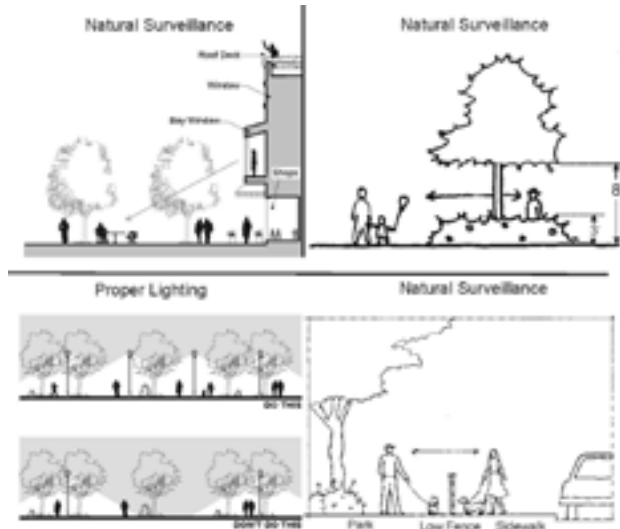
- d. **Low Impact Development.** Street design shall include low impact development measures as indicated in the Town Center Infrastructure Plan, Town Center Stormwater Master Plan, unified zone development plan, and/or other applicable street design standards as determined by the City.
- e. **Multimodal Transportation.** The planning and design of streets shall include consideration of vehicular, transit, bicycle, and pedestrian circulation. (See [SDC Figure 21.07.060A.6.a.](#), Conceptual trail network for the Town Center.

5. **Site design elements – Open space design**

- a. **General Requirements for All “Common,” “Pedestrian-Oriented” and “Public Open Space” Open Space Design Criteria.** The design of all “common,” “pedestrian-oriented” and “public open space” required per [SDC 21.07.060A.9.](#) shall meet the following design criteria to the director’s satisfaction:
  - i. All open spaces shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated;

- ii. The grade and configuration of the open space shall be suitable to recreational activities (e.g., locate play areas on relatively level ground and picnic areas in sunny locations);
- iii. The open space shall feature amenities and activities that encourage pedestrians to use the space. Spaces larger than 2,500 square feet should include a combination of active and/or passive recreational uses that attracts a variety of people. “Active” features could include, for example, a trail, sports court, or children’s play area. “Passive” features could include an informal garden, fountain, sculpture, nature viewing area, picnic area, or seating. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space;
- iv. Project applicants shall demonstrate how the space incorporates crime prevention through environmental design (CPTED) principles, including:
  - a) Natural surveillance, which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good “eyes” on the park or plaza;
  - b) Lighting levels according to [SDC 21.07.060B.8.](#) or as noted in this section;

- c) Landscaping and Fencing. Avoid configurations that create dangerous hiding spaces and entrapment conditions;
- d) Entrances should be prominent, well lit, and highly visible from inside and outside of the space;
- e) Maintenance. Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired, although some maintenance for landscaping is expected;



- v. Covered open space, such as a picnic shelter or covered sports court, is encouraged;

- vi. Landscape elements shall also serve as a stormwater quality improvement function and as rain gardens. See [SDC 21.07.060A.10.d.](#) and [SDC 21.07.070](#);
- vii. In order to qualify as part of required open space, including multifamily open space, an open space shall conform to the Americans with Disabilities Act (ADA); and
- viii. Existing trees and significant vegetation shall be maintained in open space areas unless an alternate landscaping plan for such areas is required or approved or unless planned active recreational activities would conflict with existing vegetation. In case of conflicts with planned activities, the design should strike a balance, as determined by the director, where it maximizes active recreation opportunities while trying to maintain the most important stands of trees and vegetation.

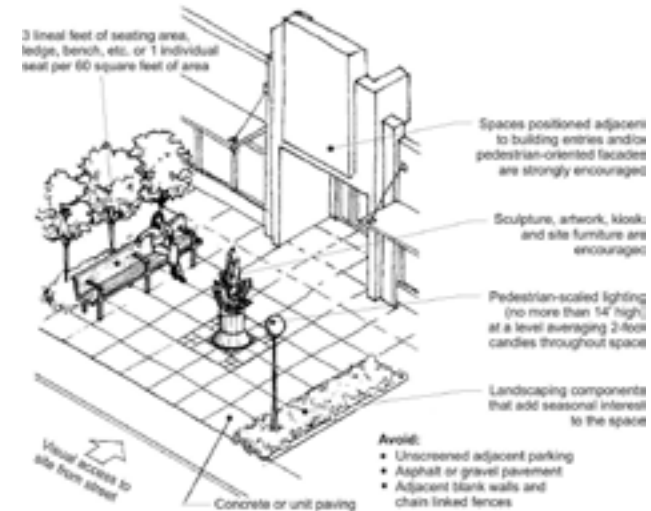
- b. **Pedestrian-Oriented Open Space Design Criteria.** These spaces, as required per [SDC 21.07.060A.9.](#), are intended to be publicly accessible spaces that enliven the pedestrian environment by providing 1. opportunities for outdoor dining, socializing, and relaxing and 2. visual amenities that contribute to the unique character of the Town Center. Design criteria for pedestrian open space:

- i. Sidewalk area, where widened beyond minimum requirements, shall count as pedestrian-oriented open space. The additional sidewalk area may be used for outdoor dining and temporary display of retail goods. The standards in subsections 2.b. and

c. of this section shall not apply to sidewalks, where used as usable open space;

ii. The following design elements are required for pedestrian-oriented open space:

- a) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard;
- b) Paved walking surfaces of either concrete, porous concrete or approved unit paving;
- c) Pedestrian-scaled lighting (no more than 14 feet in height) at a level averaging at least two foot-candles throughout the space. Lighting may be on site or building-mounted lighting;
- d) At least three feet of seating area (bench, ledge, etc. or one individual seat per 60 square feet of plaza area or open space. This provision may be relaxed or waived where there are provisions for movable seating that meet the intent of the standard as determined by the director;
- e) Spaces shall be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry; and
- f) Landscaping that adds visual or seasonal interest to the space;



iii. The following features are encouraged in pedestrian-oriented space:

- a) Pedestrian amenities such as a water feature, drinking fountain, and/or distinctive paving or artwork;
- b) Provide pedestrian-oriented facades on some or all buildings facing the space;
- c) Consideration of the sun angle at noon and the wind pattern in the design of the space;
- d) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer;
- e) Movable seating;



- f) Incorporation of water treatment features such as rain gardens or the use of an area over a vault as a pedestrian-oriented space; and
  - g) Weather protection, especially weather protection that can be moved or altered to accommodate conditions; and
- iv. The following features are prohibited within pedestrian-oriented space:
- a) Asphalt or gravel pavement, except where continuous gravel or asphalt paths intersect with the space;
  - b) Adjacent chain link fences;
  - c) Adjacent blank walls; and
  - d) Adjacent dumpsters or service areas.



c. Multifamily Open Space Design Criteria.

- i. Common open space includes landscaped courtyards or decks, front porches, gardens with pathways, children’s play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following:
  - a) Required setback areas shall not count towards the open space requirement unless they are portions of a space that meets the dimensional and design requirements and guidelines herein as determined by the director;



- b) Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width (except for front porches);
- c) Spaces (particularly children’s play areas) shall be visible from at least some dwelling units and positioned near pedestrian activity;
- d) Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable;
- e) Individual entries may be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space. Low walls or hedges (less than three feet in height) are encouraged to provide clear definition of semi-private and common spaces;
- f) Separate common space from ground floor windows, automobile circulation, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the director that enhance safety and privacy (both for common open space and dwelling units);
- g) Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;
- h) Stairways, stair landings, above grade walkways, balconies and decks shall not encroach into the minimum required common open space areas. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard. Front porches are an exception; and
- i) Unenclosed front porches qualify as common open space provided:
  - 1) No dimension is less than eight feet; and
  - 2) The porches are accessible to all residents.





- a) Space shall be ADA accessible to all dwelling units;
- b) Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use as determined by the director;
- c) Space shall feature hard surfacing appropriate to encourage resident use; and
- d) Space shall incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.



- ii. Private Balconies and Decks. To qualify as open space meeting the requirements of [SDC 21.07.060A.9.](#), such spaces shall be at least 35 square feet, with no dimension less than four feet, to provide a space usable for human activity. The space shall meet ADA standards. This standard also applies to individual front porches if counted toward townhouse open space requirements.
- iii. Shared Rooftop Decks. To qualify as open space meeting the requirements of [SDC 21.07.060A.9.](#), such spaces shall meet the following requirements:

- iv. Indoor Recreational Areas. To qualify as open space meeting the requirements of [SDC 21.07.060A.9.](#), such spaces shall meet the following conditions:
  - a) The space shall meet ADA standards and shall be located in a visible area, such as near an entrance, lobby, or high traffic corridors; and
  - b) Space shall be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space shall

include amenities and design elements that will encourage use by residents as determined by the director.

- d. **Children Play Area Safety Requirements.** All children play area apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:
  - i. At least 400 square feet in size with no dimension less than 20 feet; and
  - ii. Adjacent to main pedestrian paths or near building entrances.

#### 6. Site design elements – Trail corridors

Trails, as required in [SDC 21.07.060A.6.](#), shall be provided within easements, or tracts, of sufficient width and length consistent with the dimensional standards as defined below.

Proposed public and private trails shall be reviewed by the director for consistency with the following standards:

- a. **Trails Master Plan.** The Sammamish Trails, Bikeways, and Paths Master Plan provides design standards for the full range of trails and pedestrian routes desired within the City. This document shall be used as a guide to help determine the type of trail to be constructed in specific locations of the Town Center depending on the terrain, environmental conditions, adjacent uses, connectivity, and anticipated usage. Trails shall be constructed per

design standards set forth in the Trails, Bikeways, and Paths Master Plan.

- b. **Use of Existing Corridors.** To the extent practical in implementing the conceptual Town Center Trails Plan as shown in [SDC Figure 21.07.060A.6.a.](#), trails should generally be located to minimize the need to remove additional vegetation and create other associated impacts. If sensitive areas exist on or in proximity to an existing cleared or improved corridor, then impacts from constructing the trail shall be mitigated consistent with [SDC 21.03.020](#), including the recommendations from any required sensitive areas study. Trails may be located in other areas if it is demonstrated that a new corridor creates less overall or less incremental impact to sensitive areas and habitat while still achieving overall project goals and objectives.
- c. **Compatibility with Adjacent Land Uses.** Trails should be designed and constructed to encourage users to remain on the trail, to diminish the likelihood of trespass and to promote privacy for adjacent landowners. The project applicant shall propose for the department’s review and approval the use of fencing, signage, landscaping or other appropriate means to accomplish this requirement. Any proposed lighting should be directed away from houses along the trail corridor. Ground-level lighting, such as bollards, is preferred. Safety of trail users and adjacent landowners shall be addressed through review of vehicle access and crossing locations and design.
- d. **Width.** The width of the cleared area, trail corridor, surface and shoulder should be designed consistent

with AASHTO standards for public multi-use paved trails (Guide for the Development of Bicycle Facilities, 1999, as amended, American Association of State Highway and Transportation Officials), and with U.S. Forest Service standards (Trails Management Handbook, 1991, as amended, and Standard Specifications for Construction of Trails Handbook, 1984, as amended) if unpaved. Cleared areas shall be the minimum necessary consistent with the standards and requirements in the SMC.

- e. **Sensitive Areas and Buffers.** Trail impacts to sensitive areas should be reviewed consistent with the impact avoidance and mitigation sequencing requirements of [SDC 21.03.020](#). Mitigation of impacts is required, even for trails located on existing corridors consistent with subsection 2. of this section. Wetland and stream buffers shall be expanded to compensate for the total area of the trail corridor, including all disturbed areas located within the buffer area. No expansion shall be required for trails located on existing improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, within wetland or stream buffers. Mitigation shall be required for all impacts consistent with [SDC 21.03.020](#).
- f. **Location.** Except for approved viewing platforms, spur trails, wetland or stream crossings proposed consistent with [SDC 21.03.020](#), or trails located on existing corridors consistent with subsection 2. of this section, trails that are proposed in proximity to wetlands or streams or associated buffers may only be located in the outer 25 percent of the wetland or stream buffer

and should be generally aligned parallel to the stream or perimeter of the wetland. Spur trails and viewing structures should be designed to minimize impacts on sensitive area and wildlife habitat. Viewing platforms shall be placed landward of the wetland or stream edge.

- g. **Wildlife.** Trails should be designed and constructed to encourage users to remain on the trail through the use of fencing, signage, landscaping or other appropriate means to minimize impacts to wildlife and habitat. In addition to the requirements related to wildlife corridors elsewhere in the SMC, trail location, lighting, construction decisions, and requirements for use (e.g., pet leash requirements, bicycle speed limits, etc. should be guided by recommendations from sensitive areas studies to avoid, minimize and mitigate impacts to habitat for sensitive species. In a vegetation management plan developed for City review and approval consistent with [SDC 21.03.020Q](#), all disturbed areas shall be landscaped with appropriate native vegetation upon completion of trail construction or as soon thereafter as possible. The trail maintenance entity shall ensure that such vegetation survives through an appropriate mechanism. An integrated vegetation and pest management plan shall be developed by the applicant and approved by the department that avoids or minimizes the use of pesticides, herbicides and other hazardous substances.
- h. **Surfacing.** The director will determine pavement options for the specific trail section. To promote infiltration and groundwater recharge and to minimize slope instability, trail surfaces shall be made of pervious materials unless

infeasible. Boardwalks may be used for areas subject to regular inundation, and should be constructed with nonhazardous materials. Impervious materials may also be used if necessary for soil stabilization or to prevent soil erosion, or if the trail is specifically designed and intended to be accessible to physically challenged persons and is identified as such in the City’s adopted Comprehensive Plan, parks plan or trails plan.

- i. **Maintenance.** Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City.

**7. Site design elements – Fences and retaining walls**

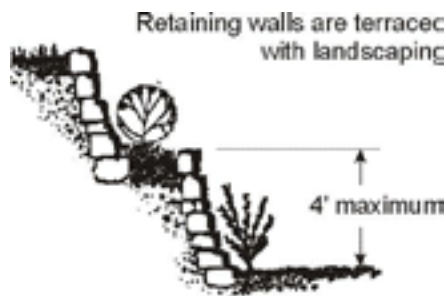
Fences are permitted as follows:

- a. **Fences up to Three Feet.** Fences up to three feet are permitted between any non-pedestrian-oriented street and any building. This standard applies to all properties regardless of whether the frontage is considered a front, street side, or back yard.
- b. **Fences up to Six Feet.** Fences up to six feet in height may project into the side or back setback, except where otherwise provided in subsection 1. of this section and [SDC 21.07.060D.1.c.](#), regarding fences along an alley.
- c. **Fences Exceeding Six Feet.** Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except: fences located on a rockery, retaining

wall, or berm within a required setback area are permitted subject to the following requirements:

- d. **Fences in TC-B, TC-C, and TC-E Zones.**
  - i. The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm;
  - ii. The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet; and
  - iii. Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm, shall be an open-work fence.
- e. **Fences on a Rockery, Retaining Wall, or Berm.** Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the building code (SMC Title 16).
- f. **Prohibited Fences.** Chain link fences and electric fences are prohibited in the Town Center, except to enclose service areas that are fully screened with landscaping and for public park areas such as dog runs and ball fields. In such cases, the fencing shall be vinyl coated.
- g. **Retaining Wall Standards.** Retaining walls taller than four feet and visible from a street shall be terraced

so that no individual segment is taller than four feet. Terraced walls shall be separated by a landscaping bed at least two feet in width that includes one shrub every three lineal feet of retaining wall. Departures from this standard may be considered provided the combination of wall treatment and landscaping reduces the bulk and scale of the retaining wall and enhances the streetscape. In determining whether departures will be granted, the director will consider the level of visibility of the wall (from adjacent uses, streets, parks, and pathways), quality of landscaping and wall materials, detailing, and overall design quality.



## 8. Site design elements – Lighting

### a. Site Lighting Levels.

- i. All publicly accessible areas shall be lighted with average minimum and maximum levels as follows:
  - a) Minimum (for low or nonpedestrian and vehicular traffic areas) of one-half foot-candle;
  - b) Moderate (for moderate or high volume pedestrian areas) of one to two foot-candles; and

- c) Maximum (for high volume pedestrian areas and building entries) of four foot-candles;
- ii. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided; and
- iii. Site lighting shall be metal halide or LED unless an alternative is approved by the director.

### b. Light Quality and Shielding.

- i. All fixtures in the Town Center shall be full cut-off, dark sky rated and mounted no more than 25 feet above the ground, with lower fixtures preferable so as to maintain a human scale. Requests for higher lighting fixtures may be considered with the approval of the director;
- ii. All fixtures over 14 feet in height shall be fitted with a full cut-off shield conforming to “dark sky” standards;





- iii. Pedestrian-scaled lighting (light fixtures no taller than 14 feet) is required in areas of pedestrian activity, including “pedestrian-oriented open spaces” and “collective open spaces.” Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety;
- iv. Lighting is not permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions shall not be visible above the roofline of the building;
- v. Uplighting of vegetation, other objects, or the sky is prohibited; and
- vi. Solar-powered and high-energy-efficient lighting is encouraged. The director may allow a modest lowering of light level standards for solar-powered lights.

### C. Article III. Building Design

#### 1. Building design – Character

- a. The Town Center Plan allows for a diversity of architectural style.

The focus is to promote architecture with a strong sense of human scale, fine detailing, quality materials, sensitive to the environment, oriented to pedestrians, and designed appropriate to the site’s unique context. This approach is intended to allow for a diversity of

architectural styles provided they meet the design standards of this chapter.

- b. **No Corporate Architecture.** Architecture that is defined predominately by corporate identity features (and difficult to adapt to other uses) is prohibited. For example, some fast food franchises have very specific architectural features that reinforce their identity. Buildings that act as signs are prohibited.



#### 2. Building design – Architectural scale

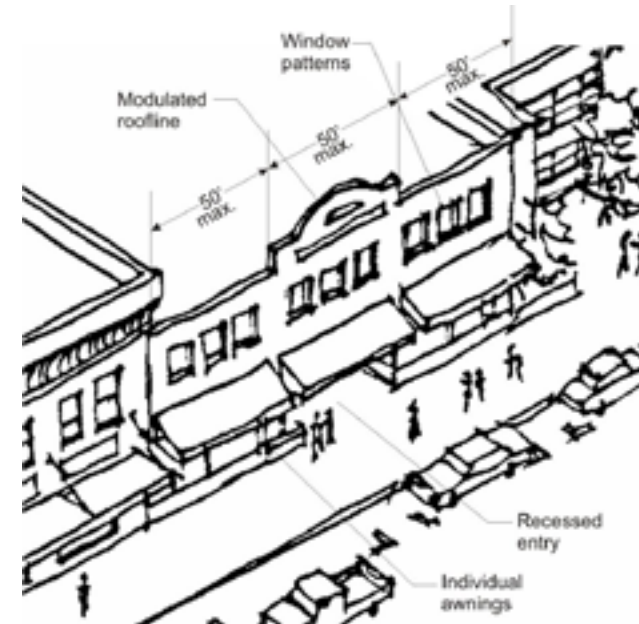
- a. **Building Articulation – All Nonresidential Buildings.** Building facades (containing a public entry and/or facing a street, park, or pedestrian-oriented space) shall include articulation features every 50 feet to create a pattern of small storefronts and/or to reduce the perceived scale of the building and add visual interest. At



least three of the following articulation methods shall be employed at intervals no greater than 50 feet:

- i. Window patterns and/or entries that reinforce the pattern of small storefront spaces; e.g., groups of windows that repeat every 50 feet or less as opposed to a uniform row, or “ribbon,” of windows;
- ii. Weather protection features that reinforce 50-foot storefronts. For example, for a business that occupies 150 feet of street frontage, use three separate awnings to articulate the facade;
- iii. Change of roofline as described in subsection 3. of this section;
- iv. Providing building modulation of at least two feet in depth and four feet in width if tied with a change in roofline as described in subsection 3. of this section or change in building materials or siding style. For all other facades, building modulation shall be at least 10 feet in depth and 20 feet wide;
- v. Placement of building columns or piers that reinforce storefront pattern;
- vi. Change in building material or siding style;
- vii. Elements such as planters, art pieces, or other features that repeat at intervals of 50 feet or less;
- viii. Design that features a top, middle, and bottom (see [SDC Figure 21.07.060C.2.a.c.](#)). The maximum articulation interval does not apply to this method; and/or

- ix. Other methods that meet the intent of the standards as approved by the director.





- b. **Building Articulation – Townhouses and Multifamily Residential Buildings.** Residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than 35 feet along all facades facing a street, park, common open space, and common parking areas:
- i. Repeating distinctive window patterns at intervals no more than 35 feet;
  - ii. Vertical building modulation. Minimum depth and width of modulation is 18 inches and four feet, respectively, if tied to a change in color or building material and/or roofline modulation as defined in subsection 3. of this section. Otherwise, minimum depth of modulation is 10 feet and minimum width for each modulation is 15 feet. See [SDC Figure 21.07.060C.2.b.f.](#) for vertical building modulation examples. Balconies may be used to meet the modulation if they are recessed or projected from the facade by at least 18 inches. Balconies that appear to be “tacked on” to the facade will not qualify for this option unless they employ high

quality materials and add visual interest to the facade as determined by the director;

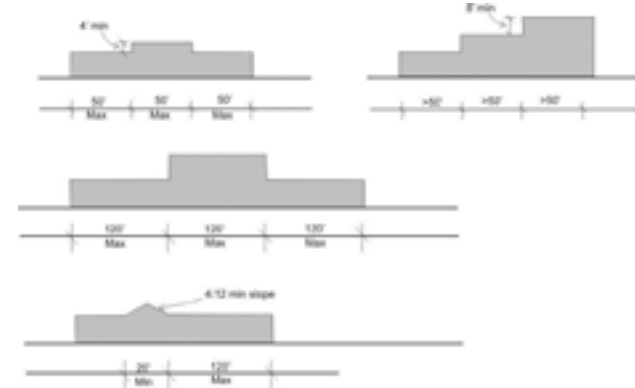
- iii. Change of roofline, as described in subsection 3. of this section;
- iv. Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation (setback) shall be five feet;
- v. Articulation of the building’s top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline. The maximum articulation interval does not apply to this method;
- vi. Other methods that effectively reduce the perceived scale of the building and add visual interest as determined by the director; and/or
- vii. Building elements such as balconies, bay windows, porches, canopies, chimneys, or other repetitive feature.





c. **Roofline Modulation.**

- i. In order to qualify as an articulation feature in subsection 1. or 2. of this section, rooflines shall be varied by emphasizing dormers, chimneys, stepped roofs, gables, prominent cornice or wall, or a broken or articulated roofline.
- ii. The width of any continuous flat roofline should extend no more than 120 feet without modulation. Modulation shall consist of one of the following:
  - a) A change in elevation of the visible roofline of at least four feet if the particular roof segment is less than 50 feet wide and at least eight feet if the particular roof segment is greater than 50 feet in length;
  - b) A sloped or gabled roofline segment of at least 20 feet in width and no less than four feet vertical in 12 feet horizontal;
  - c) A combination of the above; or
  - d) Other modulation measures approved by the director.



- d. **Maximum Facade Width.** The maximum facade width (the facade includes the apparent width of the structure facing the street and includes required modulation) is 120 feet. Buildings exceeding 120 feet in width along the streetfront shall be divided by a minimum 30-foot-wide modulation of the exterior wall, so that the maximum length of a particular facade is 120 feet. Such modulation shall be at least 20 feet or deeper and extend through all floors. Other design features will be considered by the director that effectively break up the scale of the building and add visual interest. The director may waive this provision for special conditions, such as a parking garage or institutional building if the structure is screened from view or located in a visually obscure location. In order to grant such a waiver, the director

shall find that the building’s use and purpose warrant a continuous building perimeter.



### 3. Building design – Details

- a. **Details Toolbox.** All nonresidential and mixed-use buildings shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below for each

facade facing a street or public space. For example, a large building with multiple storefronts will likely need more than one decorative sign, one transom window, and one decorative kick-plate to meet the intent of the standards.

- i. Window and/or Entry Treatment.
  - a) Display windows divided into a grid of multiple panes;
  - b) Transom windows;
  - c) Roll-up windows/doors;
  - d) Other distinctive window treatment that meets the intent of the standards;
  - e) Recessed entry;
  - f) Decorative door;
  - g) Arcade;
  - h) Landscaped trellises or other decorative element that incorporates landscaping near the building entry; and/or
  - i) Other decorative or specially designed entry treatment that meets the intent of the standards.
- ii. Building Elements and Facade Details.
  - a) Custom-designed weather protection element such as a steel or glass canopy, or cloth awning;
  - b) Decorative, custom hanging sign(s);

- c) Decorative building-mounted light fixtures;
- d) Bay windows, trellises, towers, and similar elements; and/or
- e) Other details or elements that meet the intent of these standards, as determined by the director.



iii. Building Materials and Other Facade Elements.

- a) Decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;
- b) Artwork on building (such as a mural) or bas-relief sculpture;
- c) Decorative kick-plate, pier, belt course, or other similar feature;
- d) Hand-crafted material, such as special wrought iron or carved wood; and/or
- e) Other details that meet the intent of the standards as determined by the director.

“Custom,” “decorative,” or “hand-crafted” elements referenced above shall be distinctive or “one-of-a-kind” elements or unusual designs that require a high level of craftsmanship as determined by the director.

- b. **Window Design.** Buildings shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the director where buildings employ other distinctive window or facade treatment that adds a sense of depth to the facade and/or visual interest to the building.



- c. **Principal Building Entrances.** The principal building entrances of all commercial, mixed-use, and multifamily buildings shall feature the following improvements, unless the director determines an alternate solution

better provides a safe, comfortable, and inviting entrance:

- i. **Pedestrian Covering.** Building entrances shall be covered by at least 50 square feet of pedestrian weather protection and be at least six feet wide. Entries are encouraged to satisfy this requirement by being set back into the building facade;
- ii. **Lighting.** Pedestrian entrances shall be lit to at least four foot-candles as measured on the ground plane for commercial buildings and two foot-candles for residential buildings;
- iii. **Building or Business Name.** Primary commercial use entries shall be identified with respect to building and/or business;
- iv. **Visibility.** Building entrances shall be visible from the roadway and/or major public pedestrian pathway;
- v. **Transparency.** Primary commercial use entries shall feature glass doors or glazing near the door so that the visitor can view people opening the door from the other side;
- vi. **Security.** To the extent feasible, entries shall be visible from areas with high pedestrian activity or where residents can view the entry (passive surveillance); and
- vii. **Architectural or Artwork Enhancements.** Primary building entrances shall be enhanced by two or more of the following measures, which can be used

to concurrently satisfy subsection 1. of this section, Details Toolbox:

- a) Special or ornamental doors, windows, or other architectural elements;
- b) Special paving or materials (e.g., decorative tile work);
- c) Special architectural lighting;
- d) Landscaping;
- e) Artwork as approved by the arts commission; and/or
- f) Other similar feature approved by the director.

The director's decision on the applicability of an element or treatment to meet this requirement is final.

- d. **Secondary Public Access for Commercial Buildings.** Whereas these standards require businesses on a pedestrian-oriented street within the downtown to front on streets rather than parking lots, a large number of customers use the "secondary" entry off of a parking lot. Such businesses that have secondary public access shall comply with the following measures to enhance secondary public access (applies only to entries used by the public):
  - i. Weather protection at least three feet deep is required over each secondary entry;



- ii. A sign may be applied to the awning; provided, that the sign complies with other regulations and guidelines;
- iii. There shall be at least two foot-candles illumination on the ground surface;
- iv. One or more of the design elements noted in subsection 3.c. of this section shall be incorporated within or adjacent to the secondary entry; and
- v. To the extent feasible, entries shall be visible from a public right-of-way and/or high pedestrian traffic area.



4. Building design – Exterior materials and colors

- a. **Complementary and Quality Materials.** The intent of guidelines in this section is that Town Center buildings complement each other in design character and exhibit a high-quality, low-maintenance exterior finish. Generally speaking, materials and colors, except for natural materials such as wood, brick, and stone, should not be employed to call attention to the building. Industrial materials, such as metal manufactured panels, glazing, and concrete, should be finished, detailed, and colored to at least meet industry standards and specifications and should exhibit a high degree of

craftsmanship in fabrication and installation. Adhere to the director’s direction regarding materials and colors not covered in this section or where there is a question of quality appropriateness of a proposed material or color.

- b. **Metal Siding Standards.** If metal siding is used, it shall have visible corner moldings and trim and shall not extend lower than two feet above grade. Masonry, concrete, or other durable material shall be incorporated between the siding and the ground plane. Metal siding may be used only in conjunction with other approved materials and may comprise no more than 25 percent of facades facing public rights-of-way or open space. Glazing, awnings, doors, and other features may count as portions of the facade. Pre-formed panels do not count as metal siding. Metal siding shall be factory finished, with a matte, nonreflective surface.

c. **Concrete Block Standards.**

- i. When used for the primary facade, buildings shall incorporate a combination of textures and/or colors to add visual interest. For example, combining split or rock-facade units with smooth blocks can create distinctive patterns. Concrete block may comprise no more than 25 percent of a facade facing a public right-of-way or open space.
- ii. Concrete block use on the side of fire walls/zero lot line walls (when visible from a public street, pedestrian plaza, or parking area) shall include changes in textures and shapes, colors, and/or



other masonry materials to add visual interest as determined by the director.

**d. Standards for Stucco or Other Similar Troweled Finishes.**

- i. Stucco and similar troweled finishes (including exterior insulation and finish system or “EIFS”) shall be trimmed in wood, masonry, or other material and shall be sheltered from extreme weather by roof overhangs or other methods and are limited to no more than 25 percent of the facade area facing a public right-of-way or open space;
- ii. Horizontal surfaces exposed to the weather shall be avoided; and
- iii. Stucco, EIFS, and similar surfaces should not extend below two feet above the ground plane. Concrete, masonry, or other durable material shall be used below the two-feet-above-grade line to provide a durable surface where damage is most likely.

**e. Wood Products Standards.**

- i. Use only exterior-grade wood products;
- ii. Plywood sheathing, “T-111,” and other sheet wood products shall not be used for exterior cladding, except as authorized by the director. Architectural-grade panels, such as “Hardy Plank,” specifically fabricated and detailed for exterior cladding are generally acceptable;
- iii. Finish wood with exterior-grade sealer, stain, or paint; and

- iv. Detail exposed wood member edges to prevent weathering and deterioration.

**f. Stonework Standards.**

Stone facing shall be of natural or local stone, not Southwest sandstone or other material not typical of the Pacific Northwest.

**g. Prohibited Materials.**

The following materials are prohibited (in addition to any prohibited materials noted above):

- i. Mirrored glass;
- ii. Chain link fencing (except for temporary fencing and for parks);
- iii. Fiberglass products and similar sheet products; and
- iv. Back-lit vinyl awnings used as signs.

**h. Colors.**

**i. Intent.**

To encourage a wide range of harmonious building colors that complement the Town Center’s natural landscape and the envisioned diverse architectural character. The predominance of earth tones and background colors for building shells is to increase continuity within an otherwise wide range of building types and styles.

ii. **Acceptable Colors.**

The following percentages are intended as a rough guide. The director may allow variations that meet the guidelines' intent.

- a) **Basic Building Shell Colors.** Use any of the following colors, indicated as acceptable in [SDC Figure 21.07.060C.4.a.](#), for areas that total more than 20 percent of the building shell that is visible from public (including rights-of-way) or adjacent properties: earth tones (brown, beige, tan, red-brown, or ochre); grey or slate; dark, highly saturated (but not bright) colors (forest green, dark red, maroon, burnt orange, olive, dark brown, or terra cotta); or natural colors of materials such as brick, stone, or stained or sealed wood;
- b) **Trim and Secondary Colors.** Use one or a combination of the following colors, indicated as acceptable in [SDC Figure 21.07.060C.4.a.](#), for up to 20 percent of the facade surfaces that are visible from public or adjacent properties, excluding glazing and roofs: earth tones (brown, beige, tan, red-brown, or ochre); grey or slate; white or ivory; dark, highly saturated (but not bright) colors (forest green, dark red, maroon, burnt orange, olive, dark brown, or terra cotta); natural colors of materials such as brick, stone, or stained or sealed wood; or black or charcoal;
- c) **Accent Colors.** Use any accent color indicated as acceptable in [SDC Figure 21.07.060C.4.a.](#) for

not more than 10 percent of any building facade that is visible from public or adjacent properties: earth tones (brown, beige, tan, red-brown, or ochre); grey or slate; white or ivory; dark, highly saturated (but not bright) colors (forest green, dark red, maroon, burnt orange, olive, dark brown, or terra cotta); natural colors of materials such as brick, stone, or stained or sealed wood; primary and bright colors (such as purple or orange), gold, or metallic; or black or charcoal; and

- d) **Roof.** Use any color indicated as acceptable in [SDC Figure 21.07.060C.4.a.](#) for roofs visible from the ground level of public or adjacent properties: earth tones (brown, beige, tan, red-brown, or ochre); grey or slate; dark, highly saturated (but not bright) colors (forest green, dark red, maroon, burnt orange, olive, dark brown, or terra cotta); natural colors of materials such as brick, stone, or stained or sealed wood; or black or charcoal.

BUILDING COLOR STANDARD MATRIX				
Color	Basic Building Shell	Trim	Accent	Roof
Earth tones (brown, beige, tan, red-brown, or ochre)	X	X	X	X
Grey or slate	X	X	X	X
White or ivory		X	X	

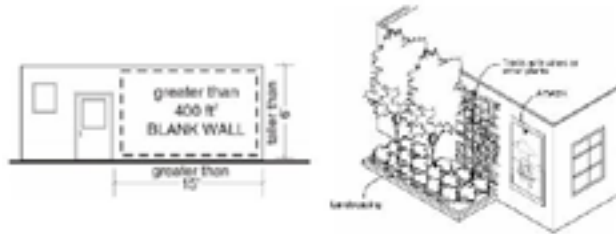
BUILDING COLOR STANDARD MATRIX				
Color	Basic Building Shell	Trim	Accent	Roof
Dark, highly saturated (but not bright) colors (forest green, dark red, maroon, burnt orange, olive, dark brown, or terra cotta)	X	X	X	X
Natural colors of materials such as brick, stone, or stained or sealed wood	X	X	X	X
Primary or bright colors (such as purple or orange), pastels, gold, or metallic			X	
Black or charcoal		X	X	X

iii. Color combinations that are signature elements for corporate businesses are restricted to 10 percent of each building facade as accent colors.

5. Building design – Blank walls

- a. **Blank Wall Definition.** A wall (including building facades and retaining walls) is considered a blank wall if:
  - i. A ground floor wall or portion of a ground floor wall over six feet in height has a horizontal length greater than 15 feet and does not include a transparent window or door with glazing; or
  - ii. Any portion of a ground floor wall having a surface area of 400 square feet or greater does not include a transparent window or door.
- b. **Blank Wall Treatments.** Untreated blank walls visible from a public street, park or pedestrian pathway are prohibited. Methods to treat blank walls can include:
  - i. Display windows at least 18 inches deep and integrated into the facade. Tack on display cases do not qualify as a blank wall treatment. **Figure 21.07.060c** shows an example of a tack on display case;
  - ii. Landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 75 percent of the wall’s surface within three years;
  - iii. Installing a vertical trellis in front of the wall with climbing vines or plant materials; and/or
  - iv. Special building detailing that adds visual interest at a pedestrian scale as determined by the director. Such

detailing shall use a variety of surfaces; monotonous designs will not meet the intent of the standards.



and may satisfy this requirement if approved by the director.

- iv. Upper-level parking garages shall use articulation treatments or landscaped screening that break up the massing of the garage and add visual interest, and obscure the view of parked cars from adjacent properties.

[SDC Figure 21.07.060C.6.a.](#) illustrates examples of acceptable parking garage treatments.

## 6. Building design – Parking garage design

### a. Parking Garage Design.

- i. Parking garages shall be designed to obscure the view of parked cars at the ground level with parking preferred to the back of buildings or underground.
- ii. Ground-level parking garages facing pedestrian-oriented streets are not allowed. Ground-level parking may be allowed on mixed-use streets if street trees approved by the City are provided.
- iii. Where the garage wall is built to the sidewalk edge, the facade shall incorporate a combination of artwork, grillwork, special building material or treatment/design, and/or other treatments as approved by the City that enhance the pedestrian environment. Ground-level parking garage floors shall conform to [SDC 21.07.060C.2.](#) and [21.07.060C.3.](#) Small setbacks with terraced landscaping elements can be particularly effective in softening the appearance of a parking garage



## D. Article IV. Single-Family, Duplexes, and Cottages

### 1. Single-family – Subdivision design

- a. **Development of “Neighborhoods.”** New detached single-family/duplex subdivisions shall be designed to integrate with the larger mixed-use development and with surrounding properties and neighborhoods. Subdivisions shall be designed so that individual, separately developed projects work together to create distinct neighborhoods, instead of disjointed or isolated

enclaves. To accomplish this, such developments shall comply with the following standards:

- i. Provide for a connected network of streets per [SDC 21.07.060A.4](#).
- ii. Provide for public open space per [SDC 21.07.060A.9](#).
- iii. Provide for pedestrian-friendly street design per [SDC 21.07.060B.4](#).
- iv. Provide for pedestrian-friendly building design that promotes “eyes on the street” and deemphasizes the garage (see [SDC 21.07.060D.2](#)).

b. **Cul-de-Sac Streets.** The use of cul-de-sac streets is not allowed unless the director determines there is no other feasible option (for example, the development site is long and narrow and surrounded on three sides by a critical area).

c. **Alleys.**

- i. The use of alleys is encouraged to minimize the appearance of garages from the street. For developments with more than 20 single-family dwelling units, at least 25 percent of the homes should be served by alleys. If a development is to be constructed in phases, then this requirement applies to each phase of construction.
- ii. Alleys shall be designed to incorporate landscaping and lighting elements. Specifically:

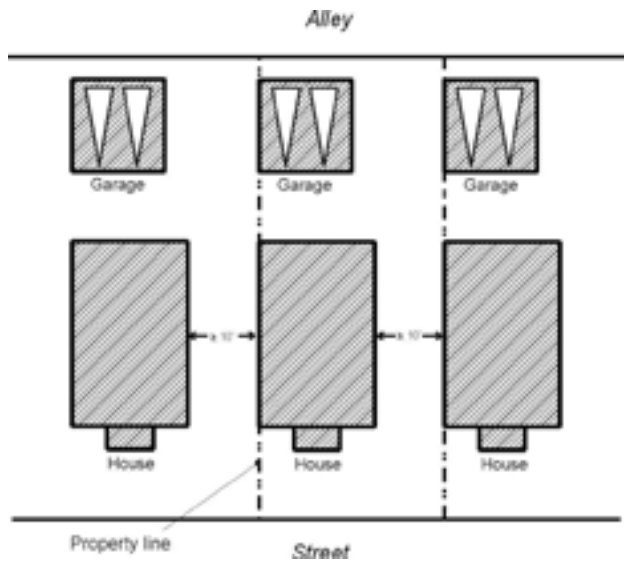
- a) Landscaping elements may be used as an alternative to fencing to separate private yard space from the alley;
- b) Fences shall be set back at least three feet from the alley (pavement) to provide for landscaping to soften the fence. See [SDC Figure 21.07.060D.1.c.a](#) for a good example of how landscaping can enhance the design of an alley; and
- c) Garages shall feature building-mounted lighting to provide illumination of alleys for safety.



d. **Alternative Lot Configurations.** Encourage alternative lot configurations, including:

- i. **Zero Lot Line.** This is a configuration where the house and/or garage are built up to one of the side property lines, providing the opportunity for more usable side yard space. Standards:
  - a) Dwelling units and accessory structures may be placed on one interior side property line. The opposite side yard shall be at least 10 feet;

- b) **Privacy Wall.** In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory or obscured windows; and
- c) Eaves along a zero lot line may project a maximum of 18 inches over the adjacent property line.



- ii. **Courtyard Access Lots.** This includes a series of lots clustered around a private internal roadway. Standards:
  - a) Maximum number of lots served by a courtyard access: five (this includes lots fronting the street on either side of the courtyard access);
  - b) Maximum length of a courtyard access: 100 feet (or deeper if approved by the local fire department);
  - c) Surface width of courtyard access: 15 feet. Due to the limited length, wider drives are unnecessary (safety and function) and undesirable (aesthetics); and
  - d) An easement of 20 feet in width shall be secured over the applicable parcels to allow lots legal access to the public street. A maintenance agreement shall be required for all applicable lots and shall be recorded on the final plat.



- iii. **Pedestrian-Only Entry Lots.** This includes configurations where one or more lots are clustered



around a pedestrian easement and/or common open space and do not front on a street. Standards:

- a) A pedestrian entry easement shall be provided to all homes that do not front on a street, alley, or common open space;
- b) Pedestrian entry easements shall be a minimum of 15 feet wide with a five-foot minimum sidewalk; and
- c) These lots shall contain private detached or shared garages off an alley or other access if approved by public works and reviewed for conflicts with existing codes.



e. **Stormwater Management.** All developments shall adhere to sub-basin plans per [SDC 21.07.060A.10](#).

2. **Single-family and duplexes – Lot and building design**

a. **Intent.**

- i. To enhance the character of the street;
- ii. To deemphasize garages and driveways as major visual elements along the street;
- iii. To provide usable yard space for residents; and

iv. To emphasize landscaping in residential neighborhoods and minimize impervious surfaces.

b. **Garage Placement and Design.**

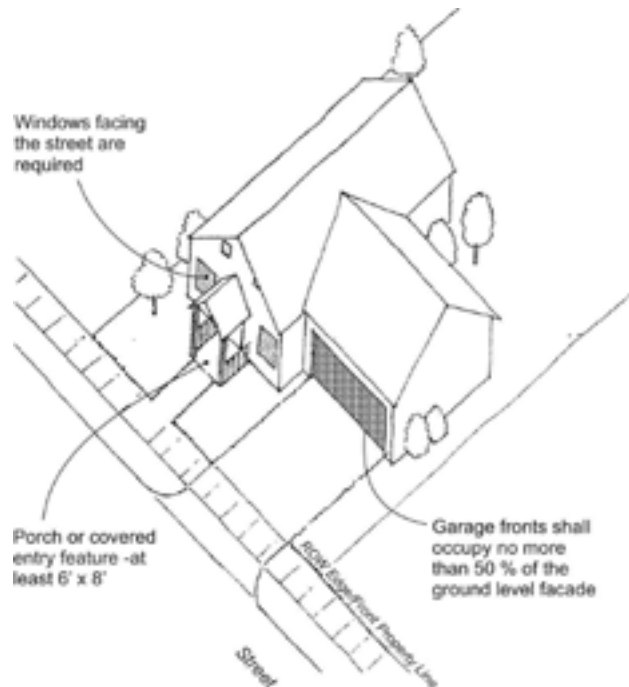
- i. Where lots front on a public street and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the front wall of the house or front edge of an unenclosed porch. On corner lots, this standard shall only apply to the designated front yard;
- ii. The garage face shall occupy no more than 50 percent of the ground-level facade facing the street;
- iii. Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography; and
- iv. Garages facing the street shall have similar materials and building forms as the residence, and the front facades shall be enhanced with building details such as decorative lighting or a trellis.

c. **Driveway Standards.**

- i. No more than one driveway per dwelling unit;
- ii. Driveways for individual lots 50 feet or wider may be up to 20 feet in width; and
- iii. Driveways for individual lots less than 50 feet wide may be up to 12 feet in width. Tandem parking configurations may be used to accommodate two-car garages.

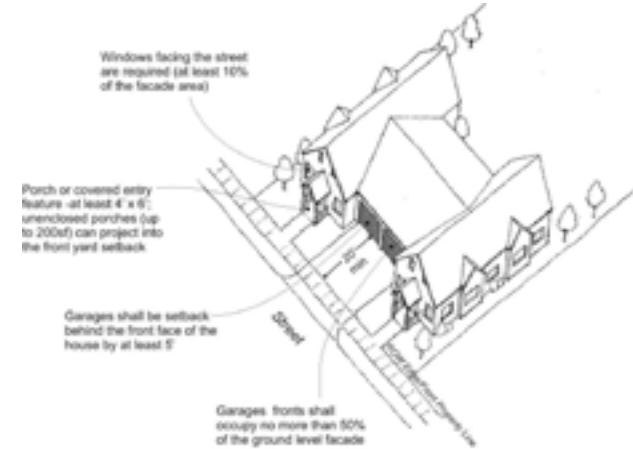
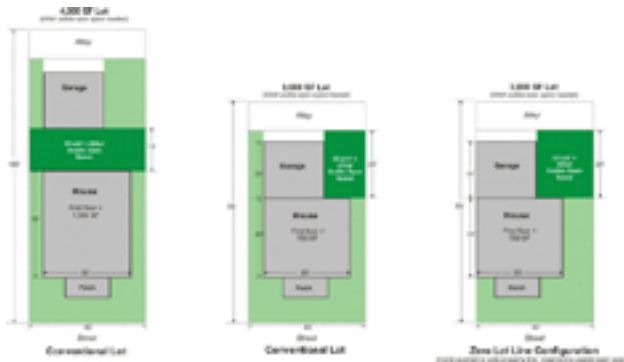


- d. **Covered Entry.** All houses shall provide a covered entry with a minimum dimension of eight feet by six feet. Exceptions may be granted by the director for the use of regional housing styles that do not traditionally contain such entries. Porches up to 200 square feet may project into the front yard. See [SDC 21.07.050Q](#).
- e. **Windows on the Street.** Transparent windows and/or doors are required on at least 15 percent of the facade (all vertical surfaces facing the street) as determined by the director.



- f. **Stormwater Management.** All developments shall adhere to sub-basin plans per [SDC 21.07.060A.10](#).
- g. **Minimum Landscaped Open Space.** All single-family housing lots shall provide landscaped open space at least equal to 40 percent of the lot area. See [SDC 21.07.060A.9.a.v](#) and [SDC 21.07.070](#) for the definition and provisions for landscaped open space. Critical areas, naturally vegetated areas, and all other landscaped areas shall be counted as landscaped open space provided they are on the applicable lot.
- h. **Minimum Usable Open Space.** All residences with garages in the back yard shall provide a contiguous open space equivalent to 10 percent of the lot size. Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of 15 feet on all sides. For example, a 3,000 square foot lot would require a contiguous open space of at least 300 square feet, or 15 feet by 20 feet in area. Rooftop decks with direct and level access from dwelling units may be used to meet the requirements. Driveways shall not count in the calculations for usable open space. The director may modify this requirement

for angled building orientations, nonrectilinear or constrained (such as lots with steep topography) lots.



- i. **Duplex Design Standards.** Duplexes should be designed similar in nature to single-family homes and shall feature a visible entry and windows facing the street. The visibility of driveways and garages shall be minimized and sufficient private open space provided. Specifically, duplexes shall comply with subsections 1. through 3. of this section with the following exceptions and additional provisions:



- i. Duplexes may include a 20-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot;
- ii. Separate covered entries for each unit are required;
- iii. Duplexes on corner lots shall place pedestrian entries on opposite streets; and
- iv. At least 10 percent of the street-facing facade shall be windows or other glazing (e.g., door glazing).

### 3. Single-family – Cottage housing

#### a. Intent.

- i. To provide an opportunity for small, detached housing types clustered around a common open space;
- ii. To ensure that cottage developments contribute to the overall character of the Town Center;
- iii. To provide for centrally located and functional common open space that fosters a sense of community;

- iv. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
  - v. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and
  - vi. To promote conservation of resources by providing for clusters of small dwelling units on a property.
- b. **Description.** Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.
- c. **Lot Configuration.** Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.
- d. **Density Bonus.** Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.
- e. **Table of Dimensional Standards.** Dimensional standards for cottages are identified below:

DIMENSIONAL STANDARDS	
Standard	Requirement
Maximum Floor Area	1,200 SF
Maximum Floor Area / Ground or Main Floor	800 SF

DIMENSIONAL STANDARDS	
Standard	Requirement
Minimum Common Space (see design standards below for more info)	400 SF / unit
Minimum Private Open Space (see design standards below for more info)	200 SF / unit
Maximum Height for Cottages	25' (all parts of the roof above 18' shall be pitched with a minimum roof slope of 6:12)
Maximum Height for Cottage Accessory Structures	18'
Setbacks (to exterior property lines)	Same as single-family detached (except as noted in subsection 2. of this section)
Minimum Landscaped Open Space (see <a href="#">SDC 21.07.060A.9.a.v.</a> and <a href="#">SDC 21.07.070</a> )	40% of site
Minimum Distance Between Structures (including accessory structures)	10'
Minimum Parking Spaces per Cottage	1.5

- f. **Units in Each Cluster.** Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents. A development

site may contain more than one cottage housing development.

**g. Parking and Driveway Location and Design.**

- i. Parking shall be located on the same property as the cottage development;
- ii. Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages. Parking is prohibited in the front and interior setback areas;
- iii. Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least 10 feet of Type III landscaping shall be provided between the sidewalk and the parking area. For parking lots along adjacent residential uses, at least five feet of Type I, II, or III shall be required. The director will consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development;
- iv. Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley). Exceptions will be considered by the director provided alternative configurations improve the visual setting for development;
- v. Garages may be attached to individual cottages provided all other standards herein are met and the footprint of the ground floor, including garage, does

not exceed 1,000 square feet. Such garages shall be located away from the common open spaces; and

- vi. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

**h. Common Open Space Requirements.**

- i. Shall abut at least 50 percent of the cottages in a cottage housing development;
  - ii. Shall have cottages abutting on at least two sides;
  - iii. Cottages adjacent to common open space shall be oriented around and have the main entry from the common open space;
  - iv. Cottages shall be within 60 feet walking distance of the common open space; and
  - v. Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.
- i. Required Private Open Space.** Required private open space shall be adjacent to each dwelling unit, for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than 10 feet.
- j. Porches.** Cottage facades facing the common open space or common pathway shall feature a roofed

porch at least 80 square feet in size with a minimum dimension of eight feet on any side.

k. **Covered Entry and Visual Interest.** Cottages facing a public street shall provide:

- i. A covered entry feature (with a minimum dimension of six feet by six feet) visible from the street;
- ii. At least 10 feet of landscaped open space between the residence and the street; and
- iii. At least two architectural details approved by the director, such as:
  - a) Decorative lighting;
  - b) Decorative trim;
  - c) Special door;
  - d) Trellis or decorative building element; and/or
  - e) Bay window.

Alternative design treatments may be considered by the director provided the design treatments provide visual interest to the pedestrian.

l. **Character and Diversity.** Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. Example elements include:

- i. Similar building/roof form and pitch;
- ii. Similar siding materials;

- iii. Similar porch detailing; and/or
- iv. Similar window trim;

A diversity of cottages can be achieved within a “family” of styles by:

- v. Alternating porch styles (such as roof forms);
- vi. Alternating siding details on facades and/or roof gables; and/or
- vii. Different siding color.



m. **ADA Accessibility.** Developments are encouraged to maximize the number of units that are accessible per ADA requirements as provided in the adopted International Building Code.

## 21.07.070 Development Standards— Landscaping and Irrigation

### A. Purpose

The purpose of this chapter is to preserve the aesthetic character of the Town Center planning area, to improve the aesthetic and functional quality of the built environment, to promote retention and protection of existing vegetation; to promote water efficiency, to provide a drainage function to manage hydrology closest to the source, to reduce the impacts of development on drainage systems and natural habitats, to increase privacy for residential zones, and to promote native wildlife.

The desired result of landscaping and site design standards is that the Town Center exhibit a predominantly natural landscape character emphasizing mature plants and informal, naturalistic layout. Within this naturalistic backdrop there may be areas of more formal, urban character where the type and intensity of uses or the desire for a more garden-like setting are appropriate.

Another goal of the landscape concept is to improve ecological functions, such as surface water retention, temperature reduction, and habitat enhancement. Landscape schemes that enhance the local ecology are preferred.

1. Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
2. Enhancing built structures and open spaces;
3. Adding visual interest and variety in the Town Center;
4. Providing physical separation between residential and nonresidential areas;
5. Providing visual screens and barriers as a transition between differing land uses as required in [SDC 21.07.060A.8.d.](#);
6. Retaining existing vegetation and significant trees by incorporating them into the site design;
7. Providing increased areas of permeable surfaces to allow for:
  - a. Infiltration of surface water into groundwater resources;
  - b. Reduction in the quantity of stormwater discharge; and
  - c. Improvement in the quality of stormwater discharge;
8. Require the use of native plant species by their retention or use in the landscape design;
9. Requiring water use efficiency through water budgeting and efficient irrigation design standards;
10. Encouraging the use of a diversity of plant species that promote native wildlife habitat.
11. Applying bioretention design standards.
12. To avoid conflicts between landscaping, tree and vegetation protection, and underground and above ground utilities. Landscaping should be designed to avoid utility conflicts and utility corridors should be located to avoid tree and vegetation removal where feasible.



**B. Application**

Except for communication facilities regulated pursuant to [SDC 21.06.060](#), all new development shall be subject to the landscaping provisions of this chapter.

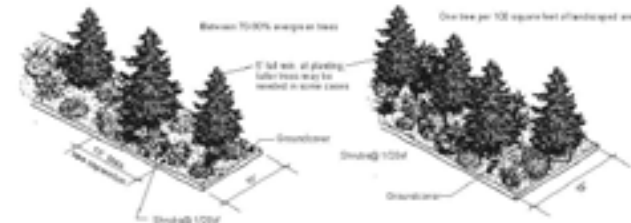
**C. Landscaping**

The seven types of landscaping screens and stormwater treatment are described and applied as follows:

**1. Type I Landscaping Screen.**

- a. Type I landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views;
- b. Type I landscaping shall minimally consist of:
  - i. A mix of primarily evergreen trees, shrubs, perennials, and groundcover generally interspersed throughout the landscape strip and spaced to form a continuous screen;
  - ii. Between 70 and 90 percent evergreen trees (use of Leyland Cedars is discouraged);
  - iii. Trees provided at the rate of one per 100 square feet or one per 10 linear feet, whichever is greater, of landscape strip;
  - iv. Evergreen shrubs or perennials provided at the rate of one per 20 square feet of landscape strip;
  - v. Perennials;

- vi. Groundcover pursuant to [SDC 21.07.070G](#);
- vii. Applicants shall demonstrate to the director’s satisfaction that the selected plant materials and configuration will be able to completely screen 80 percent of the unwanted views within three years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate; and
- viii. No plants included in the King County noxious weed list.



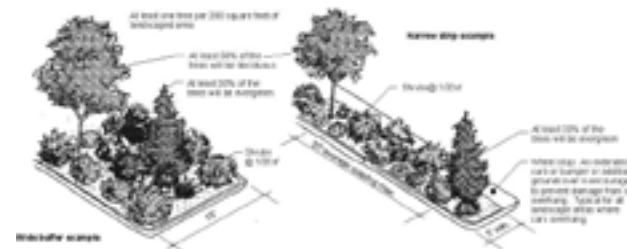
**2. Type II Landscaping Screen.**

- a. Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development, and to screen unwanted views from the pedestrian environment;
- b. Type II landscaping shall minimally consist of:
  - i. A mix of evergreen and deciduous trees, shrubs, perennials, and groundcover generally interspersed



throughout the landscape strip spaced to create a filtered screen;

- ii. At least 50 percent deciduous trees and at least 30 percent evergreen trees (use of Leyland Cedars is discouraged);
- iii. Trees provided at the rate of one per 200 square feet or one per 20 linear feet, whichever is greater, of landscape strip;
- iv. Shrubs and perennials provided at the rate of one per 20 square feet of landscape strip and spaced no more than eight feet apart on center;
- v. Perennials;
- vi. Groundcover pursuant to [SDC 21.07.070G](#);
- vii. Applicants shall demonstrate to the director’s satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate;
- viii. No plants included in the King County noxious weed list.

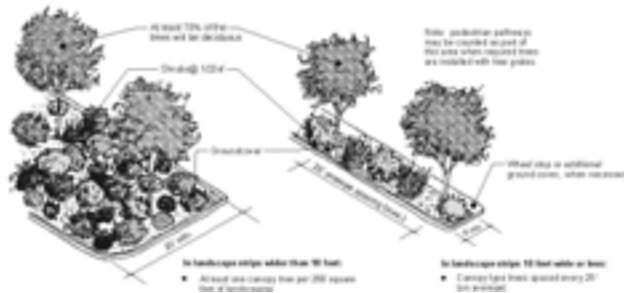


- c. Curb cuts shall be provided where wheel stops or other structural barriers are present to allow surface water to drain to landscaped areas from adjacent impervious surfaces.

### 3. Type III Landscaping Screen.

- a. Type III landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between multifamily developments;
- b. Type III landscaping shall minimally consist of:
  - i. A mix of deciduous and evergreen trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
  - ii. At least 70 percent deciduous trees;
  - iii. Trees provided at the rate of one per 250 square feet or one per 25 linear feet, whichever is greater, of landscape strip and spaced no more than 30 feet apart on center;

- iv. Shrubs provided at the rate of one per 20 square feet of landscape strip and spaced no more than eight feet apart on center;
- v. Perennials;
- vi. Groundcover pursuant to [SDC 21.07.070G](#);
- vii. Applicants shall demonstrate to the director’s satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate; and
- viii. No plants included in the King County noxious weed list.



#### 4. Type IV Landscaping.

- a. Type IV landscaping refers to enhanced woodland that functions as a buffer between different intensities of uses. These areas feature existing trees and vegetation, but often need supplemental planting to effectively function as an attractive buffer.

- b. Type IV landscaping shall minimally consist of:
  - i. Trees, shrubs, perennials and groundcovers that are native to the Puget Sound and are appropriate to the conditions of the site.
  - ii. Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in three growing seasons;
  - iii. Minimum 20 feet in width if used as a screen;
  - iv. Applicants shall demonstrate to the director’s satisfaction that the selected plant materials and configuration will meet the intent of the standards within three years of planting. This requirement will account for the size of materials and the growth rate; and
  - v. No plants included in the King County noxious weed list.



#### 5. Type V Landscaping.

- a. Type V landscaping refers to all other landscaped areas that do not qualify as Type I through VII landscaping. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas also could include flower beds and perennial beds.
- b. Type V landscaping may include any combination of plant materials provided the area complies with [SDC 21.07.070F](#) and [21.07.070G](#).
- c. No plants included in the King County noxious weed list.

#### 6. Type VI Landscaping – Bioretention.

- a. Type VI landscaping refers to vegetated areas that function as bioretention for the treatment of stormwater runoff from hard surfaces. These areas feature vegetation and subsurface drainage features that treat, retain, and infiltrate stormwater runoff.
- b. Type VI landscaping shall be constructed, planted and maintained in general accordance with the 2005 Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound, or equivalent. (Reference Figure 6.1.2 from 2005 PSAT Manual.)
- c. Type VI landscaping shall minimally consist of:
  - i. Trees, shrubs, perennials and groundcovers tolerant of summer drought, ponding fluctuations and saturated soil conditions for prolonged lengths of time anticipated by the facility design and hydrologic conditions.
  - ii. Plants should be tolerant of typical pollutants from surrounding surfaces, such as petroleum hydrocarbons, dissolved metals, and fertilizers.
  - iii. Plantings should consist of native plant types; at least 15 percent of the plant palette shall be evergreen. Planting and grading for drainage features should be designed to be integrated aesthetically with the surrounding landscape and urban design elements.
  - iv. Visual buffering, sight distances and setbacks should be considered for landscaping adjacent to roadways.

- v. The planting and bioretention soil media shall consist of a bioretention soil mix in accordance with the January 2009 WSU Pierce County Extension “Bioretention Soil Mix Review and Recommendations for Western Washington,” or equivalent.
- vi. No plants included in the King County noxious weed list.

#### 7. **Type VII Landscaping – Green Roofs.**

- a. Type VII landscaping refers to vegetated roofs, living roofs, eco-roofs and rooftop gardens. These roofs feature vegetation on top of a growing medium with drainage, water storage and root barrier on top of a roofing membrane and structural support.
- b. Type VII landscaping shall be constructed, planted and maintained in general accordance with the 2005 Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound, the adopted Sammamish Stormwater Code, or equivalent.
- c. Type VII landscaping shall minimally consist of:
  - i. Trees (in the case of rooftop gardens only), shrubs, and groundcovers adapted to harsh conditions, including seasonal drought, high winds and strong sun exposure. Plants should be adapted or native to the installation area.
  - ii. With the exception of rooftop gardens, plants should have compact forms and require very little maintenance and pruning.

#### D. **Landscaping – Drainage**

Detention facilities shall be designed and landscaped as a visual amenity and environmental restoration.

1. Revisions to plans or additional landscaping requirements may be required to ensure that the proposed landscaping provides a visual amenity and environmental restoration.
2. Trails or walkways may be incorporated into the landscaping plan.
3. Landscaped areas should be topographically lower than surrounding areas, where possible, in order to facilitate surface water drainage to these areas.

#### E. **Landscaping – Surface parking areas**

Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of providing shade, diminishing the visual impacts of large paved areas, and providing stormwater management. Island and planter strips shall be designed to work as rain gardens, sloped grading and curb cuts. Surface parking areas shall be as follows:

1. Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;
2. Commercial, industrial, or institutional developments shall provide landscaping at a rate of:
  - a. Twenty square feet per parking stall when 10 to 30 parking stalls are provided; and

- b. Twenty-five square feet per parking stall when 31 or more parking stalls are provided;
- 3. Trees shall be provided and distributed throughout the parking area at a rate of:
  - a. One tree for every five parking stalls for a commercial or industrial development; and
  - b. One tree for every 10 parking stalls for residential or institutional development;
- 4. The maximum distance between any parking stall and landscaping shall be no more than 100 feet;
- 5. Pavers shall provide pedestrian access adjacent to planters;
- 6. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and curb cuts shall be provided in these barriers to allow surface water to flow into landscaped areas;
- 7. Parking area landscaping shall consist of:
  - a. Canopy-type deciduous trees, evergreen trees, evergreen shrubs, perennials, and groundcovers planted in islands or strips;
  - b. Shrubs planted at a rate of one per 20 square feet of landscaped area and maintained at a height of no more than 42 inches;
  - c. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet;
  - d. Groundcover pursuant to [SDC 21.07.070G](#).; and

- e. At least 70 percent of trees are deciduous; and

- 8. Landscaped areas serve as stormwater treatment facilities.

**F. Landscaping – General standards for all landscape areas**

All new landscape areas proposed for a development shall be subject to the following provisions:

- 1. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- 2. All new turf areas, except all-weather, sand-based athletic fields, shall:
  - a. Be augmented with a two-inch layer of stabilized compost material or a four-inch layer of organic material with a minimum of eight percent organic material cultivated a minimum of eight inches deep; or
  - b. Have an existing organic content of eight percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:
    - i. Determination of soil texture, indicating percentage of organic matter;
    - ii. An approximated soil infiltration rate (either measured or derived from soil/texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate; and
    - iii. Measure pH value.
- 3. Landscape areas, except turf or areas of established groundcover, shall be covered with at least two inches of stabilized compost to minimize evaporation.

4. Plants having similar water use characteristics shall be grouped together in distinct hydro zones.
5. Plant selection shall use exclusively native plants from the appropriate planting lists provide by the Washington Native Plant Society for the sites geography and climate.
6. Green roof landscaping standards pursuant to [SDC 21.07.070C](#). (Type VII).

**G. Landscaping – Additional standards for required landscape areas**

In addition to the general standards of [SDC 21.07.070F](#), landscape areas required pursuant to [SDC 21.07.070C](#). through [21.07.070E](#). shall conform to the following standards:

1. No plants included in the King County noxious weed list.
2. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
3. Single-stemmed trees required pursuant to this chapter shall at the time of planting conform to the following standards:
  - a. In parking area landscaping and in street rights-of-way:
    - i. Deciduous trees shall have a minimum caliper of one and three-fourths inches and a height of 10 feet; and
    - ii. Coniferous and broadleaf evergreens shall be at least five feet in height;

- b. In all other required landscape areas:
  - i. Deciduous trees shall have a minimum caliper of one and one-half inches and a height of 10 feet; and
  - ii. Native coniferous and broadleaf evergreen trees shall be at least five feet in height or taller if used as a screen (see [SDC 21.07.070C.1.](#) and [2.](#)).
4. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are:
  - a. At least six feet in height; and
  - b. Not allowed within street rights-of-way.
5. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
6. Shrubs shall be dwarf varieties unless demonstrated that other varieties can thrive if maintained at 42 inches. Shrubs shall also be as follows:
  - a. At least an AAN container Class No. 2 size at time of planting in Type II, III and parking area landscaping;
  - b. At least 24 inches in height at the time of planting for Type I landscaping; and
  - c. In order to maintain a height not exceeding 42 inches when located in Type III or parking area landscaping.
7. Perennials.

8. Groundcovers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.
9. All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage.
10. Required street landscaping may be placed within City of Sammamish street rights-of-way subject to the City of Sammamish public works standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
11. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.
12. New landscape material provided for vegetation restoration or mitigation requirements and within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing western Washington native plant species.

**H. Landscaping – Advisory tree list**

The department shall, pursuant to Chapter 2.55 SMC, develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas. The department shall maintain an advisory list of trees not to be used.

**I. Landscaping – Plan design, design review, and installation**

1. The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:
  - a. Total landscape area and separate hydro-zones;
  - b. Landscape materials’ botanical/common name and applicable size;
  - c. Property lines;
  - d. Impervious surfaces;
  - e. Natural or manmade water features or bodies;
  - f. Existing or proposed structures, fences, and retaining walls;
  - g. Natural features or vegetation left in natural state;
  - h. Designated recreational open space areas;
  - i. Irrigation plan; and
  - j. Maintenance plan outlining the general activities and schedules for maintaining landscaping, including litter removal, mulching, weeding, pruning, watering, and lawn care (not required for single-family and townhouse development), including replacement schedule.
2. The proposed landscape plan shall be certified by a Washington State registered landscape architect.
3. An affidavit signed by an individual specified in subsection 2. of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan,



shall be submitted to the department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the department.

4. The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy.
  5. A tree retention plan (demonstrating compliance with [SDC 21.07.070T](#)) shall be prepared and submitted separately from the proposed landscape plan; provided, that retained trees counted towards site landscaping may be identified on the landscape plan. The tree retention plan shall:
    - a. Be reviewed by a certified professional to ensure selection of healthy trees pursuant to [SDC 21.07.070T.5](#) (tree retention requirements); and
    - b. Identify trees scheduled for future removal and/or removed within the past year, to the maximum extent feasible.
- J. Maintenance**
1. All landscaping shall be maintained for the life of the project, including water conservation practices for turf grass such as annual aeration and dethatching, top dressing and overseeding;
  2. All landscape materials shall be properly pruned by a trained specialist and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
  3. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
  4. Landscape areas shall be kept free of trash, mulched, and weeded according to a vegetation maintenance plan submitted to the director.
  5. Maintenance of landscape areas (including irrigation systems, ornamental plantings and other landscape elements) created or installed as part of a subdivision or commercial project in City right-of-way shall be the responsibility of the abutting property owner or homeowner's association in accordance with the Public Works Standards. Any tree removal within public or private right-of-way shall require City approval.
- K. Financial guarantees**
- Financial guarantees shall be required consistent with the provisions of SMC Title 27A. This time period may be extended to one year by the director, if necessary to cover a planting and growing season.
- L. Water use – Applicability of water budget for landscape areas**
- Irrigation systems of any type are optional components of a landscape area. However, a water budget for irrigation

purposes shall be established for all new development, except for:

1. Individually platted single dwelling (attached or detached) residential lots; provided, that developer-installed landscaping in common areas of residential projects is not exempt; and
2. Any project with a total landscaped area less than 500 square feet.

**M. Water use – Irrigation water budget calculated**

1. The water budget (WB) allocation shall be calculated using the following formula:

$$WB = (ETO) \times (AF) \times (LA) \times (CF)$$

ETO: Referenced evapotranspiration rate (net seasonal irrigation requirement in inches; see table below)

AF: Adjustment factor value of 0.8 (i.e.,  $0.5 \times (ETO)/0.625$  irrigation efficiency coefficient)

LA: Landscape area (square feet)

CF: Conversion factor value of 0.62 (ETO inches to gallons per square foot)

ETO REFERENCE TABLE	
Month	Net Irrigation Req. (Inches)
January	.00
February	.00
March	.00
April	.00
May	1.59
June	3.13
July	4.46
August	3.51
September	1.77
October	.03
November	.00
December	.00
Season Total	14.49

\*These figures are based on a 30-year average of National Weather Service Data and represent the amount of additional irrigation required for turf grass. The figures are adjusted for turf typically used in commercial landscaping.

2. The City shall periodically undertake an evaluation of the WB calculation formula outlined in subsection 1. of this section. The evaluation shall include a recommendation to retain or modify the adjustment factor or components thereof, and shall be made in consultation with groups including landscape professionals and water purveyors.
3. The water budget will be calculated upon the total area of the site in landscape areas and in landscape water features (such as decorative ponds, pools or fountains) that are fed by irrigation water. For the purpose of calculating the water budget, "landscape area" shall mean the entire parcel, less:

- a. Sensitive areas and their buffers;
  - b. The building footprint;
  - c. Driveways;
  - d. Paved portions of parking lots; and
  - e. Hardscapes (e.g., decks, patios, sidewalks, and other nonporous areas).
4. Areas such as playgrounds, sport fields, golf courses, school yards, or other recreational spaces where the turf provides a playing surface or serves other recreational purposes may be allowed additional water beyond the calculated water budget. In order to receive additional water for such turf areas, the applicant shall submit a statement designating such turf areas for recreational purposes and specifying additional water needs above the water budget. This additional water need will be based upon the ETO information for the turf grass species or species mix used in such turf areas.
  5. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation.
  6. The irrigation water use may be monitored by the water purveyor after the date of release of the performance bond.
  7. Alternative water sources such as recycled wastewater or rainwater are encouraged as permitted by the Department of Ecology. Such water sources shall not be subject to the limits of the water budget.

#### N. **Water use – Estimated water use calculated**

The estimated water use shall be calculated using the following provisions.

1. Estimated water use (EWU) shall be calculated for each hydro zone by using the following formula:

$$EWU = [(ETO) \times (PF) \times (HA) \times (CF)] / IE$$

ETO: Referenced evapotranspiration rate (net seasonal irrigation requirement in inches. See table in [SDC 21.07.070M](#).

PF: Plant factor value (see subsection 2. of this section)

HA: Hydro zone area (square feet)

CF: Conversion factor value of 0.62 (ETO inches to gallons per square foot)

IE: Irrigation efficiency value

2. Plant factor values shall be as follows, but may be adjusted pursuant to subsection 3. of this section:
  - 0 to 0.3 for low water use plants
  - 0.4 to 0.6 for average water use plants
  - 0.7 to 1.0 for high water use plants
3. For each hydro zone, plant factor values may be determined and adjusted by the designer (based on professional judgment and applicable reference materials) considering the relevant factors such as:

- a. Water requirements of the various plant species proposed;
- b. Density of the plantings;
- c. Microclimate of the site; and
- d. Soil conditions.

**O. Water use – Irrigation efficiency goals and system design standards**

For purposes of this section, irrigation shall include any means of applying water to landscaped areas. All irrigation is at the applicant’s option. Manually applied irrigation methods shall comply with subsections 1. and 2. of this section. Irrigation applied through installed irrigation systems shall comply with subsections 1. through 3. of this section:

- 1. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, and impervious surfaces by:
  - a. Considering soil type and infiltration rates;
  - b. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and
  - c. Considering special problems posed by irrigation on slopes and in median strips.
- 2. All irrigation water outlets, except those using alternative water sources, shall be downstream of the meter used to measure irrigation water use.

- 3. Irrigation systems shall be subject to the following additional provisions:
  - a. Systems shall not be located on any:
    - i. Turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1); and
    - ii. Turfgrass portions of median strips less than eight feet width.
  - b. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters or microspray systems.
  - c. Systems shall be designed to be consistent with the requirements of the hydro zone in which they are located.
  - d. Systems shall be designed with the minimum average irrigation efficiency of 0.625 for spray type and 0.925 for low volume, low pressure emitter type systems.
  - e. The use of automatic shutoff or override capabilities using rain shutoffs or moisture sensors is required.
  - f. Systems shall utilize a master control valve connected to an automatic controller.
  - g. Systems shall make provisions for winterization either by providing:
    - i. Manual drains (automatic drain valves are not permitted at all low points); or
    - ii. Means to blow out lines with pressurized air.

- h. Separate valves shall be used to irrigate plants with differing water needs.
- i. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability.
- j. Backflow preventers are required and maintained.

**P. Water use – Irrigation system design, design review and audit at installation**

- 1. Irrigation plan design shall be certified by an Irrigation Association (IA) certified designer or a registered landscape architect or professional engineer with irrigation design experience.
- 2. The irrigation system must be audited and accepted at installation by an IA-certified irrigation auditor.

**Q. Water use – Irrigation design plan contents**

Proposed irrigation system design plans shall be drawn on the same base project map as the landscape plan and shall identify:

- 1. Location and size of any proposed separate water meters for the landscape serving commercial, multifamily, school, church, or recreation land uses only;
- 2. Location, type, and size of all components of the irrigation system;
- 3. Static water pressure at the point of connection to the water supply;

- 4. Flow rate (gallons per minute), application rates (inches per hour), and design operating pressure (PSI) for each station; and
- 5. Cross connection prevention and/or back-flow prevention device in accordance with state standards.

**R. Water use – Irrigation schedules**

Irrigation schedules consistent with the following shall be submitted:

- 1. A recommended irrigation program with monthly irrigation schedules based, at a minimum, on average monthly ETO shall be required for before and after establishment.
- 2. The irrigation schedule shall:
  - a. Include for each station the run time (in minutes per cycle) and cycles per week;
  - b. Indicate the amount of applied water (in the applicable billing unit used by a purveyor);
  - c. Incorporate use of evapotranspiration data reflecting local microclimates;
  - d. Be adjusted for additional water need in recreational areas;
  - e. Incorporate additional operating criteria such as avoiding irrigation at times of high temperatures or winds.

**S. Water use – Irrigation system maintenance**

Irrigation systems shall be maintained and inspected annually to assure proper functioning and in compliance with the calculated water budget for the system. Replacement of components shall be of originally specified parts or materials, or their equivalents.

**T. Tree retention requirements**

The following tree retention requirements shall be applied in addition to the applicable requirements of [SDC 21.03.070](#) and [SDC 21.03.020](#):

1. Emergency tree removal to prevent imminent danger or hazard to persons or property shall not be limited by this section or [SDC 21.07.070U](#), Tree protection standards.
2. All new development in the TC-B, TC-C, TC-D, and TC-E zones shall retain significant trees subject to the following standards:
  - a. Within areas unconstrained by environmentally sensitive areas and associated buffers, a minimum of 25 percent of significant trees shall be retained.
  - b. Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of [SDC 21.03.020](#); provided, that trees retained within environmentally sensitive areas and associated buffers may be counted for up to 50 percent of the tree retention requirement in subsection 2.a. of this section.
3. Within environmentally sensitive areas and associated buffers in TC-A zones, significant trees and other vegetation

shall be retained subject to the requirements of [SDC 21.03.020](#).

4. All clearing and grading of existing undeveloped properties shall retain significant trees until a tree retention plan is approved through a unified zone development plan ([SDC 21.07.120](#)).
5. Trees identified for retention shall be selected, to the extent feasible, subject to the following criteria:
  - a. Trees located within healthy, vegetated groups and stands rather than as isolated trees scattered throughout the site;
  - b. Trees that have a reasonable chance of survival once the site is developed;
  - c. Trees that will not pose a threat to persons or property;
  - d. Trees that can be incorporated into required landscaping or can be used to screen the site from adjacent properties;
  - e. Trees adjacent to open space, sensitive area buffers or sensitive area tracts;
  - f. Trees having a significant land stability function; or
  - g. Trees that meet the definition of “heritage tree.”
6. Subject to review and approval by the director, up to 50 percent of trees identified for retention may be removed, provided replacement trees shall be required pursuant to [SDC 21.07.070V](#), Tree replacement and enforcement.

7. Exceptions to the tree retention standards may be requested and approved by the City subject to the satisfying all of the following criteria:
  - a. Strict compliance with the provisions of this code would prevent reasonable use of the property;
  - b. Proposed tree removal and proposed replacement is consistent with this section and [SDC 21.07.070U](#)., Tree protection standards, and [SDC 21.03.070](#) and [SDC 21.03.020](#); and
  - c. Proposed tree replacement is consistent with the requirements of [SDC 21.07.070V](#)., Tree replacement and enforcement.

#### U. Tree protection standards

The following tree protection standards shall apply to trees retained pursuant to [SDC 21.07.070T](#)., Tree retention requirements:

1. All trees identified for retention shall be identified on project site plans, and shall include a summary of the project specific tree protection measures.
2. Trees identified for retention shall be identified on the project site by use of one or more of the following methods:
  - a. Tree protection barriers shall be installed along the outer edge and completely encompass the dripline of trees identified for retention. Protection barriers shall consist of fencing at least four feet high, constructed of chain link or polyethylene laminar safety fencing or similar material; or

- b. Tree protection flagging shall be installed along the outer edge and completely encompass the dripline of trees identified for retention. Flagging should include signs reading "Tree Save Area."
3. All construction activities shall be located outside of the dripline of trees identified for retention.
4. Site plans shall be designed to provide long-term protection of trees identified for retention. Site design shall incorporate one of the following to provide protection of retained trees:
  - a. Curbing or other physical barrier in areas used by vehicular traffic;
  - b. Fencing around areas adjacent to areas not used by vehicular traffic; or
  - c. Other protection means subject to approval by the director.
5. All trees identified for retention may be pruned and otherwise maintained at the property owner's discretion; provided, that no topping of retained trees is permitted and removal of more than 25 percent of existing limbs shall only be permitted under the direction of a certified arborist.

#### V. Tree replacement and enforcement

This section shall apply in addition to the provisions of [SMC Title 23](#), Code Enforcement.

1. Any tree removed in violation of [SDC 21.07.070T](#)., Tree retention requirements, or any tree removed pursuant to the exception process of [SDC 21.07.070T.7](#). shall be subject to the following replacement requirements:



- a. Coniferous trees shall be replaced by coniferous trees native to Washington. Deciduous trees shall be replaced with a mixture of native coniferous trees and deciduous trees at a ratio of two coniferous trees to every one deciduous tree per the replacement ratios below;
  - b. Replacement coniferous trees shall be at least eight feet in height. Replacement deciduous trees shall be at least one and one-half inches in diameter (DBH); and
  - c. Trees shall be replaced subject to the following replacement ratios:
    - i. Removed trees with a DBH greater than nine inches up to 12 inches shall be replaced by four trees;
    - ii. Removed trees with a DBH greater than 12 inches up to 16 inches shall be replaced by six trees; and
    - iii. Removed trees with a DBH of 16 inches or more shall be replaced by eight trees.
2. Financial guarantees for replacement trees may be required consistent with the provisions of SMC Title 27A.
  3. At the discretion of the director, each tree removed in violation of this chapter may be considered a separate code enforcement case for the purposes of SMC Title 23, Code Enforcement.

## 21.07.080 Development Standards—Parking and Circulation

### A. Purpose

The purpose of this chapter is to provide adequate parking for all uses allowed in this Chapter, to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles, and to increase pedestrian mobility in urban areas by:

1. Setting minimum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers;
2. Providing incentives to rideshare through preferred parking arrangements;
3. Providing for parking and storage of bicycles; and
4. Requiring uses that attract large numbers of employees or customers to provide transit stops.

### B. Authority and application

1. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
2. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. If the site is located in an activity

center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than 75 percent of the anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director.

3. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the director for compliance with this chapter, and if approved, the contracts shall be recorded with the King County records and elections division as a deed restriction on the Chapter to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the director. Computation of required off-street parking spaces

**C. Computation of required off-street parking spaces**

1. Except as modified in [SDC 21.07.080G.2.](#) through 4., off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction,

the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

OFF-STREET PARKING	
Land Use	Min. Parking Spaces
Residential	
Single detached / duplex / townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms
Hotel / motel including organizational hotel / lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guestroom, plus 2 per facility
Recreational / Cultural	
Recreation / culture uses	1 per 300 square feet
Exceptions:	
Park / playfield	(Director)
Theater	1 per 3 fixed seats

OFF-STREET PARKING	
Land Use	Min. Parking Spaces
Conference center	1 per fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
General Services	
General service uses	1 per 300 square feet
Exceptions:	
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogues, temples	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools:	
Middle / junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium

OFF-STREET PARKING	
Land Use	Min. Parking Spaces
Vocational schools	1 per classroom, plus 1 per 5 students
Specialized instruction schools	1 per classroom, plus 1 per 2 students
Artist studios	0.9 per 1,000 square feet of area used for studios
Government / Business Services	
Government / business service uses	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(Director)
Fire facility	(Director)
Office	1 per 300 square feet
Retail / Wholesale	
Retail trade uses	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Restaurants	1 per 100 square feet in dining or lounge areas

OFF-STREET PARKING	
Land Use	Min. Parking Spaces
Regional	
Regional uses	(Director)

2. It is the City’s intent to provide property owners in the Town Center a wide variety of options for meeting parking requirements, including joint-use parking, off-site parking, on-street parking, parking management/transportation demand management measures, and other techniques that provide adequate access to Town Center uses but minimize the amount of space occupied by parking. An applicant may request a modification of the minimum required number of parking spaces by providing a parking study that demonstrates that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to 100 percent of the minimum required number of spaces subject to: TOD, TDM or other like strategies. [SDC 21.07.080D](#) includes standards for parking reduction related to joint-use facilities. Other parking reductions may apply as determined by the director.
3. When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.
4. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.
5. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

- a. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:
  - i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
  - ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination shall include but not be limited to the following uses:
    - a) Park/playfield;
    - b) Library/museum/arboretum;
    - c) Elementary/secondary school;
    - d) Sports club; or
    - e) Retail business (when located along a developed bicycle trail or designated bicycle route).
- b. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.
- c. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
- d. When more than 10 people are employed on site, enclosed locker-type parking facilities for employees

shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

- e. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

- 6. On-street parking immediately adjacent to the property may be counted towards the parking requirement.

#### D. Shared parking requirements

The amount of off-street parking required by [SDC 21.07.080C](#) may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:

1. The total parking area exceeds 5,000 square feet;
2. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;
3. The amount of the reduction shall not exceed 20 percent for each use, unless:
  - a. The normal hours of operation for each use are separated by at least one hour; or

- b. A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if shared parking reductions are authorized;
  - c. The director shall determine the amount of reduction subject to subsection 4. of this section;
4. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;
  5. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the King County records and elections division as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and
  6. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

**E. Exceptions for community residential facilities (CRF) and senior citizen assisted housing**

1. The minimum requirement of one off-street parking space per two bedrooms for CRFs and one off-street parking space per two senior citizen assisted housing units may be

reduced by up to 50 percent, as determined by the director based on the following considerations:

- a. Availability of private, convenient transportation services to meet the needs of the CRF residents;
- b. Accessibility to and frequency of public transportation; and
- c. Pedestrian access to health, medical, and shopping facilities.

2. If a CRF facility or senior citizen assisted housing is no longer used for such purposes, additional off-street parking spaces shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

**F. Parking for the disabled**

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled.

**G. Loading space requirements**

1. Every nonresidential building engaged in retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

LOADING SPACES REQUIRED	
Gross Floor Area	Req. # of Loading Spaces
10,000 to 40,000 square feet	1
40,001 to 96,000 square feet	2
96,001 to 160,000 square feet	3
160,001 to 196,000 square feet	4
For each additional 70,000 square feet	1 additional

2. Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

LOADING SPACES REQUIRED	
Gross Floor Area	Req. # of Loading Spaces
40,000 to 120,000 square feet	1
120,001 to 264,000 square feet	2
264,001 to 520,000 square feet	3
520,001 to 784,000 square feet	4
784,001 to 920,000 square feet	5
For each additional 200,000 square feet	1 additional

3. For buildings without individual businesses over 20,000 square feet, loading space may be provided by on-street designated loading zones upon approval of the director.

4. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.
5. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.
6. Multi-story self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter.

**H. Stacking spaces for drive-through facilities**

Drive-through facilities are not permitted in the Town Center.



**I. Transit and rideshare provisions**

1. All land uses listed in [SDC 21.07.040G.1.](#) (government/business services), and in [SDC 21.07.040I.1.](#) (manufacturing), hospitals, high schools, vocational schools, universities, and specialized instruction schools shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:
  - a. The parking spaces shall be located closer to the primary employee entrance than any other employee parking except disabled;
  - b. Reserved areas shall have markings and signs indicating that the space is reserved; and
  - c. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.
2. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each business day up to a maximum reduction as follows:
  - a. Four percent for each run serving land uses in [SDC 21.07.040G.1.](#) (government/business services) and [21B.20.0901.](#) (manufacturing) up to a maximum of 40 percent;

- b. Two percent for each run serving land uses in [SDC 21.07.040E.1.](#) (recreation/culture), [21.07.040F.1.](#) (general services) and [21.07.040H.1.](#) (retail/wholesale) up to a maximum of 20 percent; and

3. All uses that are located on an existing transit route and are required under the computation for required off-street parking spaces in [SDC 21.07.080C.1.](#) to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses that reduce required parking under subsection 2. of this section shall provide transit shelters if transit routes adjoin the site.

**J. Pedestrian and bicycle circulation and access**

(See [SDC 21.07.060.](#))

**K. Off-street parking plan design standards**

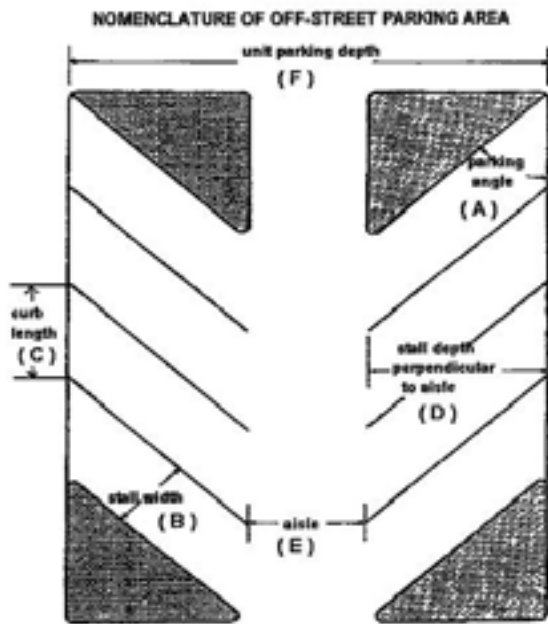
1. Off-street parking areas shall not be located more than 1,000 feet from the building they are required to serve for all uses except those specified below; where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:
  - a. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the building(s) they are required to serve;
  - b. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

- c. Parking for the disabled shall be provided in accordance with [SDC 21.07.080F](#).
2. The minimum parking space and aisle dimensions for the most common parking angles are shown on the chart below. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS								
A	B		C	D	E		F	
PARKING ANGLE	STALL WIDTH		CURB LENGTH	CURB DEPTH	AISLE ONE-WAY	AISLE TWO-WAY	UNIT ONE-WAY	DEPTH TWO-WAY
0	Min. Desired	8.0*	20.0*	8.0	12.0	20.0	**	**
		8.5	22.5	8.5	12.0	20.0	29.0	37.0
		9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	Min. Desired	8.0*	16.0*	15.0	10.0	20.0	**	**
		8.5	17.0	16.5	10.0	20.0	42.0	53.0
		9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	Min. Desired	8.0*	11.5*	17.0*	12.0	20.0	**	**
		8.5	12.0		12.0	20.0	50.0	58.0
		9.0	12.5		12.0	20.0	51.0	59.0
60	Min. Desired	8.0*	9.6*	18.0	18.0	20.0	**	**
		8.5	10.0	20.0	18.0	20.0	58.0	60.0
		9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	Min. Desired	8.0*	8.0*	16.0*	24.0	24.0	**	**
		8.5	8.5	18.0	24.0	24.0	60.0	60.0
		9.0	9.0	18.0	24.0	24.0	60.0	60.0

\*For compact stalls only.

\*\*Variable with compact and standard combinations.

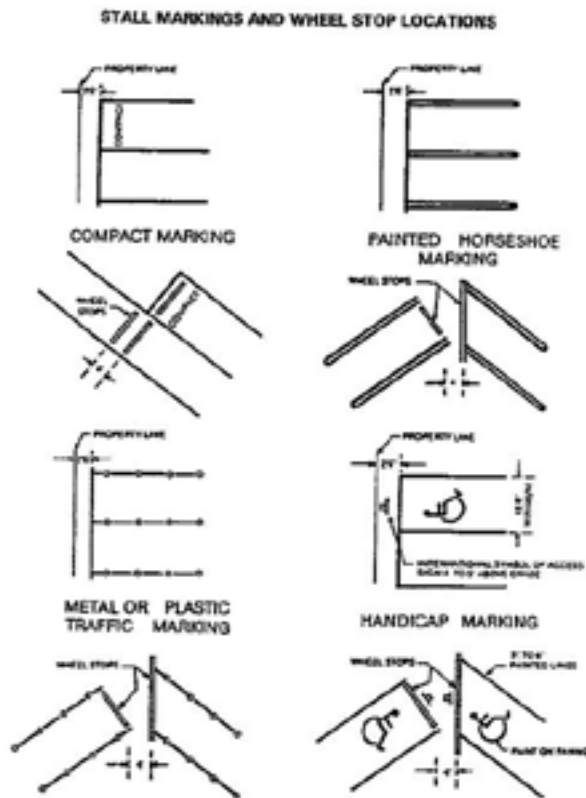


3. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.
4. The parking space depth may be reduced when vehicles overhang a walkway or landscaping under the following conditions:
  - a. Wheelstops or curbs are installed;

- b. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
  - c. The amount of space depth reduction is limited to a maximum of 18 inches; and
  - d. Landscaping is designed in accordance with [SDC 21.07.070E.7](#).
5. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of the City of Sammamish public works standards as adopted by [SDC 21.08.010](#). Driveways for single detached dwellings, no more than 20 feet in width, may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint-use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.
6. Parking spaces required per this Chapter shall be located as follows:
  - a. For single detached dwelling units and duplexes, see [SDC 21.07.060D.2](#) for requirements;

- b. For cottage housing, see [SDC 21.07.060D.3.](#) for requirements; and
  - c. For all other development, see [SDC 21.07.060A.3.](#) for requirements.
7. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to waive the requirement to provide lighting.
  8. Tandem or end-to-end parking is allowed in residential developments. Apartment/townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.
  9. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved surface.
  10. The total number of vehicles parked or stored outside of a building on a single-family lot in the TC-A or TC-B zones, excluding recreational vehicles and trailers, shall not exceed two vehicles on lots 12,500 square feet or less and three vehicles on lots greater than 12,500 square feet.
  11. Vanpool/carpool parking areas shall meet the following minimum design standards:
    - a. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
    - b. A minimum turning radius of 26 feet four inches with a minimum turning diameter (curb to curb) of 52 feet five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.
  12. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of [SDC 21.06.040G.](#)
  13. No dead-end alley may provide access to more than eight off-street parking spaces.
  14. Any parking stalls located in enclosed buildings shall be totally within the enclosed building.
- L. Off-street parking construction standards**
1. Off-street parking areas shall have dust-free, all-weather surfacing.
  2. If the director determines that permeable pavements will provide a significant water quality or surface water management benefit, then all paved surfaces shall be permeable according to the current City standards.
  3. Barrier wheel stops that are not integral with a curb, walkway, or other structure are not permitted.
  4. Grading work for parking areas shall meet the requirements of [SDC 21.03.070.](#) Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 9.04 KCC as adopted by [SDC 21.03.050.](#)
  5. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with the

Washington State Department of Transportation Standards. Wheel stops integral with a curb or other structure are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.



**M. Compact car allowance requirements**

In any development containing more than 20 parking spaces, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

1. Each space shall be clearly identified as a compact car space by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;
2. Aisle widths shall conform to the standards set for standard size cars; and
3. Apartment developments with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

**N. Internal circulation street standards**

Internal access streets to off-street parking areas shall conform with the surfacing and design requirements for private commercial streets set forth in the City of Sammamish public works standards as adopted by [SDC 21.08.010](#) unless the director determines an alternate design is appropriate.

**O. Structured parking requirements**

1. Intent. It is the City’s intent that surface parking in the Town Center be minimized in order to:
  - a. Reduce the amount of land occupied by parking;
  - b. Reduce negative impacts to visual quality and pedestrian access; and

- c. Reduce costs and impacts associated with surface water run-off facilities.

To that end the City will encourage appropriate reductions in parking requirements and take steps to provide transportation to and within the Town Center that reduce automobile trips and subsequent need for parking. At the same time the City shall encourage that structured parking be constructed in lieu of surface parking accessory to a development. Structured parking is pursued not only to reduce the surface parking footprint, but also as a means to reduce the cost and impacts of stormwater treatment facilities through green roofs and water collection and re-use, provide the potential for electric plug-in parking and to take advantage of sloped topography on many sites.

The long-term goal is that 80 percent of parking for off-street residential and commercial uses be structured, reflecting the envisioned compact and intensive (but smaller scale) land uses in the Town Center. The City recognizes that achieving this goal will require a strategic, incremental approach over time to avoid short-term disincentives to development. In addition to the requirements in subsection 2. of this section, the City may consider partnering with private entities to create a system of parking garages located strategically throughout the mixed-use zones in the Town Center. Appropriate actions may include providing grant funds, public financing mechanisms and planning and design services, and coordinating various parties in public parking projects.

- 2. At least 80 percent of all required off-street parking for residential uses (except for cottage housing) and for commercial uses or development requiring more than

90 off-street stalls shall be structured (either above, at, or below grade) as opposed to surface parking (on pavement at grade without other uses constructed above the parking level). The City may waive or reduce this requirement for one or more of the following conditions:

- a. The proponent can demonstrate to the director's satisfaction that such a parking structure prevents the project from being economically "feasible," as defined in [SDC 21.07.050](#). To do that the proponent must show through a pro forma that the costs associated with parking increase overall project costs above that which can be supported by market rate rents or sales.
- b. The parking configuration is such that it can be converted into structured parking at a later date to provide additional parking for development. The City may require that the proponent agree to make the land on which the parking is situated available to the City for garage construction under mutually agreeable terms.
- c. The parcel configuration or dimensions do not allow structured parking.
- d. There is an agreement with the City that the proponent will construct structured parking to accommodate any subsequent development or redevelopment. The proponent must show how this will be achieved within a specified time frame.
- e. Other conditions deemed acceptable to the City that are consistent with the intent stated in 1. above.



3. Single use structured parking shall be required to utilize multiple stormwater mitigation techniques consistent with the Town Center Stormwater Master Plan.

## 21.07.090 Signage

### A. Purpose and intent

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the Town Center, allow for the expression of free speech, and promote general safety and welfare by:

1. Regulating the type, number, location, size, and illumination of signs; and
2. Recognizing the purpose of signs for identification and economic well-being of businesses in the Town Center by supporting a full range of signs necessary for commercial services in the Town Center; and
3. Ensuring a safe driving environment; and
4. Recognizing and protecting the use of the public right-of-way as a forum for noncommercial speech; and
5. Facilitating fair and consistent content-neutral enforcement; and
6. Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and
7. Allowing for limited temporary commercial signage in the public right-of-way to provide commercial information to consumers to enable them to make vital decisions of purchasing a home, and to further the critical public goal of providing for equal access to housing; and

8. Upholding the goals and policies of the Sammamish Comprehensive Plan and the Town Center Subarea Plan; and
9. Promoting signs within the Town Center that contribute to the character of the Town Center, are integrated with natural surroundings and landscaping, and exhibit an intimate human scale; and
10. Providing necessary signage to support central gathering places, increase social interaction, and encourage walkability; and
11. Regulating signs in a manner that is timely, flexible, predictable, fair to all and that results in superior development; and
12. Creating a vibrant and inviting commercial node that is reflected in the character and design of Town Center signage.

#### B. Applicability

Except as provided for in [SDC 21.07.090F.](#), Exempt signs, all signs shall be subject to the design provisions of this chapter; provided, that specific sign standards and design requirements may be further established through a unified zone development or building permit review and shall be determined during the applicable review process.

#### C. Permit required

1. Except as otherwise provided in this chapter, no sign shall be erected, altered, or relocated within the Town Center without a permit issued by the City.

2. No permit shall be required for repainting in like colors, cleaning, or other normal maintenance and repair of a permitted sign, or of sign face and copy changes that do not alter the size or structure of the sign or compliance with the design standards.

#### D. Application information

The applicant shall have the burden of demonstrating that a proposed sign(s) complies with this chapter as follows:

1. All new signs requiring a permit or approval pursuant to [SDC 21.07.090C.](#) shall provide, in a form established by the City, at a minimum an accurate plan with complete dimensions, location, size, color, shape, materials, type of illumination, size and style of lettering, copy design and the proposed manner of installation. Additional information may be required as reasonably necessary for approval by the director.
2. The size and location of every existing sign on the premises shall be noted.
3. If a unified zone development plan was previously approved by the City and included sign approvals, an applicant whose sign conforms to that plan may refer to it in the application and may omit detailed drawings unless specifically requested to provide them.
4. If design and compatibility review is required pursuant to [SDC 21.07.090H.](#), the applicant shall submit a compatibility analysis addressing the design criteria enumerated in [SDC 21.07.090M.](#), Design and compatibility review.

**E. Prohibited signs**

Except as indicated by this chapter, the following signs or displays are prohibited:

1. Any sign that is otherwise allowed, but does not comply with the provisions of this chapter;
2. Signs attached to a fence;
3. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with traffic control signs or signals;
4. Temporary signs except as specifically allowed in [SDC 21.07.090N.](#);
5. Except as specifically allowed, signs located in the public right-of-way, or within travel lanes or sidewalks, or attached to traffic control signs, utility or signal poles;
6. Changing message center signs or signs containing moving graphics, text, or video, or that are flashing, moving, rotating, animated, or inflated;
7. A sign that extends higher than the peak of the roof, ridge line, or parapet of a building to which it is attached;
8. Visible ballast boxes or other sign equipment;
9. Posters, pennants, strings of lights, moving/flashing/blinking lights, balloons, searchlights, exposed electrical conduits, and other displays of a carnival nature, except on a limited basis as provided for in [SDC 21.07.090N.](#) as temporary business displays;
10. Box or cabinet signs;

11. Pole-mounted freestanding signs;
12. Roof-mounted signs; and
13. Billboards.

**F. Exempt signs**

The following signs or displays are exempted from the regulations under this chapter:

1. Historic plaques not exceeding three square feet in area, and address numbers;
2. Official or legal notices issued and posted by any public agency or court;
3. Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish department of public works;
4. Plaques, tablets, or inscriptions, which are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area;
5. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;
6. Government flags; and
7. Nonverbal religious symbols attached to a place of worship.

**G. Interpretation of tables and design standards**

1. [SDC 21.07.090H.](#) determines whether a specific sign type is allowed in a zone district. The zone district and the public

right-of-way are identified in the vertical column and the specific sign type is located on the horizontal row of these tables.

2. If no symbol appears in the box at the intersection of the column and the row, the sign type is not allowed in that district, except for certain signs allowed pursuant to [SDC 21.07.090N.](#), Temporary signs.
3. The review of all sign permit applications is administrative, and shall be conducted by the director of community development, subject to the review requirements identified below.
4. If the number "1" appears in the box at the intersection of the column and the row, the sign type is allowed in that district subject to the sign design standards specified in [SDC 21.07.090K.](#), [SDC 21.07.090L.](#), 21B.45.120, and the general requirements of the code.
5. If the number "2" appears in the box at the intersection of the column and the row, the sign type is allowed subject to the sign design standards, general requirements, and the compatibility and design review specified in [SDC 21.07.090M.](#)

H. Table of allowed sign types and design review

Table of Allowed Sign Types and Design Review for Town Center Zones.

ALLOWED SIGN TYPES						
SIGN TYPES	Town Center Zones					
	ROW	TC-A	TC-B	TC-C	TC-D	TC-E
<b>Building-Mounted Signs</b>						
Blade	2 1.	1		2	2	2
Opaque / painted		2	2	2	2	2
Channel letter / shadow		2	2			
Hanging		1	2			
Marquee / awning		2	2			
Window		1	2			
<b>Freestanding Signs</b>						
Community banner	1					
Directional (pedestrian)	2	1	1	1	1	1
Directional (vehicle)	2	1	1	1	1	1
Monument		2 2.	2	2	2	2
Changing message center					2	

Development Conditions:

- (1) Only allowed as part of a unified zone development plan application approved pursuant to [SDC 21.07.120](#); and provided, that no sign shall extend into the vehicle travel lanes.
- (2) Only allowed in the TC-A-4 and in the TC-A-5 zones.

## I. Review and modifications to standards

1. All sign permits shall be approved administratively, subject to the permit review requirements of [SDC 21.09.010](#); provided, that:
  - a. Signs subject to the Level 1 sign review shall be reviewed for compliance with this chapter but shall not be subject to the provisions of [SDC 21.07.090M.](#), Design and compatibility review;
  - b. Signs subject to the Level 2 design and compatibility review requirements shall be reviewed for compliance with this chapter, including the provisions of [SDC 21.07.090M.](#), Design and compatibility review.
2. Sign design may be reviewed and approved as part of a unified zone development plan review consistent with [SDC 21.07.120](#), provided:
  - a. Specific sign designs approved as part of a unified zone development plan will require a sign permit, but will not require additional design review at the time of permit application when in accordance with the approved unified zone development plan; or
  - b. Additional design standards and guidelines may be adopted through the review process, subject to specific design review of signs at the time of building permit application. Additional design standards and guidelines adopted through the review process shall govern all subsequent sign design reviews including replacement signs.

3. The director may approve applicant-proposed modifications of up to 25 percent of the sign area, height, width, and other dimensional standards as part of the Level 2 design and compatibility review process, pursuant to [SDC 21.07.090M.](#); provided, that any such approval shall be based upon an overall sign concept that is integrated with the building and is consistent with the goals of [SDC 21.07.090M.](#), Design and compatibility review. Applicant-proposed modifications to the number of signs allowed, illumination standards, the types of signs allowed, or sign modifications that would result in a sign that is not designed consistent with this purpose of this chapter shall not be considered.
4. Applicants proposing a sign that is subject to the Level 1 basic sign review may choose to request a Level 2 design and compatibility review in order to take advantage of the director's ability to modify sign standards, pursuant to subsection 3. of this section.

## J. Sign area calculation

1. Sign area shall be calculated as follows:
  - a. Sign area for nonmonument freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
  - b. Sign area for pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.

- c. Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle that will enclose the combined letters and symbols.
  - d. Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the front surface area of the cabinet.
2. Maximum Sign Height.
    - a. For a freestanding sign, the vertical distance measured from the surface of the ground to the highest point of the sign or sign structure; and
    - b. For a building-mounted sign, the vertical distance measured from the building grade to the highest point of the sign or structure designed to support a sign.
  3. Sign clearance is measured from the surface of the ground to the lowest portion of the sign structure.
  4. Area of building facade is calculated by multiplying the width of the building or tenant space associated with the commercial use by the height of the building or tenant space.
  5. The lineal feet of building facade is calculated by measuring the width of the building or tenant space associated with the commercial use. Building modulation(s) are not included in the lineal feet of building facade.

## K. General sign design standards

### 1. General Requirements.

- a. All signs shall be constructed primarily of nonreflective materials;
- b. Building-mounted sign frames and other support structures shall be concealed or integrated into the building's architectural character in terms of form, color, and materials such that they are not easily visible;
- c. Building-mounted signs must be in proportion to the size and design of the architectural features of the building facade;
- d. All signs, except directional signs and community banners, shall be on-premises signs;
- e. Maximum height for building-mounted signs shall not extend above the highest exterior wall upon which the sign is located; provided, that blade signs shall not exceed the roofline of the building along the facade that the blade sign is attached to;
- f. Total sign area for primary and secondary wall signs associated with uses occupying the ground level of a building shall not exceed 10 percent of the ground-level building facade associated with the sign; provided, that there is a minimum allowed sign area of 10 square feet and a maximum allowed sign area of 320 square feet;
- g. Total sign area for primary and secondary wall signs associated with uses that do not occupy the ground level of a building (e.g., the use is on the second or



third story) shall not exceed five percent of the building facade associated with the use;

- h. Tenants are allowed one primary sign regulated by this chapter per building facade that contains a public entry (open during all business hours), up to a maximum of two facades;
- i. Tenants are allowed three secondary signs regulated by this chapter per building facade that contains a public entry (open during all business hours);
- j. Wall sign width shall not exceed a width of two-thirds of the lineal width of the building facade associated with the sign;
- k. Signs shall not cover windows, building trim, or architectural ornamentation.

**2. Illumination. Signs may be illuminated as follows:**

- a. Illumination shall be limited to indirect lighting unless otherwise specifically allowed by the specific sign type design standards; provided, that no sign may be both internally and indirectly illuminated;
- b. Indirect sign illumination shall be no further away from the sign than the height of the sign;
- c. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;
- d. Indirect sign light fixtures shall complement the design of the sign and building facades or structures associated with the sign;

- e. Indirect sign lighting shall be “full cutoff” and shall not result in direct illumination of the sky and adjacent properties and structures, and shall be designed to minimize reflected glare to adjacent properties and structures;
- f. Sign illumination shall automatically turn off within one hour of the close of the business, use, or activity; and
- g. Additional illumination standards may be contained in [SDC 21.07.090L](#), Design standards for specific sign types, or adopted through the approval of a unified zone development plan application pursuant to [SDC 21.07.120](#).

**3. Location. All signs shall be located as follows:**

**a. Building-Mounted Signs.**

- i. Shall be attached to the building facade of the business or commercial enterprise they are advertising;
- ii. Shall be located on the same floor as the business or commercial enterprise they are advertising; provided, that businesses that occupy more than one floor shall place the sign on the lowest floor occupied by the business;
- iii. Shall not exceed a height of 15 feet above grade if associated with a business located on the bottom floor of a building;
- iv. Shall not conflict with the ability to view any other sign associated with the building to which the sign is attached;

- v. Shall not conflict with vehicle travel lanes if blade or hanging signs extend into the street right-of-way as otherwise allowed by the City; and
- vi. May extend over the sidewalk if they are hanging or blade signs otherwise approved by the City.

**b. Freestanding Signs.**

- i. May be located on private property with the consent of the private property owner, unless otherwise allowed in this chapter;
- ii. May be located in the public right-of-way pursuant to [SDC 21.07.090H.1.](#) and with the written approval by the City of Sammamish;
- iii. Located on private property shall be no further than five feet from the street; and
- iv. Shall not obstruct sight distances as prescribed by [SDC 21.08.010](#), Public Works Standards Adopted, or by [SDC 21.07.050T.](#), Sight distance requirements.

**4. Sign Standards along 228th Avenue SE.**

- a. The only signs visible from 228th Avenue SE shall be either monument signs no taller than six feet above grade or wall signs less than 30 square feet or 18 inches multiplied by the length of the front facade measured parallel to 228th Avenue SE (whichever is smaller);
- b. Except for wall signs on pedestrian-oriented facades built up to the sidewalk, all signs visible from 228th Avenue SE are limited to signs that advertise a

commercial node or group of businesses rather than a single business; and

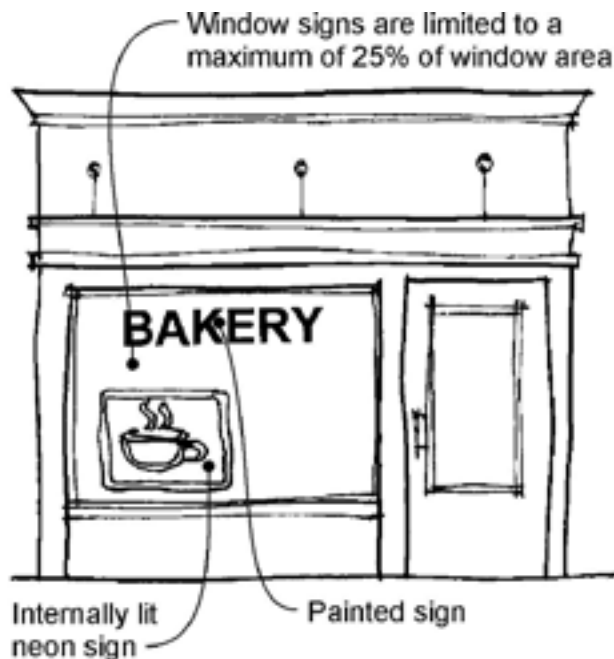
- c. For other design standards, see [SDC 21.07.060.](#)

**L. Design standards for specific sign types**

1. **Blade and Hanging Signs.** Blade signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that blade signs:
  - a. Shall provide a minimum clearance of eight feet;
  - b. With horizontally oriented text or graphics shall not project or be located more than five feet from the building facade;
  - c. With vertically oriented text or graphics shall not project more than three feet from the building facade;
  - d. Shall be limited to two square feet of sign area per each 10 lineal feet of applicable building frontage;
  - e. Buildings that contain multiple tenants shall use a similar shape and mounting technique for hanging or blade signs;
  - f. Sign text and graphics may use neon lettering, subject to provisions of [SDC 21.07.090K.2.](#); and further provided, that neon signs shall not be visible from 228th Avenue; and
  - g. May be opaque signs containing internal illumination consistent with [SDC 21.07.090K.](#)

2. **Channel Letter, Opaque, Painted, and Shadow Signs.** Channel letter, opaque, painted, and shadow signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that:
  - a. Channel letter, opaque, painted, or shadow signs that are also wall signs shall be attached directly to the building facade, such that there is a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices. The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials;
  - b. Channel letter and shadow signs shall only be wall signs. Opaque and painted signs may be wall signs, hanging, or blade signs;
  - c. Lettering on opaque signs may be internally illuminated where the light only shines through the letters;
  - d. Buildings that contain multiple tenants shall use a consistent sign design in terms of lettering, size, color, and style;
  - e. Shadow signs may be illuminated by reflected lighting against the building facade located behind the sign letters or graphics;
  - f. Channel letter signs shall be open, such that internal neon lighting is visible;
  - g. Painted signs may be illuminated by indirect fully cutoff lighting;
  - h. Wall sign lettering and graphics shall not exceed a maximum height of two feet.
3. **Marquee/Awning Signs.** Marquee/awning signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that:
  - a. The sign shall provide a minimum clearance of eight feet;
  - b. The face of the sign (lettering and graphics) on a marquee or awning shall be on a parallel plane to the building facade;
  - c. The awning or marquee supporting the sign shall extend at least three feet from the face of the building, shall be located over a pedestrian walkway or sidewalk, and shall be designed to provide protection from the weather, in addition to supporting the sign;
  - d. Sign may be comprised of channel lettering, opaque, or shadow signs;
  - e. Sign lettering and graphics shall not exceed two feet in height;
  - f. Sign width shall be limited to no more than two-thirds of the width of the awning;
  - g. Marquee signs may be placed on the front, above, or below the marquee associated with the sign; and
  - h. Marquee and awning signs may be externally illuminated pursuant to [SDC 21.07.090K.2.](#)

4. **Window Signs.** Window signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that:
  - a. Permanent and temporary window signs are limited to a maximum of 25 percent of the window area in addition to the size limitations of [SDC 21.07.090K.1.](#);
  - b. Signs shall be constructed of neon, stained glass, gold leaf, cut vinyl, or etched glass;
  - c. Signs shall not be illuminated, except that a single internally lit neon or stained glass window sign is allowed.



5. **Monument Signs.** Monument signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that:
  - a. One monument sign is allowed per commercial, institutional, or mixed-use building subject to the following:
    - i. The sign may be up to six feet tall;
    - ii. Monument signs for individual businesses should include the street address number with six-inch minimum lettering that is clearly readable from the street;
    - iii. Lettering style, form, size, dimension, and color shall be consistent on signs identifying multiple tenants;
  - b. One monument sign is allowed associated with a single-family subdivision or multifamily residential development, provided the sign shall not exceed a height of 48 inches;
  - c. Monument signs may only be indirectly illuminated;
  - d. Monument signs shall be designed incorporating natural materials (e.g., granite or basalt stone facing, wood, landscaping), muted colors, and design styles characteristic to the Northwest;
  - e. The total sign area contained within a monument sign shall not exceed 48 square feet.

6. **Directional Signs.** Directional signs may be allowed pursuant to [SDC 21.07.090H.1.](#); provided, that:

a. **Pedestrian-Oriented Directional Signs.**

- i. Signs shall be located within 10 feet of the intersection of two or more pedestrian sidewalks or paths;
- ii. Signs shall not exceed a height of eight feet;
- iii. Sign lettering and graphics shall not exceed a height of six inches.

b. **Vehicle-Oriented Directional Signs.**

- i. Signs shall be located within 20 feet of one of the following intersections:
  - a) SE 4th Street and 228th Avenue SE;
  - b) SE 8th and 228th Avenue SE; and
  - c) As otherwise identified through a unified zone development plan application;
- ii. Signs shall not exceed a height of eight feet;
- iii. Sign lettering and graphics shall not exceed a height of 10 inches; and
- iv. All signs located on a street corner or driveway shall conform with [SDC 21.08.010](#), Public Works Standards Adopted, and [SDC 21.07.050T.](#), Sight distance requirements.

M. **Design and compatibility review**

1. The goal of the Level 2 design and compatibility review is:
  - a. To encourage interesting, creative, and unique sign design that is consistent with the character of the Town Center;
  - b. To encourage signs that are timeless, create an intimate pedestrian environment, and incorporate natural materials (e.g., granite or basalt stone, wood, landscaping) or colors (muted earthen tones) associated with the Northwest; and
  - c. To ensure that signs are part of, and consistent with, the overall design approach of a project.
2. The following criteria are the parameters that will be used for reviewing signs for compatibility and design to achieve the goals listed above and the purpose of this chapter; these criteria are in addition to the sign design standards contained within [SDC 21.07.090K.](#) and [21.07.090L.](#):
  - a. **Architectural Compatibility.** The signs shall be compatible in size, proportion, shape, character, and quality of design with the exterior architecture of the premises and other structures in the immediate area.
  - b. **Simplicity.** To the extent feasible, the sign should be graphic and with limited use of words, with the design emphasis on simplicity of style. A simple design or abstract graphic design is preferred. Similarly, a simple sign frame and supporting structure are preferred.
  - c. **Target Audience.** Only one sign per building facade should be designed for vehicle and pedestrian use.

Signs that are targeted primarily to serve pedestrians are generally preferred over signs targeted for both pedestrian and vehicle audiences.

- d. **Identification.** A commercial sign should be designed for the primary purpose of identifying a business or office.
- e. **Fewer Signs.** In the use of the total sign allowance at a particular premises, the use of a minimum number of signs is preferred to the use of many signs, so that a cluttered effect is avoided.
- f. **Shape, Size, and Orientation.** The shape of a sign should not conflict with the architectural lines of its setting. Signs should be directed toward the passing motorist or pedestrian. No sign should be designed to be readable or to attract motorists from a great distance.
- g. **Illumination and Colors.** A sign must not overpower its surroundings through hue, saturation, or brilliance or close combination of incompatible colors. Sources of illumination shall be screened from public view and shall be designed to avoid glare onto a street or adjacent property.
- h. **Landscaping.** Signs shall be placed with consideration for existing and future growth of trees and other landscaping. A monument sign reviewed under this section must be placed in a landscaped area or planter, with landscaping maintained.
- i. **Compatibility with Adjacent Uses.** The design, illumination, and location of a sign shall not impair the

visibility or the design quality of existing, conforming signs, adjacent buildings, or adjacent uses.

#### N. Temporary signs

The following temporary signs or displays are permitted and, except as required by the International Building Code; Chapter 16.20 SMC, Construction Administrative Code; or as otherwise required in this chapter, do not require a sign permit, subject to the requirements set out in this chapter. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by [SDC 21.08.010](#), Public Works Standards Adopted, and by [SDC 21.07.050T.](#), Sight distance requirements. No temporary signs shall be located within center medians or within roundabouts and the amenity zone along the outside turning edge of a roundabout, traffic circles, or islands. Temporary signs shall not be illuminated.

1. **Noncommercial Temporary Signs.** No sign permit is required to post a noncommercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Noncommercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit.
  - a. On roads that only have a shoulder and do not have a sidewalk, noncommercial temporary signs must be placed beyond the edge of the asphalt, and may not be placed so that any part of the sign extends over the asphalt.

- b. Noncommercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.

TEMPORARY SIGNAGE			
Criteria	Noncommercial Temporary Sign Type I Public Right-of-Way (Non-A-Frame)	Noncommercial Temporary Sign Type II Public Right-of-Way (A-Frame)	Noncommercial Temporary Sign Type III – Private Property (All Sign Types)(1).
Size limit	4 square feet	6 square feet	32 square feet
Height limit	3 feet above grade	3.5 feet	8 feet
Duration	180 consecutive days per calendar year	5 consecutive days	180 consecutive days per calendar year

**Development Conditions:**

- (1) Placement of off-premises temporary signs on private property is subject to the landowner’s authorization.

**2. Commercial Temporary Signs.**

- i. **Temporary Commercial Displays.** On-premises signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year for businesses located in Sammamish Town Center. Temporary commercial displays shall

meet the placement and dimensional standards for the sign type utilized.

**ii. Signs Located on Property with Active Construction.**

- a) One nonilluminated, double-faced sign is permitted for each public street upon which the project fronts;
- b) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and
- c) Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first.

**a. Signs Associated with Properties for Sale or Rent.**

SIGNS FOR PROPERTIES FOR SALE OR RENT	
Criteria	Requirement
Signs Located on Property with Individual Unit for Sale or Rent	
Sign quantity	One per public or private street frontage
Permitted location	Public or private street frontage
Permitted duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property
Maximum sign area	8 square feet
Maximum height	6 feet
Signs Located Off-Site of Property with Individual Unit for Sale or Rent (1).	
Sign quantity	One (2)



SIGNS FOR PROPERTIES FOR SALE OR RENT	
Criteria	Requirement
Permitted location	Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street
Permitted duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property
Maximum sign area	6 square feet
Portable Off-Premises Residential Directional Signs for Active Open Houses for Sale or Rent 3).	
Maximum sign area	6 square feet
Maximum height	42 inches
Signs on Property with Commercial or Industrial Property for Sale or Rent	
Sign quantity	One
Permitted location	Public or private street frontage
Maximum sign area	32 square feet
Maximum height	12 feet
Signs on Newly Constructed Residential Developments for Sale	
Sign quantity	One
Permitted location	Public or private street frontage
Maximum sign area	32 square feet
Maximum height	12 feet
Directional Signs Located Off-Site of Newly Constructed Residential Developments for Sale	
Sign quantity	Two
Permitted location	Private property (with permission); public right-of-way
Maximum sign area	16 square feet
Maximum height	6 feet

**Development Conditions:**

- (1) Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.
- (2) When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; frames installed to hold multiple real estate signs shall not exceed a height of six feet; off-site signs located on a frame shall individually not exceed a height of one and one-half feet, a width of two feet, and an area of three square feet.
- (3) Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent.
  - a. **Community Banner Signs.**
    - i. Community banner signs shall only be located on public banner poles erected by the City for that use;
    - ii. Letters on such signs shall not be less than 12 inches in height except for lettering associated with sponsor logos;
    - iii. Community banner signs shall not be illuminated or have any attention-getting lights; and
    - iv. Sponsor logos shall be limited to the name and corporate symbol of the sponsor.

- b. **Pedestal Signs.** Temporary pedestal signs are allowed in the TC-A and TC-B zones, subject to the following provisions:
- i. The sign shall be placed such that there is a minimum of a six-foot-wide pedestrian access around the sign;
  - ii. The sign shall not exceed a height of six feet;
  - iii. The sign face shall not exceed an area of three square feet;
  - iv. Sign lettering and graphics shall not exceed a height of four inches;
  - v. The frames and other support structures shall be consistent with the building's architectural character in terms of form, color, and materials such that there is a consistent design theme.

#### O. **Legal nonconforming signs**

1. Any sign located within the City limits on the date of adoption of the ordinance codified in this Chapter, or located in an area annexed to the City thereafter, which does not conform with the provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:
  - a. The sign was covered by a permit on the date of adoption of the ordinance codified in this Chapter if one was required under applicable law; or
  - b. If no permit was required under applicable law for the sign in question, the sign was in all respects compliant

with applicable law on the date of adoption of the ordinance codified in this Chapter.

2. **Loss of Legal Nonconforming Status.** Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement.

#### P. **Variance**

1. A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of [SDC 21.09.100C](#). Variances from the terms of this chapter may be granted by director of community development upon complete application. Variances may be granted when, because of unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

#### Q. **Enforcement**

1. **Compliance with Other Applicable Codes.** All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in [SMC 16.05.070](#)

by the City. If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standard shall prevail.

2. **Sign Maintenance.** All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the City. The area surrounding freestanding signs must be kept free of litter and debris at all times.
  3. **Inspection.** Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
  4. **Abatement.** In addition to the abatement authority provided by proceedings under [SDC 21.09.110C.](#), the City or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:
    - a. When a sign is determined by the City engineer or director of community development to present an immediate threat to the safety, health, and welfare of the public;
    - b. When a sign is illegally placed within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or City traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;
- c. When a sign is determined by the City to be abandoned; provided, that the City must first provide 14 days' notice to the underlying property owner or business owner that the sign is deemed abandoned;
  - d. **Disposal of Signs.** When a sign has been removed by the City as authorized by this section, the City shall take the following actions:
    - i. The City shall hold a sign for at least seven days. After seven days the City may dispose of the sign without prior notice to the sign owner. The City shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to [SMC 23.100.010](#).
    - ii. For signs with a fair market value exceeding \$500.00, the City shall provide notice by mail to the following:
      - a) Sign owner. If the mailing address can be determined by the City after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half hour of staff time.
      - b) Underlying property owner. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the King County assessor's office.

## 21.07.100 Affordable Housing

### A. Purpose and intent

The incentives and regulations offered in this chapter are used by the City as one means of meeting its commitment to encourage housing affordable to all economic groups, and to meet its regional share of affordable housing requirements. The purpose of this section is to:

1. Implement through regulations the responsibility of the City under state law to provide for housing opportunities for all economic segments of the community,
2. Help address the shortage of housing in the City for persons of low- and moderate-income,
3. Preserve land for affordable housing as the City continues to grow,
4. Promote development of housing that would not otherwise be built in the City,
5. Create affordable housing opportunities as a result of increased development capacity in the Town Center planning area,
6. Offer additional incentives to encourage construction of affordable housing units in Town Center; and
7. Encourage developments that include affordable housing and that combine local incentives provided by the City with resources available from other public and private sources.

### B. Basic density provisions

#### 1. Baseline Affordable Housing.

In any residential development (e.g., multiple-family developments (rental or ownership), single-family subdivisions, mixed-use developments) not less than 10 percent of the allocated residential density dwelling units pursuant to [SDC 21.07.050C](#). must be affordable housing units. The affordable housing units will have occupancy requirements and affordability levels as defined in [SDC 21.07.100F](#). For any site, this requirement applies to the residential units provided up to the base number of allowed units. No additional residential or commercial density beyond the base number of allowed units will be provided to meet this 10 percent affordable unit requirement. Those projects providing additional affordable units may receive additional density as provided in subsection 3. of this section, Residential Bonus Units/Additional Affordable Housing, and as provided for in [SDC 21.07.050D](#). (Note that in some cases, applicants may receive additional residential unit allocations based on TDR purchases and/or site amenities. This program is intended to increase the actual supply of affordable housing, so the primary objective is to obtain housing units within the development in preference to an alternative approach, except as otherwise provided for in [SDC 21.07.100D](#)).

#### 2. Affordable Housing Units and Allocated Residential Density.

Required affordable housing units pursuant to subsection 1. of this section shall be counted as one-half a dwelling unit for the purpose of calculating allocated residential

density pursuant to [SDC 21.07.050C](#). For example, a residential development that requires six affordable housing units would calculate the affordable housing units to be equivalent to three dwelling units for the purpose of calculating allocated residential density pursuant to [SDC 21.07.050C](#). Affordable housing units built for the purposes of increasing site density above the allocated residential density shall be counted as one dwelling unit for the purposes of calculating maximum residential density pursuant to [SDC 21.07.050C](#).

**3. Residential Bonus Units/Additional Affordable Housing.**

The Town Center Plan includes the allocation of 344 residential bonus units (427 total units once the discounted affordable housing units are added per subsection 2. of this section) specified in [SDC 21.07.050D](#). Allocation of residential bonus units is based on the following criteria:

An individual project can receive three residential bonus units for each affordable housing unit provided above the minimum 10 percent required pursuant to this section. The affordable housing units will have occupancy requirements and affordability levels as defined in [SDC 21.07.050D](#).

Example: If a property has a base density of 50 units, and an applicant requested nine residential bonus units, three of the bonus residential units would have to be affordable units. The development would have a total of 59 units of which eight would be affordable units (five affordable units of the base 50 units, plus three of the nine bonus residential units).

**4. Alternative Calculation of Affordability.**

An applicant may propose alternative affordability levels for the affordable housing units. The percentage of required affordable units and the ratio of bonus units (or bonus floor area) per affordable housing unit for alternative affordability levels will be as follows:

ALTERNATIVE CALCULATION		
Affordability Level	Percent Affordable Units for Baseline Requirement	Residential Bonus Units to Affordable Units Ratio
50% of median income	4%	3.3 to 1
60% of median income	5%	3.2 to 1
70% of median income	6.5%	3.1 to 1
80% of median income	10%	3 to 1

Note: Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in Chapter 21.08 SMC.

**5. Rounding.**

For developments with more than 10 residential units, the number of required affordable housing units is determined by rounding fractional numbers up to the nearest whole number from one-half.

**6. Minimum Threshold.**

For any residential development consisting of less than 10 units, the affordability requirements may be satisfied through the payment to the City of an in-lieu fee.

- a. **Amount.** The in-lieu fee to be paid for each affordable dwelling unit shall be determined by the director and

shall equal an amount sufficient to create an amount of affordable housing equal to or greater than what would have otherwise been provided if the affordable housing had been provided on site.

- b. **Timing of Payment.** In lieu-fees shall be paid at the time a building permit is issued for the development.
- c. **Alternative to Cash.** At the discretion of the City council (or director), where a developer is authorized to pay a fee in lieu of development, an irrevocable dedication of land or other nonmonetary contribution of a value not less than the sum of the otherwise required in-lieu fee may be accepted as an alternative to paying the in-lieu fee if it is determined that the nonmonetary contribution will be effectual in furthering the goals and policies of the housing element and this chapter. The valuation of any land offered in lieu shall be determined by an (MAI) appraisal made by an agent agreed upon by the City. Costs associated with the appraisal shall be borne by the developer.
- d. **Deposit of Fees.** All in-lieu fees collected hereunder shall be deposited in a housing trust fund. The fund shall be administered by the City and shall be used only for the purpose of providing funding assistance for the provision of affordable housing and reasonable costs of administration consistent with the policies and programs contained in the housing element of the general plan.
- e. **Use of Fees.** The location of affordable housing funded wholly or in part with cash payments shall be prioritized in the following order: i. within the Sammamish Town Center; ii. in the City within one-half mile of transit

service; and iii. if no local project, resources may be redirected to ARCH Housing Trust Fund.

#### C. **Modifications to dimensional standards**

The following requirements of the Town Center development code may be modified to accommodate residential bonus units. These modifications may not be used to accommodate the units resulting from the base density:

##### 1. **Parking Requirement.**

An applicant may request a modification of the minimum required number of parking spaces by providing a study that substantiates parking demand can be met with a reduced parking requirement in a manner consistent with the goals and policies of the applicable regional transportation plan. Said study shall be prepared by a qualified professional transportation planner or engineer approved by the director.

##### 2. **Structure Height.**

Maximum height for structures containing affordable housing units may be increased by one story in the TC-A and TC-B zones consistent with setback requirements in [SDC 21.07.060](#). Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a TC-C, D or E zone.

#### D. **Alternative compliance**

##### 1. **General.**

The director may approve a request for satisfying all or part of the affordable housing requirements with



alternative compliance methods if they meet the following requirements.

- a. The project proponent may propose an off-site alternative, and must demonstrate that any alternative compliance method achieves a result equal to or better than providing affordable housing on site.
- b. Affordable housing units provided through the alternative compliance method must be based on providing the same type of units as the units in the project which give rise to the requirement.
- c. Off-site affordable housing units may be provided off site if the location chosen does not lead to undue concentration of affordable housing in any particular area of the Town Center.
- d. Priority is for the project to be located within the Town Center Plan Area. However, the director may approve a project located outside the Town Center Plan Area if it can demonstrate the location has access to commercial uses, transit, and does not result in an undue concentration of affordable housing.

## 2. Alternative Compliance Requirements.

- a. The proposal by the project proponent must demonstrate that the affordable units provided off site will be completed before or within the same time period as the development generating the affordable housing requirement, or such other assurances as approved by the director.

- b. Alternative compliance is not allowed for affordable housing associated with residential bonus units.
- c. Any single-family development containing between 10 and 14 units may meet their affordable housing requirement through the alternative compliance provisions of this section, so long as their proposal meets all the other provisions of this section.
- d. Applications for alternative compliance shall be submitted at the time of application, and must be approved prior to issuance of any building permit. The proposal must describe a specific location, type, and amount of affordable housing and how and when it will be developed. Any proposal for providing off-site affordable housing must also address the timing for providing the off-site housing, which, unless otherwise approved by the City, shall be built simultaneously with or prior to the construction of housing for the subject property. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

## E. Implementation provisions

### 1. Applicability.

These requirements and incentives in this chapter are applicable in the Town Center zones.



## 2. Affordable Unit Requirements.

The following requirements shall be met for all affordable units:

- a. **Duration.** Housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the affordability agreement between the housing owner and the City, as referenced in this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City.
- b. **Designation of Affordable Housing Units.** Prior to the issuance of any permit(s), the City shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
  - i. **Location.** The location of the affordable housing units shall be approved by the City, with the intent that they generally be intermingled with all other dwelling units in the development.
  - ii. **Tenure.** The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development.
  - iii. **Size (Bedroom).** The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall development.
  - iv. **Size (Square Footage).** The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the director. If there is a

proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, or 1,000 square feet for a three bedroom unit.

- c. **Design.** The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with design standards specified in [SDC 21.07.060](#). The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City.
- d. **Timing/Phasing.** The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

## 3. Affordability Agreement.

Prior to issuing any building permit, an agreement in a form approved by the director that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with the King County department of records and elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement

for the purpose of enabling the owner to obtain financing for development of the property.

4. **Monitoring and Fee.**

The City reserves the right to establish in the affordability agreement referred to in this section monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.

5. **Administrative Official.**

The director shall be responsible for administration of this section. The director may adopt administrative procedures for implementation of this section.

F. **Definitions**

1. **Affordable housing unit.** Housing reserved for occupancy by eligible households and affordable to moderate-income households, adjusted for household size, and no more than 30 percent of the monthly household income is paid for monthly housing expenses.

Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of “affordable housing” in this section, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the City.

2. **Moderate-income household.** A household whose gross income of all permanent household members over the age

of 18 is equal to or less than 80 percent of the King County median income, adjusted for household size.

3. **Low-income household.** A household whose gross income of all permanent household members over the age of 18 is equal to or less than 50 percent of the King County median income, adjusted for household size.

4. **Median income.** The median income for the Seattle MSA as most recently determined by the Secretary of Housing and Urban Development under Section 8f.3. of the United States Housing Act of 1937, as amended, or if programs under said Section 8f.3. are terminated, median income determined under the method used by the Secretary prior to such termination. (ARCH) In the event that HUD no longer publishes median income figures for the Seattle MSA or King County, the City may use any other method for determining the King County median income, adjusted for household size.

## 21.07.110 Development Standards—Interim Stormwater Standards

### A. Purpose and intent

Low impact development (LID) is an approach to land use planning and project design that seeks to:

1. Increase the ability of a developed site to effectively emulate predevelopment hydrologic conditions, including, without limitation, stormwater retention, water quality treatment, and infiltration functions;
2. Minimize overland stormwater runoff from a developed site;
3. Maximize the retention of trees, native vegetation, understory plants, and native soils;
4. Minimize soil disturbance;
5. Minimize the conversion of site surfaces from vegetated to nonvegetated surfaces; and
6. Maximize the quantity and use of appropriate native plants on site.

The purpose of this chapter is to require that development proposals within the Town Center sub-area fully incorporate the interim stormwater standards and low impact development into all aspects of project design.

### B. Applicability

1. The provisions of this chapter shall apply to all land uses in the City of Sammamish Town Center zones, and all persons

within the Town Center shall comply with the requirements of this chapter.

2. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.
3. Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

### C. Town Center interim stormwater standards adopted

1. Stormwater standards in the Town Center shall be in accordance with the adopted Surface Water Design Manual and Sammamish Addendum.
2. The City is hereby authorized, subject to the review provisions of [SDC 21.07.110D.](#), to modify the stormwater requirements, standards, and specifications.

### D. Review and appeal

#### 1. Process.

The use of the stormwater standards and specifications, along with applicable low impact development design, shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn the incentives as follows:

- a. For the purpose of this section, a “primary proposal” is defined as a proposed unified zone development plan,

subdivision, binding site plan, conditional use permit, or commercial site development permit;

- b. The applicant shall identify the primary proposal’s low impact development improvements at the time of application;
- c. When the primary proposal requires a public hearing under this Chapter or [SDC 21.02.060](#) or [Chapter 21.09 SDC](#), the public hearing on the primary proposal shall serve as the hearing on the stormwater standards and specifications and applicable low impact development improvements proposed, and the reviewing authority shall make a consolidated decision on the proposed development;
- d. When the primary proposal does not require a public hearing under this Chapter or [SDC 21.02.060](#) or [Chapter 21.09 SDC](#), the stormwater standards and specifications, and applicable low impact development improvements, shall be subject to the decision criteria for conditional use permits outlined in [SDC 21.09.070](#) and to the procedures set forth in [Chapter 21.09 SDC](#) as a Type 2 Land Use Decision Type for conditional use permits; or permits requesting a drainage adjustment subject to full or large project drainage review and any project requiring drainage review in a critical drainage area under [SDC 21.03.050D](#);

**2. Review.**

In evaluating a primary proposal and associated stormwater standards and specifications, and applicable low impact development improvements, the City shall have the

authority to request additional technical information prepared by a certified professional to:

- a. Determine whether the development proposal is consistent with this chapter;
  - b. Determine if a proposed approach is consistent with the standards of the King County Surface Water Design Manual, City of Sammamish Stormwater Comprehensive Plan, or the Low Impact Development Technical Guidance Manual for Puget Sound, or other suitable reference, as determined by the director;
  - c. Determine whether the proposed combination of techniques adequately work together toward meeting the goals of this chapter;
  - d. Determine if the monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public benefit, health, safety, and welfare, consistent with this chapter; and
  - e. Determine that the proposed LID approaches shall function as intended.
- 3. Health and Safety.**

Approval of all proposed stormwater design and required low impact development improvements shall be subject to the review of the City to determine that the proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest.

#### 4. Adjustments.

- a. **Minor.** Minor changes to proposed stormwater standards and specifications or low impact development improvements may be authorized by the City following approval of the primary proposal. Minor changes include, but are not limited to, changes related to improvement sizing, location, and components.
- b. **Major.** Major changes to proposed stormwater standards or specifications, or low impact development improvements, may not be authorized by the City following approval of the primary proposal. Major changes shall require re-submittal of the land use applications associated with the primary proposal. Major changes include, but are not limited to, elimination of proposed low impact development improvements and changes to site layout that preclude the success of approved low impact development improvements.

#### 5. Appeals.

Any person or agency aggrieved by an act or decision of the City pursuant to this Chapter may appeal said act or decision to the City of Sammamish pursuant to the appeal provisions for the underlying development permit application as contained in [SDC 21.09.010](#).

## 21.07.120 Unified Zone Development Plans

### A. Purpose

The purpose of this chapter is to establish a review process for a unified zone development plan (UZDP) approval process under which a property owner, or group of property owners, may pursue development in the Town Center-A zones. The purpose of this process is to ensure that development in these zones proceeds in an orderly fashion with coordinated infrastructure and open space, appropriate intensities of uses and mutually compatible development in accordance with the adopted Sammamish Town Center Plan. Upon City approval of a UZDP a property owner, or group of property owners, may proceed with obtaining the required permits for individual parcel development. A second purpose is to provide both the City and property owners more certainty regarding the requirements, conditions and means to support new development.

### B. Applicability

1. An approved UZDP is required for all development in Town Center-A zones and as otherwise required in [SDC 21.07.040](#) in order to:
  - a. Establish the level and intensity of new commercial and residential development;
  - b. Provide for coordinated infrastructure such as roads and utilities and public open space;
  - c. Define street types and orientation to street of new development; and

- d. General location of buildings and site improvements and provision of open space, parking, environmental restoration and nonmotorized circulation.
2. An application for UZDP may be submitted for:
- a. The first UZDP application in each TC-A zone, a property or collection of properties that comprises at least 40 percent of the applicable TC-A zone;
  - b. A property for which the proposed development can be achieved without compromising options for circulation, infrastructure and open space improvements on surrounding properties. The proposal must comply with the City’s adopted Town Center Infrastructure Plan and must accommodate a portion of the zone’s infrastructure, as determined by the director; or
  - c. Properties directly adjacent to the applicable TC-A zone may be included in the UZDP area provided they are part of a plan that includes properties in the TC-A zone. A TC-B property may include up to 10 percent of a UZDP’s commercial development application for contiguous TC-A zone development. The director may place special constraints and/or increase the percentage of commercial development allowed on an applicable TC-B property to 20 percent in order to meet the intent of the Town Center Plan and this Chapter. All residential uses in a TC-B zone remain subject to the defined density and dimensions for a TC-B zone (set forth in [SDC 21.07.050](#)).

Specifically, in all cases, the applicant will need to demonstrate that infrastructure and circulation systems can

be constructed to serve other properties in the area in a manner consistent with the City’s plans and standards and the adopted Town Center Infrastructure Plan.

**C. Application process**

Pursuant to related standards in [SDC 21.09.010](#).

- 1. Preapplication meeting for City staff to determine applicability of [SDC 21.07.120B](#).
- 2. Application submittal per [SDC 21.09.010](#) and [SDC 21.07.120D](#).
- 3. Staff will review, send out the notice of application, provide comments, and the City will conduct an open house per [SDC 21.09.010](#).
- 4. Staff will continue review as needed to ensure the UZDP meets the applicable standards.
- 5. Director will render decision based on [SDC 21.07.120F](#).
- 6. Appeal process will be per [SDC 21.09.010](#) Type 2 land use decision type.

**D. Plan application requirements**

- 1. The applicant must submit to the City for approval documents and a plan or plans with the following information.
  - a. Infrastructure plans indicating:
    - i. Location, configuration and type of streets as classified by the City’s street design standards;

- ii. Location, configuration and relevant performance criteria for utilities including water, waste management, water treatment and electrical power. The director may require that the applicant explore alternate infrastructure options;
  - iii. Methods for managing stormwater in accordance with the City's standards and sub-basin planning;
  - iv. Provision of public and private open space including that required for [SDC 21.07.060A.9.](#);
  - v. Location and configuration of nonmotorized circulation network, including connections to adjacent properties and public rights-of-way;
  - vi. Location and configuration of parking, including structured and surface parking;
  - vii. Retention and enhancement of natural areas and extent of grading;
  - viii. The streetfront orientation requirements for each street as described in [SDC 21.07.060A.3.](#); and
  - ix. Location, size, height and orientation of buildings and other structures;
- b. Proposed quantities and general location of land uses, including residential dwelling units, affordable housing units/provisions, and commercial floor areas. Additional allocation of development capacity and mechanism for achieving additional development (e.g.: affordable housing incentives, TDR credits, and additional site improvements) will be identified during the UZDP process;
- c. A proposed phasing plan identifying the general order of development parcels or improvements but not necessarily specific dates or time frame;
  - d. A three dimensional visualization of proposal for public information suitable for public display and web sites.
  - e. Other conditions and proposal description as requested by the director.
2. The documents and plans must be in sufficient detail for the City to determine that the UZDP planning principles in [SDC 21.07.120E.](#) are met and that future permit applications are consistent with the approved UZDP.
3. Applications in the TC-A-1 zone must comply with the Town Center Infrastructure Plan requirements. (See plan attached to the ordinance codified in this chapter.
- Unified zone development application will be processed pursuant to [SDC 21.09.010.](#)
- E. Unified zone development principles**
- The City of Sammamish will use the following principles and criteria in the review of UZDPs for applicable Town Center-A zones as noted in [SDC 21.07.120F.](#) The principles address fundamental site planning objectives from the Town Center Plan.
- The principles employ the word "should" as a directive for specific elements and characteristics. The term "should" is taken to mean "is required unless the City determines that there is a compelling reason to the contrary, based on the objectives and policies of the adopted Town Center Plan." The intent of this language is to allow the City and proponent the flexibility to



achieve the Town Center Plan’s and these principles’ objectives through other means than those specified below. The UZDP proponent shall be required to demonstrate that the following are met to the City’s satisfaction.

**1. Pedestrian Circulation.**

- a. Town Center mixed-use nodes should incorporate a network of pedestrian and bicycle connections including sidewalks, trails, pathways and open spaces that link all public open spaces, commercial businesses, residential areas and near-by Centerwide or Citywide trails;
- b. The pedestrian and bicycle network should conform to the adopted Town Center Infrastructure Plan (for the TC-A-1 zone) and the intent of the Town Center Open Space Strategy – Parks, Open Spaces and Trails concept illustrated in Figure 35 and the Conceptual Sammamish Town Center Street Layout, Figures 32 and 33 of the Town Center Plan, although the actual configuration of trails and connections may vary;
- c. The pedestrian and bicycle network should feature pedestrian amenities and landscaping; and
- d. The pedestrian and bicycle network must conform to Americans with Disabilities Act (ADA) standards and should incorporate crime prevention through environmental design (CPTED) guidelines.

**2. Vehicle Circulation.**

- a. Town Center mixed-use nodes should feature a network of vehicle access roads and drives that conforms to the

intent of the Town Center Transportation section and the Conceptual Sammamish Town Center Street Layout, Figures 32 and 33 of the Town Center Plan, although the actual street and vehicular access may vary from those shown in the figures. For the TC-A-1 zone, the adopted Town Center Infrastructure plan takes precedence over the specific sections and visualizations shown in the Town Center Plan;

- b. The proponent must demonstrate how the vehicular access network can potentially connect to adjacent areas in the Town Center so that access is provided to those properties;
- c. The vehicular access network should provide more than one route in or out of a site within the mixed-use node to provide improved emergency vehicle access and ease local congestion;
- d. The vehicular access network should include street trees, landscaping and streetscape elements. Primary circulation routes for through traffic should be routed around high pedestrian areas and not impact central open spaces; and
- e. The use of innovative street and access configurations (such as “woonerfs” which mix low speed local vehicular traffic with pedestrians) is encouraged where it furthers the objectives of the Town Center Plan and is consistent with the Town Center Infrastructure Plan.

**3. Parking and Access.**

- a. Fulfill the intent of parking standards in this Chapter, especially [SDC 21.07.080](#);

- b. Locate parking, especially nonstructured parking, at the periphery of the mixed-use nodes; and
- c. Exploit joint-use parking opportunities wherever possible.

#### 4. Open Spaces.

- a. TC-A-1, A-2, and A-3 zones should have at least one central open space that acts as a public gathering space and that also includes a significant landscaping element. The central open space may be in the form of a “town square,” “village green,” central plaza or other form but should be ringed with “active edges” (pedestrian-oriented buildings, uses or features that encourage human activity). The central open spaces should encourage a variety of activities such as picnicking, informal and organized gathering, performances, and passive and active recreation (e.g.: small sports court or children’s play area). The open space must be universally accessible (meet or exceed ADA standards) and should incorporate CPTED guidelines. The central open spaces should also feature:
  - i. Site furniture, special paving and amenities;
  - ii. Lighting to encourage evening activities and provide security;
  - iii. Art or other features to provide a distinct design identity;
  - iv. As a general rule, one linear foot of seating per 30 square feet of plaza area (not including green space or landscaping); and

- v. Areas that are in full sunlight during most of the day;

- b. Public open spaces should not be adjacent to parking, blank walls or spaces or uses without human activity or amenity;
- c. The central open space for TC-A-1 zone should connect directly to the Sammamish Commons, incorporate low impact development/stormwater management elements based on the watershed sub-basin plan recommendations and take the form of a “green spine” or other configuration that accomplishes similar objectives. See Figure 38 in the Town Center Plan;
- d. The central open space for TC-A-2 zone should connect directly to the wetland/stream corridor in that area;
- e. The central open space for TC-A-3 zone should be configured so that it focuses land development and human activity in that area;
- f. Each mixed-use node should feature a hierarchy of other open spaces connected by the pedestrian network. Open spaces can be in the form of landscaped linear corridors, natural areas, gardens, residential courts and small parks or play areas. See Town Center Plan Open Space Policy OS-1; and
- g. Open space in the TC-A-1 zone must meet the intent of the adopted Town Center Infrastructure Plan.

#### 5. Natural Systems and Environmental Quality.

- a. Mixed-use node UZDPs should incorporate and implement stormwater management recommendations

from sub-basin plans. Where called for, a regional stormwater management system should be implemented;

- b. The project proponent should indicate how low impact development techniques are incorporated into the UZDP (see Town Center Plan Goal NS-1 and supporting policies); and
- c. The mixed-use node development should incorporate natural areas such as wetlands, stream corridors, wildlife corridors and stands of mature trees as amenities into the mixed-use nodes where possible. Opportunities for natural system restoration should be exploited. (See Figure 54 of the Town Center Plan.

**6. Building Scale and Compatibility.**

- a. Building location, orientation, scale and massing should be configured to minimize impacts to surrounding residential areas and public facilities; and
- b. Mixed-use node UZDPs should include some building organization or unifying design concept to unify the node and provide a distinctive development character. This might be accomplished, for example, through orientation of buildings around open space or other feature, use of axial symmetry, vistas, topography, etc., or a hierarchy of building massing (such as a stepped up “wedding cake” formation).

**7. Affordable Housing. Consistent with [SDC 21.07.100](#) that provides regulatory guidance for compliance with affordable housing requirements, the director may review**

**innovative and creative approaches to affordable housing that fulfill the requirements of [SDC 21.07.100](#).**

- 8. **Incorporation of Efficient Infrastructure Systems.** Incorporate, where it can be demonstrated to be effective, innovative infrastructure systems such as water capture and re-use, solid waste management systems, waste water treatment, etc. If applicable, the applicant may be required to demonstrate that alternate infrastructure systems have been explored. The director may require that the applicant consult with utilities providers to identify possible solutions to the provision of infrastructure services.

**F. Criteria for approval**

The City will evaluate UZDP applications and approve them only if they meet the following criteria.

- 1. The applicable procedural and technical requirements of this Chapter;
- 2. Adherence to unified zone development planning principles, [SDC 21.07.120E](#);
- 3. The City’s roadway standards: infrastructure plans (including the adopted Town Center Infrastructure Plan for the TC-A-1 zone), stormwater management plans, the City’s parks, open space and trails plans and other public plans and requirements; and
- 4. The goals and policies of the Town Center Plan.

**G. UZD plan outcome**

- 1. **Outcomes.** The approved UZDP will result in an agreement between the applicant and the City describing the terms

under which permits will be reviewed. Development permit applications will also be reviewed for conformance to other provisions of the Sammamish Municipal Code. The requirements stated in the UZDP must address the parameters and conditions stated in [SDC 21.07.120D](#).

#### H. Financial guarantees

Performance guarantees consistent with the provisions of SMC Title 27A may be required to assure that development occurs according to the approved plan.

#### I. Limitation of plan approval

1. A UZDP approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the director, and fails to have all valid building permits issued within four years of the UZDP approval date; or
2. A UZDP approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

#### J. Modification to an approved plan

1. The director will determine whether a subsequent development permit is in compliance with the applicable UZDP by determining if the application deviates from the UDZP. If the application proposal meets or exceeds the UZDP's conformance to the criteria of [SDC 21.07.120F](#) and supports coordinated infrastructure construction and compatible development, the application will be considered to be in conformance with the UZDP;

2. In addition, the director will review the application to ensure that the application proposal does not:
  - a. Increase the building floor area by more than 10 percent or exceed planning thresholds set by the Town Center Plan, as amended by the City council;
  - b. Increase the number of dwelling units or the amount of commercial floor area;
  - c. Increase the total impervious surface area identified in the UZDP;
  - d. Result in an insufficient amount of parking and/or loading;
  - e. Result in incompatible uses locating in close proximity;
  - f. Significantly increase the traffic impacts of a.m. or p.m. peak-hour trips to and from the site; and
  - g. Significantly increase the quantity of imported or exported materials or increase the area of site disturbance; and
3. Modifications that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new UZDP for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

**K. Administrative rules**

The director may promulgate administrative rules and regulations, pursuant to Chapter 2.55 SMC, to implement the provisions and requirements of this chapter.

**21.07.130 Development Standards—Interim Street Design Standards**

**A. Purpose – Interim Town Center Street Design Standards (July 7, 2010) adopted**

1. The City hereby adopts by reference the street design standards and specifications set forth in the document entitled “Interim City of Sammamish Town Center Street Design Standards, (dated July 7, 2010),” as the interim development standards for the Town Center, which includes but is not limited to transportation standards and street standards.
2. These design standards supplant those adopted under Ordinance O2018-466 under [SDC 21.08.010](#).
3. The director of public works is authorized to adopt policies and procedures to: a. assist in the implementation of these standards; and b. take into account new modes of street design and construction technology.

**B. Resolution of conflicts**

In case of inconsistency or conflict between the standards adopted herein and other provisions of the Sammamish Municipal Code and the City of Sammamish public works standards, the most restrictive provision shall apply.

CHAPTER 21.08.

# PUBLIC WORKS AND BUILDINGS

---

21.08.010 Public Works and Facilities . . . . .	572
21.08.020 Concurrency . . . . .	572
21.08.030 Street Impact Fees . . . . .	577
21.08.040 Impact Fees for Parks and Recreational Facilities . . . . .	592
21.08.050 Impact Fee Deferral. . . . .	602
21.08.060 Right-of-Way Use Permits . . . . .	603
21.08.070 Construction Codes Cross Reference Table . . . . .	607
21.08.080 Definitions. . . . .	608

## 21.08.010 Public Works and Facilities

### A. Public works standards adopted

1. The City hereby adopts by reference the design standards and specifications set forth in the document entitled "City of Sammamish 2016 Public Works Standards" as now or hereafter amended as the public works standards for the City, which includes but is not limited to transportation standards and street standards. Pursuant to RCW 35A.13.180, a copy of the most current City of Sammamish public works standards is available on the City's website at [www.sammamish.us](http://www.sammamish.us).
2. The public works director is hereby authorized to administratively interpret and apply the standards in a manner consistent with their terms in order to better implement the standards or allow for changes in street design and construction technology and methods.

### B. Resolution of conflicts

In case of inconsistency or conflict between other provisions of the Sammamish Municipal Code and the City of Sammamish public works standards adopted in this chapter, the most restrictive provision shall apply.

### C. Appeals

Any person or agency aggrieved by an act or decision of the City pursuant to the public works standards may appeal said act or decision to the City of Sammamish pursuant to the appeal provisions for the underlying development permit application as contained in [SDC 21.09.010](#).

## 21.08.020 Concurrency

### A. Concurrency requirement

1. In accordance with RCW 36.70A.0706.b., the City must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards defined in [SDC 21.08.020E.](#), unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of the City's concurrency requirement, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.
2. The City shall not issue a development permit until:
  - a. A certificate of concurrency has been issued; or
  - b. The applicant has executed a concurrency test deferral affidavit where specifically allowed; or
  - c. The applicant has been determined to be exempt from the concurrency test as provided in [SDC 21.08.020C.1](#).

### B. Application for certificate of concurrency

1. Each applicant requesting a Comprehensive Plan site-specific land use map amendment or zone reclassification,



except as provided in [SDC 21.08.020C.1.](#), shall elect one of the following options:

- a. Apply for a certificate of concurrency; or
  - b. Execute a concurrency test deferral affidavit.
2. Each applicant for a planned action, subdivision (including a preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation), mobile home park, unified zone development plan, conditional use permit, or site development permit shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with a Comprehensive Plan site-specific land use map amendment or zone reclassification, or except as provided in [SDC 21.08.020C.1.](#)
  3. Each applicant for a building permit or certificate of occupancy for a change in use shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with subsection 1. or 2. of this section, or except as provided in [SDC 21.08.020C.1.](#)
  4. Each applicant filing under subsections 1. and 2. of this section shall contact the department to schedule a preapplication conference as defined in [SDC 21.08.080](#) and [SDC 21.09.010C.](#), that shall be held prior to filing an application for a certificate of concurrency. The director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.
  5. Applicants for a certificate of concurrency may designate the density and intensity of development to be tested for

concurrency, provided such density and intensity shall not exceed the maximum allowed for the parcel. If the applicant designates the density and intensity of development, the concurrency test will be based on and applicable to only the applicant's designated density and intensity. If the applicant does not designate density and intensity, the concurrency test will be based on the maximum allowable density and intensity.

**C. Exemptions from concurrency test**

1. The following developments are exempt from this chapter, and applicants may submit applications, obtain development permits and commence development without a certificate of concurrency:
  - a. Any development permit for the following development because it creates insignificant and/or temporary additional impacts on any public facility:
    - i. Right-of-way use;
    - ii. Street improvements, including new streets constructed by the City of Sammamish;
    - iii. Street use permits;
    - iv. Utility facilities which do not impact public facilities, such as pump stations, transmission or collection systems, and reservoirs;
    - v. Expansion of an existing nonresidential structure that results in the addition of 100 square feet or less of gross floor area and does not add residential units or accessory dwelling units as defined in [SDC 21.04.040B.93.](#) to [SDC 21.04.040B.98.](#);

- vi. Expansion of a residential structure provided the expansion does not result in the creation of an additional dwelling unit or accessory dwelling unit as defined in [SDC 21.04.040B.93.](#) to [SDC 21.04.040B.98.](#);
- vii. Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;
- viii. Demolition or moving of a structure; or
- ix. Tenant improvements that do not generate additional trips.

**D. Concurrency test**

1. The City shall perform a concurrency test for each application for a certificate of concurrency. The public works director, or his/her designee, shall use the following methods to conduct the concurrency test:
  - a. For individual single-family residential building permit applications on existing lots, or other land use permits that generate less than 10 trips during an individual peak hour, the City will run a concurrency test after permit applications have been received that collectively result in 10 or more trips during an individual peak hour; provided, however, that a concurrency certificate can be issued without conducting the concurrency test when fewer than 10 accumulated trips have been generated since the last concurrency test. The City may run the concurrency test when less than 10 accumulated trips have been generated since the last test when there are existing public transportation facility circumstances

that necessitate the concurrency test be performed in the order received for single-family residential building permit applications on existing lots.

- b. For all other development, review of each application as received in subsection 4. of this section.
2. If the impact of the development does not cause the level of service to decline below the standards set forth in [SDC 21.08.020E.](#), the concurrency test is passed, and the applicant shall receive a certificate of concurrency.
3. If the impact of the development will cause the level of service to decline below the standards set forth in [SDC 21.08.020E.](#), the concurrency test is not passed, and the applicant may select one of the following options:
  - a. Accept a 90-day reservation of public facilities that are available, and within the same 90-day period amend the application to meet the level of service standard set forth in [SDC 21.08.020E.](#); or
  - b. Appeal the denial of the application for a certificate of concurrency, pursuant to the provisions of [SDC 21.08.020H.](#); or
  - c. Arrange to provide for public facilities that are not otherwise available and that cause the level of service to rise to the standards set forth in [SDC 21.08.020E.](#)
4. The City shall conduct the concurrency test, as needed, in the order that completed applications are received and proposed trip generation estimates are approved by the City.

5. A concurrency test, and any resulting certificate of concurrency, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

**E. Level of service standards**

1. In conducting the concurrency test in accord with this chapter, the intersection LOS standards adopted in the Transportation Element of the Comprehensive Plan are LOS D for intersections that include principal arterials and LOS C for intersections that include minor arterials or collector arterials. The LOS for intersections with principal arterials may be reduced to E for intersections that require more than three approach lanes in any direction. The intersection standards shall be applied to both the morning and afternoon peak hours. The LOS standard for the higher road classification shall be the standard applied.
2. Repealed by Ord. O2020-524.
3. In conducting the concurrency test in accord with this chapter, the City shall apply the level of service standards for the concurrency intersections as designated in subsection 1. of this section. If any intersection operates at or better than the level of service standards, the concurrency certificate shall be granted. If any concurrency intersection operates worse than the level of service standards, the concurrency certificate will be denied, or the applicant may select one of the options described in [SDC 21.08.020D.3](#).
4. In conducting the concurrency test, the City shall find that the impact of development occurs, and therefore the

level of service standards for intersections, corridors and segments shall be achieved and maintained, no later than six years from the date of the development.

5. In the event that the applicant is required to construct a public facility, the development cannot be occupied until the public facility is completed, or the applicant provides the City with a performance bond that is acceptable to the City.
6. The City shall determine which additional public facilities are needed to be included in the Capital Facilities Plan Element of the Comprehensive Plan to achieve the adopted level of service standards. Such additional public facilities shall be underwritten by a financial commitment.

**F. Certificate of concurrency**

1. A certificate of concurrency shall be issued by the public works director or his/her designee after the concurrency test is passed.
2. Upon issuance of a certificate of concurrency, the City shall reserve capacity on behalf of the applicant, and indicate the reservation on the certificate of concurrency.
3. A certificate of concurrency shall expire if the development permit for which the concurrency is reserved is not applied for within 180 days of issuance of the certificate of concurrency.
4. A certificate of concurrency shall be valid for the development permit application period and subsequently for the same period of time as the development permit for which it was issued.

5. A certificate of concurrency may be extended according to the same terms and conditions as the underlying development permit. If a development permit is granted an extension, the certificate of concurrency, if any, shall also be extended. Certificates of concurrency shall not be extended beyond the expiration of the underlying development permit, or any extensions thereof.
  6. A certificate of concurrency is valid only for the uses and intensities authorized for the development permit for which it is issued. Any change in use or intensity that increases the impact of development on public facilities is subject to an additional concurrency test of the incremental increase in impact on public facilities. Any change in use or intensity that decreases the impact of development on public facilities is not subject to an additional concurrency test and any capacity that is not required as a result of the decrease in impact shall be available for other applications.
  7. A certificate of concurrency is valid only for the development permit with which it is issued, and for subsequent development permits for the same parcel, as long as the applicant obtains the subsequent development permit prior to the expiration of the earlier development permit. A certificate of concurrency transfers automatically to subsequent development permits for the parcel for which the certificate was issued; provided, that the use or intensity has not changed, and the previous development permit has not expired. The transfer of validity of a certificate of concurrency from one development permit to a subsequent development permit shall not extend or otherwise change the expiration of the certificate of concurrency.
  8. A certificate of concurrency runs with the land and cannot be transferred to a different parcel. A certificate of concurrency transfers automatically with ownership of the parcel for which the certificate was issued. Upon final subdivision approval of a parcel that has obtained a certificate of concurrency, the City shall replace the certificate of concurrency by issuing a separate certificate of concurrency to each subdivided parcel, assigning to each a pro rata portion of the public facility capacity or other measure that was reserved for the original certificate. The issuance of pro rata certificates of concurrency to subdivided parcels shall not extend or otherwise change the expiration of the certificates of concurrency.
- G. Fees**
1. The City shall charge each applicant an administrative fee and a concurrency test fee in an amount to be established by resolution by the City council. The concurrency test fee shall not be refundable after the concurrency test has been performed.
  2. The City shall charge a processing fee to any individual who requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The processing fee shall be nonrefundable and nonassignable to a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection 1. of this section.
- H. Appeals**
1. An applicant may appeal a denial of a certificate of concurrency on the following grounds:

- a. A technical or mathematical error;
  - b. The applicant provided alternative data that was rejected by the City; or
  - c. Unwarranted delay in review of the application that allowed capacity to be given to another applicant.
2. Appeal of denial of a certificate of concurrency shall be to the hearing examiner in accordance with procedures in [Chapter 21.09 SDC](#).

## 21.08.030 Street Impact Fees

### A. Findings and authority

The council hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, and office development in the City, will create additional demand and need for public facilities in the City, and the council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new development on public facilities, has prepared the street impact fee analysis, and hereby incorporates this study into this Title by reference. Therefore, pursuant to RCW 82.02.050 through 82.02.090, the council adopts this chapter to assess impact fees for streets ("impact fee"). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program.

### B. Assessment of impact fees

1. The City shall collect impact fees, based on the rates in [SDC 21.08.030K](#), from any applicant seeking development approval from the City for any development within the City, where such development requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, and office uses, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities.

2. An impact fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090:
  - a. Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;
  - b. Demolition or moving of a structure;
  - c. Expansion of an existing nonresidential structure that results in the addition of 100 square feet or less of gross floor area;
  - d. Expansion of a residential structure provided the expansion does not result in the creation of any additional dwelling units as defined in [SDC 21.04.040B.93.](#) through [SDC 21.04.040B.98.](#);
  - e. Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. For the terms of this requirement, "replacement" is satisfied by submitting a complete building permit application;
  - f. Replacement of a nonresidential structure with a new nonresidential structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. Replacement of a nonresidential structure with a new nonresidential structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 100 square feet. For the terms of this requirement, "replacement" is satisfied by submitting a complete building permit application.
3. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use; provided, that the applicant has previously paid the required impact fee for the original use.
4. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the impact fee rates set forth in [SDC 21.08.050K.](#)
5. Applicants seeking a building permit for a change in use shall be required to pay an impact fee if the change in use increases the existing trip generation by the lesser of five percent or 10 peak hour trips.
6. Except as provided in [SDC 21.08.050C.](#), impact fees shall be assessed and collected, at the option of the applicant, either:
  - a. At the time of final plat (for platted development) or building permit application (for nonplatted development); or
  - b. At the time of building permit issuance;

which option shall be declared at the time of final plat (for platted development) or building permit application



(for nonplatted development) in writing on a form or forms provided by the City.

7. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to [SDC 21.08.030D](#). shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to [SDC 21.08.030D](#). setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued by the City for each unit in the development.
8. Where the impact fees imposed are determined by the square footage of the development, a deposit shall be due from the feepayer pursuant to subsection 6. of this section. Deposit and installment percentages shall be based on an estimate, submitted by the feepayer, of the size and type of structure proposed to be constructed on the property. In the absence of an estimate provided by the feepayer, the department shall calculate percentages based on the maximum allowable density/intensity permissible on the property. If the final square footage of the development is in excess of the initial estimate, any difference in the amount of the impact fee will be due prior to the issuance of a building permit, using the same impact fee rate previously assessed. The feepayer shall pay any such difference plus interest, calculated at the statutory rate. If the final square footage is less than the initial estimate, the department shall give a credit for the difference, plus interest at the statutory rate.
9. The department shall not issue the required building permit unless and until the impact fees required by this chapter, less any permitted exemptions or credits provided pursuant to [SDC 21.08.030C](#). or [SDC 21.08.030D](#)., have been paid, unless a deferral has been granted pursuant to [SDC 21.08.050](#).
10. The service area for impact fees shall be a single City-wide service area.
11. In accordance with RCW 82.02.050, the City shall collect and spend impact fees only for the public facilities defined in this Chapter and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend impact fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070 and on the capital facilities plan identifying: a. deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; b. additional demands placed on existing public facilities by new development; and c. additional public facility improvements required to serve new development.
12. In accordance with RCW 82.02.050, if the City's capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose impact fees to address those public facility needs for which the City is responsible.
13. Applicants for single-family attached or single-family detached residential construction may request deferral of all



impact fees due under this chapter in accordance with the provisions of [SDC 21.08.050](#).

**C. Exemptions**

1. Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes; provided, that the impact fees from such development activity shall be paid from public funds other than impact fee accounts if the waiver is greater than 80 percent of the impact fee. The director shall be authorized to determine whether a particular development falls within an exemption identified in this chapter. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in [SDC 21.08.030F](#).
2. Except as provided in subsection 3. of this section, the following development activities are exempt from the requirements of this chapter. An impact fee shall not be assessed for:
  - a. Any development activity undertaken by the City of Sammamish;
  - b. Public schools;
  - c. Accessory dwelling units approved by the City.
3. Except as provided above, the provision of affordable housing as defined in [SDC 21.08.080](#) may be exempted from some or all of the required impact fees as shown in Table 1:

IMPACT FEE REDUCTIONS FOR AFFORDABLE HOUSING UNITS		
Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income	Up to 100%	4 units
	50% to 80%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director
Moderate-Income	Up to 80%	4 units
	0% to 50%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director

\*The % fee reduction is expressed as a maximum amount per unit.

- a. As a condition of receiving an exemption or percentage fee reduction under this subsection, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those families/households for a period of not less than 30 years. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event

that the housing unit(s) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of impact fees from which the housing unit(s) was exempted into the City's account for impact fees plus 12 percent interest per year.

- b. In determining the impact fee reductions for development(s) containing five or more affordable housing units, the community development director in consultation with the public works director should consider the following:
  - i. The proposed housing units meet the provisions set forth by the City's housing strategy plan adopted by the City council.
  - ii. The proposed housing units will assist the City in meeting Sammamish's affordable housing targets.
  - iii. The location of the units meets the City's comprehensive plan policies for the proposed housing type and density.
  - iv. Approval of the proposed housing units and the associated impact fee reduction does not exempt the proposed housing units from meeting the City's concurrency requirements and public works standards.
- c. The impact fee amounts waived in excess of 80 percent shall be paid from public funds from sources other than impact fees or interest on impact fees, and budgeted for this purpose.
- d. Determinations of the community development director in consultation with the public works director regarding the reduction of impact fees shall be in writing and shall be subject to the appeals procedures set forth in [SDC 21.08.030F](#).

#### D. Credits

1. A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:
  - a. For one or more of the system improvements identified in the capital facilities plan, which are included in the street impact fee analysis as the basis of the impact fee, and that are required by the City as a condition of approving the development activity; and
  - b. At suitable sites and constructed at acceptable quality as determined by the City.
2. The director shall determine if requests for credits meet the criteria in subsection 1. of this section.
3. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is being charged.
4. The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by or acceptable to the director. The

appraiser must be licensed in good standing by the state of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

5. The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the feepayer, in the event that a credit is awarded.
6. If a credit is due, after receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.
7. No credit shall be given for project improvements as defined in [SDC 21.08.080](#).

8. A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments as defined in [SDC 21.08.080](#). For each request for a credit or credits for significant past tax payments, the feepayer shall submit receipts and a calculation of significant past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments.
9. Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.
10. A feepayer shall receive a credit for all impact fee deposits paid pursuant to [SDC 21.08.030B](#).
11. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in [SDC 21.08.030F](#).

#### E. Tax adjustments

Pursuant to and consistent with the requirements of RCW 82.02.060, the street impact fee analysis provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in [SDC 21.08.030K](#) have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements.

## F. Appeals

1. Any feepayer may pay the impact fees imposed by this Chapter under protest in order to obtain a building permit or occupancy permit. No appeal shall be permitted until the impact fees at issue have been paid.
2. Appeals regarding the impact fees imposed on any development may only be filed by the feepayer of the property where such development will occur.
3. The feepayer must first file a request for review regarding impact fees with the director, as provided herein:
  - a. The request shall be in writing on the form provided by the City;
  - b. The request for review by the director shall be filed within 21 calendar days after the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
  - c. No administrative fee will be imposed for the request for review by the director; and
  - d. The director shall issue his/her determination in writing.
4. The following decisions may be appealed to the hearing examiner: determinations of the director with respect to the applicability of the impact fees to a given development; the director's determination regarding the availability or value of a credit; the director's decision concerning the independent fee calculation which is authorized in [SDC 21.08.030L.](#); fees imposed by the director pursuant to [SDC 21.08.030K.](#); or any other determination which the director is authorized to make pursuant to this Chapter.
5. Appeals to the hearing examiner shall be taken within 21 calendar days of the director's issuance of a written determination by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.
6. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any party may appear in person or by agent or attorney.
7. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.
8. The hearing examiner may, so long as such action is in conformance with the provisions of this Title, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded.

### G. Establishment of impact fee accounts

1. Impact fee receipts shall be earmarked specifically and deposited in a special interest-bearing impact fee account maintained by the City.
2. There is hereby established the street impact fee account for the fees collected pursuant to this Chapter. Funds withdrawn from this account must be used in accordance with the provisions of [SDC 21.08.030I](#), and applicable state law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.
3. On an annual basis, the finance department shall provide a report to the City council on the street impact fee account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.
4. Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the City's Comprehensive Plan.
5. Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

### H. Refunds

1. If the City fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary or compelling reasons exist and the council has established other time periods pursuant to [SDC 21.08.030G](#), the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.
2. The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fee was paid.
3. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
4. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.
5. Refunds of impact fees under this section shall include any interest paid at the statutory rate.
6. When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this

section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

7. The City shall refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees pursuant to RCW 82.02.0803., if the development for which the impact fees were imposed did not occur; provided, that if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the director shall determine whether an impact has resulted and whether all or a portion of the impact fees paid shall be refunded.

#### I. Use of funds

1. Pursuant to this Chapter, impact fees:
  - a. Shall be used for system improvements that will reasonably benefit the new growth and development; and
  - b. Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and

c. Shall not be used for maintenance or operation.

2. Impact fees may be spent for public improvements, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to transportation improvements.
3. Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
4. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

#### J. Review

1. The fee rates set forth in [SDC 21.08.030K](#) may be reviewed and adjusted by the council as it deems necessary and appropriate to meet City needs, including but not limited to addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of the ordinance codified in this chapter, or 12 months after the most recent review by the council. The council may determine the amount



of the adjustment and revise the fee rates set forth in [SDC 21.08.030K](#). If the council does not determine the amount of the adjustment, the adjustment shall be administratively adjusted by the same amount that the five-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12-month period prior to the date of the adjustment.

2. In the last quarter of each calendar year, the community development director, together with the public works director, shall prepare a report to the planning commission for the year to date, including the following:
  - a. The number of requests for impact fee exemptions pursuant to [SDC 21.08.030C](#);
  - b. The total number of residential units and dollar amounts of the exemptions approved by the community development director in consultation with the public works director;
  - c. A copy of the hearing examiner decision, if any of the decisions of the community development director, in consultation with the public works director, were appealed to the hearing examiner.

Based on this annual review, the planning commission shall recommend to the City council any revision to [SDC 21.08.030C](#). deemed appropriate.

#### K. **Street impact fee rates**

In accordance with RCW 82.02.060, the street impact fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to impact

fees and which specifies the amount of the impact fee to be imposed for each type of system improvement. The schedule is based upon a formula and/or method of calculating the impact fees. In determining proportionate share, the formula and/or method of calculating the fees incorporates, among other things, the following: a. the cost of public facilities necessitated by new development; b. an adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement; c. the availability of other means of funding public facility improvements; d. the cost of existing public facilities improvements; and e. the methods by which public facilities improvements were financed.

The street impact fee rates in this section are generated from the formula for calculating impact fees set forth in the street impact fee analysis, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in [SDC 21.08.030L](#), exemptions in [SDC 21.08.030C](#), and credits in [SDC 21.08.030D](#), all new developments in the City will be charged the impact fee applicable to the type of development:



STREET IMPACT FEE RATES PER UNIT OF DEVELOPMENT							
ITE Code 1.	ITE Land Use Category 1.	ITE Trip Rate 2.	Percent New Trips 3.	Trip Length Factor 4.	Net New Trips per Development Unit	Impact Fee per Unit @ \$14,063.63	Impact Fee per Trip
090	Park and Ride with Bus Service	0.75	75%	1.00	0.563	7,910.79	per Space
110	Light Industrial	0.98	100%	1.22	1.196	16.81	per Sq. Ft.
130	Industrial Park	0.86	100%	1.22	1.049	14.76	per Sq. Ft.
140	Manufacturing	0.74	100%	1.22	0.903	12.70	per Sq. Ft.
151	Mini Warehouse	0.26	75%	0.29	0.057	0.80	per Sq. Ft.
210	Single-Family House	1.01	100%	1.00	1.010	14,204.27	per DU
220	Apartment	0.62	100%	1.00	0.620	8,719.45	per DU
231	Low-Rise Condo / Townhouse	0.78	100%	1.00	0.780	10,969.63	per DU
240	Mobile Home	0.56	100%	1.00	0.560	7,875.63	per DU
251	Sr. Housing Detached	0.26	75%	1.00	0.195	2,742.41	per DU
252	Sr. Housing Attached	0.11	75%	1.00	0.083	1,160.25	per DU
253	Congregate Care Facility	0.18	75%	0.29	0.039	550.59	per DU
254	Assisted Living (limited data)	0.22	75%	0.29	0.048	672.94	per Bed
310	Hotel	0.59	75%	0.29	0.128	1.80	per Sq. Ft.
320	Motel	0.94	75%	0.29	0.204	2.88	per Sq. Ft.
420	Marina (limited data)	0.19	75%	0.29	0.041	581.18	per Slip
430	Golf Course	0.30	75%	0.29	0.065	917.65	per Acre
441	Live Theater (limited data)	1.00	75%	0.29	0.218	3.06	per Sq. Ft.
445	Multiplex Movie Theater	5.22	75%	0.29	1.135	15.97	per Sq. Ft.
491	Racquet Club	0.64	50%	0.29	0.093	1.31	per Sq. Ft.
492	Health Fitness Club	4.05	50%	0.29	0.587	8.26	per Sq. Ft.
495	Recreational Community Center	1.64	50%	0.29	0.238	3.34	per Sq. Ft.

STREET IMPACT FEE RATES PER UNIT OF DEVELOPMENT							
ITE Code 1.	ITE Land Use Category 1.	ITE Trip Rate 2.	Percent New Trips 3.	Trip Length Factor 4.	Net New Trips per Development Unit	Impact Fee per Unit @ \$14,063.63	Impact Fee per Trip
520	Public Elementary School	1.19	75%	0.29	0.259	3.64	per Sq. Ft.
522	Public Middle School	1.19	75%	0.29	0.259	3.64	per Sq. Ft.
530	Public High School	0.97	75%	0.29	0.211	2.97	per Sq. Ft.
534	Private School K-8 (limited data)	3.40	75%	0.29	0.740	10.40	per Sq. Ft.
536	Private School K-12 (limited data)	2.75	75%	0.29	0.598	8.41	per Sq. Ft.
560	Church over 20,000 Sq. Ft.	0.66	75%	0.29	0.144	2.02	per Sq. Ft.
560	Church under 20,000 Sq. Ft.	0.66	50%	0.29	0.096	1.35	per Sq. Ft.
565	Day Care Center	13.18	25%	0.29	0.956	13.44	per Sq. Ft.
590	Library	7.09	40%	0.29	0.822	11.57	per Sq. Ft.
610	Hospital	1.18	75%	0.29	0.257	3.61	per Sq. Ft.
620	Nursing Home	0.22	75%	0.29	0.048	672.94	per Bed
630	Clinic (limited data)	5.18	75%	0.29	1.127	15.84	per Sq. Ft.
710	General Office	1.49	100%	1.22	1.818	25.56	per Sq. Ft.
715	Single Tenant Office	1.73	100%	1.22	2.111	29.68	per Sq. Ft.
720	Medical / Dental Office	3.72	75%	0.29	0.809	11.38	per Sq. Ft.
732	U.S. Post Office	25.00	25%	0.29	1.813	25.49	per Sq. Ft.
750	Office Park	1.50	100%	1.22	1.830	25.74	per Sq. Ft.
813	Freestanding Discount Super Store	3.87	43%	1.00	1.664	23.40	per Sq. Ft.
814	Specialty Retail Center	2.71	75%	0.29	0.589	8.29	per Sq. Ft.
815	Freestanding Discount Store	5.06	54%	0.29	0.792	11.14	per Sq. Ft.
816	Hardware / Paint Store	4.84	43%	0.29	0.604	8.49	per Sq. Ft.

STREET IMPACT FEE RATES PER UNIT OF DEVELOPMENT							
ITE Code 1.	ITE Land Use Category 1.	ITE Trip Rate 2.	Percent New Trips 3.	Trip Length Factor 4.	Net New Trips per Development Unit	Impact Fee per Unit @ \$14,063.63	Impact Fee per Trip
820	Shopping Center < 1 million Sq. Ft.	3.75	43%	1.00	1.613	22.68	per Sq. Ft.
848	Tire Store	4.15	40%	0.29	0.481	6.77	per Sq. Ft.
849	Tire Super Store	2.11	40%	0.29	0.245	3.44	per Sq. Ft.
850	Supermarket	10.45	34%	0.29	1.030	14.49	per Sq. Ft.
851	Convenience Market	52.41	24%	0.29	3.648	51.30	per Sq. Ft.
853	Convenience Market w/ Gas Pumps	19.22	14%	0.29	0.780	10,974.30	per VSP
854	Discount Supermarket	8.90	54%	0.29	1.394	19.60	per Sq. Ft.
861	Discount Club	4.24	43%	1.00	1.823	25.64	per Sq. Ft.
862	Home Improvement Super Store	2.45	32%	1.00	0.784	11.03	per Sq. Ft.
863	Electronics Super Store	4.50	27%	1.00	1.215	17.09	per Sq. Ft.
867	Office Supply Super Store	3.40	32%	1.00	1.088	15.30	per Sq. Ft.
880	Pharmacy / Drug Store	8.42	38%	0.29	0.928	13.05	per Sq. Ft.
881	Pharmacy / Drug Store w/ Drive-up	8.62	38%	0.29	0.950	13.36	per Sq. Ft.
896	Video Rental Store	13.60	20%	0.29	0.789	11.09	per Sq. Ft.
911	Walk-in Bank (limited data)	33.15	27%	0.29	2.596	36.50	per Sq. Ft.
912	Drive-in Bank	45.74	27%	0.29	3.581	50.37	per Sq. Ft.
931	Quality Restaurant	7.49	38%	0.29	0.825	11.61	per Sq. Ft.
932	High Turnover Restaurant	10.92	37%	0.29	1.172	16.48	per Sq. Ft.
933	Fast Food	26.15	30%	0.29	2.275	32.00	per Sq. Ft.
934	Fast Food w/ Drive-up	34.64	30%	0.29	3.014	42.38	per Sq. Ft.
936	Drinking Place	11.34	38%	0.29	1.250	17.57	per Sq. Ft.
941	Quick Lube	5.19	14%	0.29	0.211	2,963.40	per VSP

STREET IMPACT FEE RATES PER UNIT OF DEVELOPMENT							
ITE Code 1.	ITE Land Use Category 1.	ITE Trip Rate 2.	Percent New Trips 3.	Trip Length Factor 4.	Net New Trips per Development Unit	Impact Fee per Unit @ \$14,063.63	Impact Fee per Trip
942	Auto Care	3.38	30%	0.29	0.294	4.14	per Sq. Ft.
944	Gas Station	13.86	14%	0.29	0.563	7,913.83	per VSP
945	Gas Station w/ Convenience Market	13.38	14%	0.29	0.543	7,639.76	per VSP
946	Gas Station w/ Convenience Market and Car Wash	13.33	14%	0.29	0.541	7,611.21	per VSP
947	Self-Serve Car Wash	5.54	14%	0.29	0.225	3,163.25	per VSP

1. Institute of Transportation Engineers, Trip Generation (7th Edition).

2. Trip generation rate per development unit, for p.m. peak hour of the adjacent street traffic (4:00 – 6:00 p.m).

Note: Sq. Ft. rate expressed per 1,000 SF.

3. Omits linked/diverted and pass-by trips, per Trip Generation Handbook: an ITE Recommended Practice, March, 2001.

4. Average trip length relative to single-family trip.

5. DU = dwelling unit, Sq. Ft. = square feet, VSP = vehicle servicing position.

If an applicant proposes a land use that is not identified above, the impact fee shall be an amount equal to \$14,063.63 for each p.m. peak hour trip generated, adjusted for trip length and percentage of new trips using methods and data comparable to those in the street study.

#### L. **Independent fee calculations**

1. If, in the judgment of the director, none of the fee categories or fee amounts set forth in [SDC 21.08.030K](#) accurately describe or capture the impacts of a new development on streets and roads, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.
2. If a feepayer opts not to have the impact fees determined according to [SDC 21.08.030K](#), then the feepayer shall prepare and submit to the director an independent fee calculation for the development for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.
3. Any feepayer submitting an independent fee calculation shall be required to pay the City a fee to cover the cost of reviewing the independent fee calculation. The amount of the fee required by the City for conducting the review of the independent fee calculation shall be in accordance with the adopted fee resolution by the City council and shall be paid by the feepayer prior to initiation of review.
4. While there is a presumption that the calculations set forth in the street impact fee analysis are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in

the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.

5. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner as set forth in [SDC 21.08.030F](#).

#### M. **Administrative fees**

1. All development permits subject to the impact fees pursuant to [SDC 21.08.030K](#) shall pay an administrative processing fee as adopted by the City council.
2. All development permits that require an independently determined impact fee pursuant to [SDC 21.08.030L](#) shall pay an administrative processing fee as adopted by the City council.

#### N. **Mitigation of adverse environmental impacts**

Nothing in this Chapter shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW.

## 21.08.040 Impact Fees for Parks and Recreational Facilities

### A. Findings and authority

The council hereby finds and determines that new growth and development, including but not limited to new residential development in the City, will create additional demand and need for public facilities in the City, and the council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new development on public facilities, has prepared the Rate Study for Impact Fees for Parks and Recreational Facilities, Henderson, Young and Company, dated November 2, 2006, and the Park Impact Fee Update Summary Memorandum by FCS Group dated October 14, 2015 (collectively referred to hereafter as the "rate study"), and hereby incorporates the rate study into this Chapter by reference. Therefore, pursuant to RCW 82.02.050 through 82.02.090, the council adopts this chapter to assess impact fees for parks and recreational facilities ("impact fee"). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program.

### B. Assessment of impact fees

1. The City shall collect impact fees, based on the rates in [SDC 21.08.040K.](#), from any applicant seeking development approval from the City for any residential development within the City, where such development requires the issuance of a building permit. This shall include, but is not

limited to, the expansion or change of use of existing uses that creates a demand for additional public facilities.

2. An impact fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090:
  - a. Miscellaneous improvements to residential dwelling units that will not create additional park use demand, including, but not limited to, fences, signs, walls, swimming pools, sheds, and residential accessory uses as defined in [SDC 21.04.040B.5.](#);
  - b. Demolition or moving of a residential structure;
  - c. Expansion or alteration of a residential structure provided the expansion or alteration does not result in the creation of any additional dwelling units as defined in [SDC 21.04.040B.93.](#) through [SDC 21.04.040B.98.](#);
  - d. Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
3. For a change in use of an existing structure or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use; provided, that the applicant has previously paid the required impact fee for the original use.

4. For mixed use developments, impact fees shall be imposed for the proportionate share of each residential land use based on the applicable measurement in the impact fee rates set forth in [SDC 21.08.040K](#).
5. Applicants seeking development approval for a change in use shall be required to pay an impact fee if the change in use increases the number of dwelling units.
6. Except as provided in [SDC 21.08.050C.](#), impact fees shall be assessed and collected, at the option of the applicant, either:
  - a. At the time of final plat (for platted development) or building permit application (for nonplatted development); or
  - b. At the time of building permit issuance;  
  
which option shall be declared at the time of final plat (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City.
7. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to [SDC 21.08.040D](#). shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to [SDC 21.08.040D](#). setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued by the City for each residential dwelling unit in the development.
8. The department shall not issue the required building permit unless and until the impact fees required by this chapter, less any permitted exemptions or credits provided pursuant to [SDC 21.08.040C](#). or [SDC 21.08.040D](#)., have been paid, unless a deferral has been granted pursuant to [SDC 21.08.050](#).
9. The service area for impact fees shall be a single City-wide service area.
10. In accordance with RCW 82.02.050, the City shall collect and spend impact fees only for the public facilities defined in this Chapter and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend impact fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying: a. deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; b. additional demands placed on existing public facilities by new development; and c. additional public facility improvements required to serve new development.
11. In accordance with RCW 82.02.050, if the City's capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose impact fees to address those public facility needs for which the City is responsible.
12. Applicants for single-family attached or single-family detached residential construction may request deferral of all



impact fees due under this chapter in accordance with the provisions of [SDC 21.08.050](#).

13. If, prior to February 12, 2016, an applicant submits a copy of a fully executed purchase and sale agreement with an affidavit from the applicant attesting that the agreement was fully executed prior to November 11, 2015, the residential dwelling unit that is the subject of that agreement will be subject to the parks and recreational facilities impact fee in effect on the date of execution of that agreement, as provided in [SDC 21.08.040K](#).

**C. Exemptions**

1. Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes; provided, that the impact fees from such development activity shall be paid from public funds other than impact fee accounts if the waiver is greater than 80 percent of the impact fee. The director shall be authorized to determine whether a particular development falls within an exemption identified below. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in [SDC 21.08.040F](#). The following development activities are exempt from the requirements of this chapter. A parks impact fee shall not be assessed for:
  - a. Any development activity undertaken by the City of Sammamish;
  - b. Accessory dwelling units approved by the City.
2. Except as provided above, the provision of affordable housing as defined in [SDC 21.08.080](#) may be exempted

from some or all of the required impact fees as shown in Table 1:

IMPACT FEE REDUCTIONS FOR AFFORDABLE HOUSING UNITS		
Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income	Up to 100%	4 units
	50% to 80%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director
Moderate-Income	Up to 80%	4 units
	0% to 50%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director

\*The % fee reduction is expressed as a maximum amount per unit.

- a. As a condition of receiving an exemption or percentage fee reduction under this section, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those families/households for a period of not less than 30 years. The lien, covenant, or

other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of impact fees from which the housing unit(s) was exempted into the City's account for park impact fees plus 12 percent interest per year.

- b. In determining the impact fee reductions for development(s) containing five or more affordable housing units, the community development director in consultation with the parks and recreation director should consider the following:
  - i. The proposed housing units meet the provisions set forth by the City's housing strategy plan adopted by the City council.
  - ii. The proposed housing units will assist the City in meeting Sammamish's affordable housing targets.
  - iii. The location of the units meets the City's Comprehensive Plan policies for the proposed housing type and density.
  - iv. Approval of the proposed housing units and the associated impact fee reduction would not result in a significant adverse impact on the level of service provided by the parks system.
- c. The impact fee amounts waived in excess of 80 percent shall be paid from public funds from sources other than impact fees or interest on impact fees.
- d. Determinations of the community development director in consultation with the parks and recreation director regarding the exemption or reduction of impact fees shall be in writing and shall be subject to the appeals procedures set forth in [SDC 21.08.040F](#).

#### D. Credits

1. A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:
  - a. For one or more of the system improvements identified in the capital facilities plan for parks and recreational facilities which are included in the rate study as the basis of the impact fee, and that are required by the City as a condition of approving the development activity; and
  - b. At suitable sites and constructed at acceptable quality as determined by the City.
2. The director shall determine if requests for credits meet the criteria in subsection 1. of this section.
3. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is being charged.
4. The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the director. The

appraiser must be licensed in good standing by the state of Washington for the category of the property appraised.

The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

5. The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the feepayer, in the event that a credit is awarded.
6. If a credit is due, after receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

7. No credit shall be given for project improvements as defined in [SDC 21.08.080](#).
8. A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments as defined in [SDC 21.08.080](#). For each request for a credit or credits for significant past tax payments, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments.
9. Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.
10. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in [SDC 21.08.040F](#).

#### E. Tax adjustments

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in [SDC 21.08.040K](#) have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements.

## F. Appeals

1. Any feepayer may pay the impact fees imposed by this Chapter under protest in order to obtain a building permit. No appeal shall be permitted until the impact fees at issue have been paid.
2. Appeals regarding the impact fees imposed on any development may only be filed by the feepayer of the property where such development will occur.
3. The feepayer must first file a request for review regarding impact fees with the director, as provided herein:
  - a. The request shall be in writing on the form provided by the City;
  - b. The request for review by the director shall be filed within 21 calendar days after the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
  - c. No administrative fee will be imposed for the request for review by the director; and
  - d. The director shall issue his/her determination in writing.
4. The following decisions may be appealed to the hearing examiner: determinations of the director with respect to the applicability of the impact fees to a given development; the director's determination regarding the availability or value of a credit; the director's decision concerning the independent fee calculation which is authorized in [SDC 21.08.040L.](#); fees imposed by the director pursuant to [SDC 21.08.040K.](#); or any other determination which the director is authorized to make pursuant to this Chapter.
5. Appeals to the hearing examiner shall be taken within 21 calendar days of the director's issuance of a written determination by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.
6. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any party may appear in person or by agent or attorney.
7. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.
8. The hearing examiner may, so long as such action is in conformance with the provisions of this Chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded.

### G. Establishment of impact fee accounts

1. Impact fee receipts shall be earmarked specifically and deposited in a special interest-bearing impact fee account maintained by the City.
2. There is hereby established the parks and recreational facilities impact fee account for the fees collected pursuant to this Chapter. Funds withdrawn from this account must be used in accordance with the provisions of [SDC 21.08.040I](#) and applicable state law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.
3. On an annual basis, the finance director shall provide a report to the City council on the parks and recreational facilities impact fee account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.
4. Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the City's Comprehensive Plan.
5. Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

### H. Refunds

1. If the City fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary or compelling reasons exist and the council has established other time periods pursuant to [SDC 21.08.040G](#), the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.
2. The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fee was paid.
3. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
4. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.
5. Refunds of impact fees under this section shall include interest paid at the statutory rate.
6. When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this

section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

7. The City shall refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, pursuant to RCW 82.02.0803., if the development for which impact fees were imposed did not occur; provided, that if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the director shall determine whether an impact has resulted and whether all or a portion of the impact fees paid shall be refunded.

#### I. Use of funds

1. Pursuant to this Chapter, impact fees:
  - a. Shall be used for system improvements that will reasonably benefit the new growth and development;
  - b. Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and
  - c. Shall not be used for maintenance or operation.

2. Impact fees may be spent for system improvements, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to parks and recreational facility improvements.
3. Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
4. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

#### J. Review

1. The fee rates set forth in [SDC 21.08.040K](#) may be reviewed and adjusted by the council as it deems necessary and appropriate to meet City needs, including, but not limited to, addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of the ordinance codified in this chapter, or 12 months after the most recent review by the council. The council may determine the amount of the adjustment and revise the fee rates set forth in [SDC 21.08.040K](#). If the council does not determine the amount



of the adjustment, the adjustment shall be administratively adjusted by the same amount that the five-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12-month period prior to the date of the adjustment.

2. In the last quarter of each calendar year, the community development director together with the parks and recreation director shall prepare a report to the planning commission, for the year to date, including the following:
  - a. The number of requests for impact fee exemptions or waivers pursuant to [SDC 21.08.040C.2.](#);
  - b. The total number of residential units and dollar amounts of the exemptions or waivers approved by the community development director in consultation with the parks and recreation director;
  - c. A copy of the hearing examiner decision, if any of the decisions of the community development director, in consultation with the parks and recreation director, were appealed to the hearing examiner.

Based on this annual review, the planning commission shall recommend to the City council any revision to [SDC 21.08.040C.](#) deemed appropriate.

**K. Park and recreational facilities impact fee rates**

In accordance with RCW 82.02.060, the park and recreational facilities impact fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to impact fees and which specifies the amount

of the impact fee to be imposed for each type of system improvement.

The park and recreational facilities impact fee rates in this section are generated from the formula for calculating impact fees set forth in the rate study which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in [SDC 21.08.040L.](#), exemptions in [SDC 21.08.040C.](#), and credits in [SDC 21.08.040D.](#), all new residential developments in the City will be charged the following park and recreational facilities impact fee applicable to the type of development:

IMPACT FEE RATES			
Unit Type	Fee per Dwelling Unit		
	FOR QUALIFYING RESIDENCES	THROUGH JANUARY 31, 2016	FEBRUARY 1, 2016, AND LATER
Single-Family	\$2,697.28	\$5,526.00	\$6,739.00 per dwelling unit, or
Multifamily	\$1,558.19	\$3,521.00	\$4,362.00 per dwelling unit

**L. Independent fee calculations**

1. If, in the judgment of the director, none of the fee categories or fee amounts set forth in [SDC 21.08.040K.](#) accurately describe or capture the impacts of a new development on parks and recreational facilities, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.



2. If a feepayer opts not to have the impact fees determined according to [SDC 21.08.040K.](#), then the feepayer shall prepare and submit to the director an independent fee calculation for the development for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.
3. Any feepayer submitting an independent fee calculation shall be required to pay the City a fee to cover the cost of reviewing the independent fee calculation. The amount of the fee required by the City for conducting the review of the independent fee calculation shall be in accordance with the adopted fee resolution approved by the City council and shall be paid by the feepayer prior to initiation of review.
4. While there is a presumption that the calculations set forth in the rate study are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.
5. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in [SDC 21.08.040F.](#)

#### M. **Administrative fees**

1. All development permits subject to the park and recreational facilities impact fees pursuant to [SDC 21.08.040K.](#) shall pay an administrative processing fee as adopted by the City council.
2. All development permits that require an independently determined park and recreational facilities impact fee pursuant to [SDC 21.08.040L.](#) shall pay an administrative processing fee as adopted by the City council.

#### N. **Mitigation of adverse environmental impacts**

Nothing in this Chapter shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW.

## 21.08.050 Impact Fee Deferral

### A. Purpose

The purpose of this chapter is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an impact fee deferral process for single-family residential construction, in order to promote economic recovery in the construction industry.

### B. Applicability

1. The provisions of this chapter shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including street impact fees assessed under [SDC 21.08.030](#), impact fees for parks and recreational facilities assessed under [SDC 21.08.040](#), and school impact fees assessed under [SDC 21.09.090](#).
2. Subject to the limitations imposed in [SDC 21.08.050F.](#), the provisions of this chapter shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this chapter, an “applicant” includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

### C. Impact fee deferral

1. **Deferral Request Authorized.** Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the sooner of:
  - a. Final inspection; or

- b. The closing of the first sale of the property occurring after the issuance of the applicable building permit;

which request shall be granted so long as the requirements of this chapter are satisfied.

### 2. Method of Request.

A request for impact fee deferral shall be declared at the time of preliminary plat application (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City. Any request for impact fee deferral must be accompanied by an administrative fee in an amount equal to one hour at the City’s hourly rate for planning as stated in the City’s current fee schedule.

### 3. Calculation of Impact Fees.

The amount of impact fees to be deferred under this chapter shall be determined as of the date the request for deferral is submitted.

### D. Deferral term

The term of an impact fee deferral granted under this chapter may not exceed 18 months from the date the building permit is issued (“deferral term”). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the deferral term, then full payment of the impact fees shall be due on the last date of the deferral term.

## E. Deferral impact fee lien

### 1. Applicant's Duty to Record Lien.

An applicant requesting a deferral under this chapter must grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees as determined under [SDC 21.08.050C.3.](#), against the property in favor of the City in accordance with the requirements of RCW 82.02.0503.c.

### 2. Satisfaction of Lien.

Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

## F. Limitation on deferrals

The deferral entitlements allowed under this chapter shall be limited to the first 20 single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per year.

## 21.08.060 Right-of-Way Use Permits

### A. Purpose—Permit required

The purpose of this chapter is to establish minimum rules and regulations for controlling and enforcing right-of-way uses to assure that proposed uses are consistent with the public health, safety, and welfare of the community, and that harm or nuisance which may result from a proposed right-of-way use is prevented.

It shall be unlawful for anyone to make private use of any public right-of-way without a right-of-way use permit issued by the City, or to use any public right-of-way without complying with all provisions of a permit issued by the City.

### B. Right-of-way use permit application process and fee

1. The City engineer or designee, herein referred to as "the City," shall establish policies and procedures to administer the permit program.
2. Applicants may be required to submit, in addition to the application form, any documents the City deems necessary for the City to perform an accurate evaluation of the right-of-way use permit application.
3. Decisions regarding issuance, renewal, denial, or termination of any such permits shall be subject to insurance requirements, bond requirements, indemnification and hold harmless agreements, the capacity of the rights-of-way to accommodate the applicant's proposed facilities or use, evaluation of competing public interests, and any other administrative requirements applicable to the permit.

4. As part of a complete right-of-way use permit application, the applicant shall submit to the City, at the time of application, right-of-way use permit fees, including a nonrefundable application fee, as set forth in the most current City of Sammamish fee schedule.
5. If insurance is required, the insurance guidelines in City policy shall apply unless otherwise established by the City.
6. Conditions of approval will be identified during the City's review of the application and may include a certificate of insurance, indemnification and hold harmless agreement, traffic control plan, performance bond, time and use restrictions, video data, status reports, restoration of disturbed right-of-way features, or any other requirements the City deems necessary to protect the right-of-way and public health, safety, and welfare.

#### C. Right-of-way use permit types

1. Type A, ROW special use permit is a short-term permit and allows the use of the right-of-way for nonconstruction activities as described in [SDC 21.08.060D](#).
2. Type B, ROW construction permit is a permit that allows the use of the right-of-way for construction activities as described in [SDC 21.08.060E](#).
3. Type C, ROW utility permit is a permit that allows for the use of the right-of-way to construct or maintain utilities as described in [SDC 21.08.060F](#).
4. Type D, ROW lease permit is a permit that allows long-term usage of public right-of-way for non-construction activities as described in [SDC 21.08.060G](#).

#### D. Type A right-of-way special use permit

1. Type A ROW special use permit is required for any special event that is held within the public right-of-way or creates significant traffic impacts within the public right-of-way.
2. Type A ROW special use permit may be required for uses that are non-construction uses but not defined as a special event by this chapter.
3. Proof of insurance may be required with the City listed as an additional insured to protect the public and the City against liability for injury to persons or property.

#### E. Type B right-of-way construction permit

1. Type B ROW construction permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm,

corporation, company, enterprise or entity to commence any work within the public right-of-way. Types of activities that would fall under a Type B ROW construction permit include but are not limited to driveways, curbs, stormwater infrastructure, sidewalks, retaining walls, cutting or maintaining trees and haul routes. Construction work associated with a franchised utility provider or a telecommunications provider shall obtain a Type C ROW utility permit as described in [SDC 21.08.060F](#).

2. Proof of insurance shall be required, with the City listed as an additional insured, on all work within the right-of-way to address liability for injury to persons or property. Insurance amounts shall be those identified in Section 1-07.18 (Public Liability and Property Damage Insurance) of the Standard Specifications for Road, Bridge and Municipal Construction (current version) published by the Washington State Department of Transportation, and City amendments thereto. These insurance requirements may be modified at the discretion of the City.
  3. A current City business license is required for any person performing work in the City right-of-way.
  4. It is unlawful for any person to perform any work in City right-of-way unless operating under a valid state of Washington general contractor's license, or a valid state of Washington specialty contractor's license applicable to the type of work being performed.
  5. Contractors are responsible for traffic control, work area protection/security and street maintenance to protect the life, health and safety of the public during any permitted work within the right-of-way, and all methods and equipment used will be subject to the approval of the City.
6. All streets, sidewalks, alleys, parkways, and other public rights-of-way disturbed in the course of work performed under any permit shall be restored in accordance with the City of Sammamish public works standards or as required and approved by the City engineer.
  7. All work within City right-of-way must be pursued to completion with due diligence, and if work is not completed within a reasonable length of time, as determined by the City engineer, the City shall cause the work to be completed at the applicant's expense.
  8. Any costs incurred by the City for right-of-way restoration will be charged to the property owner and/or developer employing the contractor.

#### F. **Type C right-of-way lease permit**

1. Type C ROW utility permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm, or corporation to commence any work within the public right-of-way associated with providing or maintaining franchised utilities or telecommunication facilities within the City right-of-way.
2. Proof of insurance shall be required, with the City listed as an additional insured, on all work within the right-of-way to address liability for injury to persons or property. Insurance amounts shall be those identified in Section 1-07.18 (Public Liability and Property Damage Insurance) of the Standard Specifications for Road, Bridge and Municipal Construction (current version) published by the Washington

State Department of Transportation, and City amendments thereto. These insurance requirements may be modified at the discretion of the City.

3. A current City business license is required for any person performing work in the City right-of-way.
4. It is unlawful for any person to perform any work in City right-of-way unless operating under a valid state of Washington general contractor's license, or a valid state of Washington specialty contractor's license applicable to the type of work being performed.
5. Contractors are responsible for traffic control, work area protection/security and street maintenance to protect the life, health and safety of the public during any permitted work within the right-of-way, and all methods and equipment used will be subject to the approval of the City.
6. All streets, sidewalks, alleys, parkways, and other public rights-of-way disturbed in the course of work performed under any permit shall be restored in accordance with the City of Sammamish public works standards or as required and approved by the City engineer.
7. All work within City right-of-way must be pursued to completion with due diligence, and if work is not completed within a reasonable length of time, as determined by the City engineer, the City shall cause the work to be completed at the applicant's expense.
8. Any costs incurred by the City for right-of-way restoration will be charged to the property owner and/or developer employing the contractor.

#### G. **Type D right-of-way lease permit**

1. Type D ROW lease permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm, or corporation to commence any work within the ROW or utilize the unopened or unused public ROW for long-term private benefit or use. Types of activities that fall under a Type D ROW lease permit include, but are not limited to, construction of fences, landscaping, private irrigation, sheds, private nonfranchised utilities, and garages. Infrastructure associated with a franchised utility provider or a telecommunications provider shall obtain a Type C ROW utility permit as described in [SDC 21.08.060F](#).
2. Proof of insurance may be required with the City listed as an additional insured to protect the public and the City against liability for injury to persons or property.
3. At any time the City deems the area being leased is necessary for public benefit, the ROW lease permit may be terminated and the applicant will be required, at their expense, to move their facilities from the public ROW.

#### H. **Revocation or suspension of permit**

All permits issued pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the City as follows:

1. The permit may be immediately revoked by the City in the event of a violation of any of the terms or conditions of the permit; or



2. The permit may be immediately revoked by the City in the event the permitted special event or street use shall become dangerous to persons or property, or if any structure, site condition or obstruction permitted becomes insecure or unsafe; or
3. The permit may be revoked by the City upon 30 days' notice if the permit was not for a specified period of time and is not covered by either of the preceding subsections.
4. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the City may remove any structure, site condition or obstruction, or cause to be made such repairs upon the structure, site condition or obstruction as may be necessary to render the same secure and safe, or to adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all fees and costs associated with enforcement of the collection of same, including attorney's fees.

#### I. Enforcement

The City engineer is authorized to enforce or seek enforcement of the provisions of this chapter, and ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.

## 21.08.070 Construction Codes Cross Reference Table

CONSTRUCTION CODES CROSS-REFERENCE	
Code	Reference
International Building Code	16.05.070
International Residential Code	16.05.080
International Mechanical Code	16.05.090
National Fuel Gas Code (NFPA 54)	16.05.100
Liquefied Petroleum Gas Code (NFPA 58)	16.05.110
International Fuel Gas Code	16.05.120
International Fire Code	16.05.130
Uniform Plumbing Code	16.05.140
Washington State Energy Code	16.05.150
Washington Cities Electrical Code	16.05.153
International Existing Building Code	16.05.155
International Swimming Pool and Spa Code	16.05.157



## 21.08.080 Definitions

### A. Definitions

The following words and terms shall have the following meanings for the purposes of this Chapter, unless the context clearly requires otherwise. The following words, terms, and definitions shall apply to all portions of this Title, except as specifically superseded by definitions set forth elsewhere in this Title.

1. **Accessory dwelling unit.** is defined for the purposes of this Chapter the same as the term “Dwelling unit, accessory” in [SDC 21.04.040B.94.](#))
2. **Affordable housing.** or “low-income housing” means residential housing that is rented or owned by a person or household whose monthly housing expenses, including utilities other than telephone, do not exceed 30 percent of the applicable median family income listed below and adjusted for household size. Based on the King County Income and Affordability Guidelines, housing affordability levels include:
  - a. **Low income.** A family earning between zero and 50 percent of the King County median household income.
  - b. **Moderate income.** A family earning between 51 and 80 percent of the King County median household income.
  - c. **King County median household income.** The median income of the Seattle Metropolitan Statistical Area (“SMSA”), adjusted for household size, as determined by the United States Department of Housing and Urban Development (“HUD”). In the event that HUD no longer publishes median income figures for King County, the City may determine such other method as it may choose to determine the King County median household income, adjusted for household size.
3. **Applicant.** A property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.
4. **Building permit.** An official document or certification which is issued by the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.
5. **Capital facilities plan.** The Capital Facilities Plan Element of a Comprehensive Plan adopted by the City of Sammamish pursuant to Chapter 36.70A RCW, and such plan as amended.
6. **Capital improvement program (CIP).** The expenditures programmed by the City of Sammamish for capital purposes over the next six-year period in the CIP most recently adopted by the City council.
7. **Certificate of concurrency.** The document issued by the City indicating the location or other description of the property on which the development is proposed, the type of development permit for which the certificate is issued, the number and type of units, square footage, and/or

maximum trip generation approved, the public facilities that are available and reserved for the property described in the certificate, any conditions attached to the approval, and the date of issuance.

8. **City.** The City of Sammamish.
9. **City’s traffic model AM peak hour.** From 7:00 to 8:00 a.m., which accommodates many schools’ peak hour.
10. **City’s traffic model PM peak hour.** From 4:45 to 5:45 p.m., which reflects the afternoon’s average system peak hour.
11. **Concurrency.** That a development does not cause the level of service on a locally owned transportation facility to decline below the standards adopted in the Transportation Element of the Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of the development are made concurrent with the development. For the purposes of this Chapter, “concurrent with the development” means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.
12. **Concurrency test.** The determination of an applicant’s impact on transportation facilities by the comparison of the City’s adopted level of service standards to the projected level of service at intersections or road corridors, or road segments with the proposed development.
13. **Concurrency test deferral affidavit.** A document signed by an applicant which defers the application for a certificate of concurrency and the concurrency test, acknowledges that future rights to develop the property are subject to the deferred concurrency test, and acknowledges that no vested rights concerning concurrency have been granted by the City or acquired by the applicant without such a test.
14. **Council.** The City council of the City of Sammamish.
15. **Department.** The department of public works, department of community development, or, when referenced in [SDC 21.08.040](#), means the department of parks and recreation.
16. **Development.** Specified improvements or changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land, and that require a development permit from the City of Sammamish. The rezoning of land is not development.
17. **Development activity.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.
18. **Development approval.** Any written authorization from the City which authorizes the commencement of development activity.
19. **Development permit.** Any order, permit or other official action of the City granting, or granting with conditions, an application for development, including specifically:
  - a. Planned action, as that term is defined in RCW 43.21C.0312.;

- b. Subdivision, including preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation;
  - c. Mobile home park;
  - d. Unified zone development plan (UZDP);
  - e. Conditional use permit;
  - f. Site development permit;
  - g. Building permit; or
  - h. Certificate of occupancy for a change in use.
20. **Director.** When referenced in this Chapter, means the director of the department of public works or the director’s designee, or the director of the department of parks and recreation or the director’s designee, or the director of the department of community development or the director’s designee, as appropriate.
21. **Dwelling unit.** A residential location such as a house, apartment, condominium, townhouse, mobile home, or manufactured home in which people may live.
22. **Encumbered.** To reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
23. **Feepayer.** A person, corporation, partnership, incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.
24. **Financial commitment.** Sources of public or private funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.
- a. Revenue designated in the most currently adopted CIP for transportation facilities or strategies needed in the committed network for the transportation adequacy measure to test for concurrency. The financial plan underlying the adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period that can be reasonably expected. Projects to be used in defining the committed network shall represent those projects that are anticipated to be constructed in the six years of the CIP. This commitment is reviewed annually through the budget process;
  - b. Unanticipated revenue from federal or state grants for which the City has received notice of approval;
  - c. Revenue that is assured by an applicant in a form approved by the City in a voluntary agreement;
  - d. Grants from federal, state or private sources if the grant has been awarded for specific projects;
  - e. Appropriations in state biennial budget for specific projects;

- f. Revenues that can be imposed or expended at the discretion of the City, including, but not limited to, impact fees, SEPA mitigation payments, property taxes, real estate excise taxes, user fees, charges, intergovernmental entitlements, and bonds;
  - g. Revenue from special assessment districts created by the City;
  - h. Irrevocable commitments from developers in a form acceptable to the City including:
    - i. Performance or surety bonds from Washington State financial institutions;
    - ii. Letters of credit from Washington State financial institutions; or
    - iii. Assignments of assets in Washington State (i.e., interests in real property, savings certificates, bank accounts, or negotiable securities); or
  - i. Payments by special districts if such payments are similar in character and reliability to those listed in subsections a. through e. of this definition.
25. **Gross floor area.** The total square footage of any building, structure, or use, including accessory uses.
26. **Hearing examiner.** The examiner who acts on behalf of the City in considering and applying land use regulatory codes as provided under the Sammamish Municipal Code. Where appropriate, “hearing examiner” also refers to the office of the hearing examiner.
27. **Impact fee.** A payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit or application fee.
28. **Impact fee account or “account”.** The account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to [SDC 21.08.030G.](#), [SDC 21.08.030H.](#), [SDC 21.08.040G.](#) and [SDC 21.08.040H.](#), and comply with the requirements of RCW 82.02.070.
29. **Independent fee calculation.** The street impact calculation or park and recreational impact fee and/or economic documentation prepared by a fee payer to support the assessment of an impact fee calculation other than by the use of the rates listed in [SDC 21.08.030K.](#) or [SDC 21.08.040K.](#), or the calculations prepared by the director where none of the fee categories or fee amounts in [SDC 21.08.030K.](#) or [SDC 21.08.040K.](#) accurately describe or capture the impacts of the new development on public facilities.
30. **ITE land use code.** The classification code number assigned to a type of land use by the Institute of Transportation Engineers in the current edition of Trip Generation Manual.
31. **Level of service standards.** The City’s defined performance standards for its adopted concurrency intersections,

- road corridors, and road segments, as defined in [SDC 21.08.020E](#).
32. **Occupancy.** That a space is being lived in, rented, or used and therefore not vacant.
  33. **Owner.** The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.
  34. **Peak hour.** The hour during the morning or afternoon with the highest traffic volumes for a particular roadway or intersection.
  35. **Planned action.** A project action as that term is defined in RCW 43.21C.0312.
  36. **Preapplication meeting.** For the purposes of this Chapter, a meeting between the applicant for a transportation concurrency certificate or its extension and the staff of the department, according to that department's rules and administrative procedures held for the purpose of determining the requirements to file a development permit application.
  37. **Project improvements.** Site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the City council shall be considered a project improvement.
  38. **Proportionate share.** That portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.
  39. **Public facilities.** The following capital facilities owned or operated by government entities: a. public streets and roads; b. publicly owned parks, open space, and recreation facilities; c. school facilities; and d. fire protection facilities in jurisdictions that are not part of a fire district.
  40. **Rate Study for Impact Fees for Parks and Recreational Facilities.** The rate study completed by Henderson, Young and Company, dated November 2, 2006, for the City of Sammamish.
  41. **Reservation and "reserve".** Development units are set aside in the City's concurrency records in a manner that assigns the units to the applicant and prevents the same units being assigned to any other applicant.
  42. **Residential or "residential development".** All types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, townhouse and other multifamily development.
  43. **Service area.** A geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.
  44. **Significant past tax payment.** Taxes exceeding five percent of the amount of the impact fee, and which were paid prior to the date the impact fee is assessed and were earmarked

or proratable to the same system improvements for which the impact fee is assessed.

45. **Square footage.** The square footage of the gross floor area of the development.
46. **State.** The state of Washington.
47. **Street.** A public thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.
48. **Street Impact Fee Rate Study.** The “Rate Study for Impact Fees for Streets,” City of Sammamish, dated September 27, 2006, or the most current update.
49. **System improvements.** Public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.
50. **Trip.** A single or one-direction person or vehicle movement. A trip has an origin and a destination at its respective ends (known as trip ends).

The following words and phrases, wherever used in this chapter, shall have the meanings ascribed to them in this section except where otherwise defined or unless the context shall clearly indicate to the contrary.

51. **Abutting property.** Property bordering upon and contiguous to a public right-of-way as defined herein.
52. **Applicant.** Any person, company, corporation, enterprise, or entity applying for the issuance or renewal of a right-of-way

use permit or any person, company, corporation, enterprise, or entity that has been issued a right-of-way use permit.

53. **Application.** For the purposes of this chapter, the collection of papers or electronic data necessary to initiate a right-of-way use permit request and shall include an application in the form approved by the City, and other submittals consistent with the purposes of this chapter.
54. **Private use.** Use of the public right-of-way for the benefit of a person, partnership, group, organization, company, corporation, entity or outside jurisdiction other than as a public thoroughfare for any type of vehicle, pedestrian, bicycle or equestrian travel.
55. **Right-of-way or “ROW”.** Streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, landscape (parking) strips, squares, triangles, easements and other rights-of-way open to the use of the public, including the space above or beneath the surface of same. This definition specifically does not include streets, alleys, ways, landscape strips, sidewalks, easements, etc., which have not been deeded, dedicated, or otherwise permanently appropriated to the City for public use.
56. **Special event.** An event which will generate or invite public participation, and/or spectators, for a particular and limited purpose and time including, but not limited to, fun runs/walks, roadway foot races, fundraising walks, bike-a-thons, parades, block parties, carnivals, shows, exhibitions and fairs.

## CHAPTER 21.09.

# ADMINISTRATION

---

21.09.010	Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals	615
21.09.020	Hearing Examiner . . . . .	631
21.09.030	State Environmental Policy Act (SEPA) Procedures . . . . .	639
21.09.040	Land Use Mediation Program . . . . .	645
21.09.050	Commercial Site Development Permits . . . . .	652
21.09.060	[Reserved] . . . . .	656
21.09.070	Review Procedures—Notice Requirements . . . . .	656
21.09.080	Application Requirements— Notice Methods . . . . .	663
21.09.090	School Impact Fees. . . . .	663
21.09.100	Decision Criteria . . . . .	672
21.09.110	Enforcement . . . . .	675
21.09.120	Moving Buildings . . . . .	677
21.09.130	Nonconformance. . . . .	679
21.10.010	Definitions . . . . .	683



## 21.09.010 Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals

### A. Chapter purpose

The purpose of this chapter is to establish standard procedures for land use permit applications, public notice, hearings, and appeals in the City of Sammamish. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the comprehensive plan. These procedures also provide for an integrated and consolidated land use permit and environmental review process consistent with Chapter 347, Laws of 1995.

### B. Classifications of land use decision processes

1. Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.
  - a. Type 1 decisions are made by the director (director) of the department of community development (department). Type 1 decisions are nonappealable administrative decisions that require the exercise of little

or no administrative discretion. For Type 1 decisions for which the department has issued a SEPA threshold determination, the issuance of any subsequent permits shall not occur until any allowed administrative appeal of the SEPA threshold determination is decided.

- b. Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions that are subject to administrative appeal in accordance with applicable provisions of law or ordinance.
  - c. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to superior court.
  - d. Type 4 decisions are quasi-judicial decisions made by the hearing examiner. Type 4 decisions may be appealed to the State Shoreline Hearings Board.
2. Except as provided in [SDC 21.09.030L.1.f.](#) or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.
  3. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.
  4. Land use permits that are categorically exempt from review under the State Environmental Policy Act (SEPA) will not require a threshold determination (determination of nonsignificance (DNS) or determination of significance

(DS)). For all other projects, the SEPA review procedures codified in SDC 21.09.030 are supplemental to the procedures set forth in this chapter.

LAND USE DECISION TYPE		
Type	Process	Project Type
Type 1	Decision by director, no administrative appeal	Building; clearing and grading; boundary line adjustment; temporary use; TDR sending site certification; accessory structures over 200 sq ft or with electricity and plumbing; right-of-way; road variance except those rendered in conjunction with a subdivision or short plat decision <sup>1</sup> ; variance from the requirements of Chapter 9.04 KCC as adopted by <a href="#">SDC 21.03.050</a> ; shoreline exemption; approval of a conversion harvest plan; temporary homeless encampment permit <sup>2</sup> ; wireless communication facility exemption; expedited wireless use permit; standard wireless use permit
Type 2	Decision by director appealable to hearing examiner, no further administrative appeal	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; procedural and substantive SEPA decision; Commercial Site Development Permit pursuant to <a href="#">SDC 21.09.050</a> ; approval of residential density incentives; new or reuse of public or private schools; reasonable use exceptions under <a href="#">SDC 21.03.020H.2.</a> ; preliminary determinations under <a href="#">SDC 21.09.010C.3.</a> ; critical areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of <a href="#">SDC 21.03.020</a> ; binding site plan; unified zone development plan under <a href="#">SDC 21.07.120 3.</a> ; drainage adjustment applications for projects subject to full or large project drainage review <sup>5</sup> . under <a href="#">SMC Chapter 13.206</a> . if not already considered with another underlying project permitting process; drainage adjustment applications for any project requiring drainage review located in a critical drainage area under <a href="#">SMC Chapter 13.20</a> if not already considered with another underlying project permitting process.
Type 3	Recommendation by director, hearing and decision by hearing examiner appealable to superior court	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; zone reclassifications <sup>4</sup> ; special use
Type 4	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline substantial development permits (SSDPs); shoreline conditional use permits

**Development Conditions:**

- (1) The road variance process is administered by the City engineer pursuant to the City's street standards as set forth in the public works standards.
- (2) Subject to the notice requirements of [SDC 21.05.030K.4.](#)
- (3) Subject also to the procedural requirements of [SDC 21.09.010E.](#) and [SDC 21.07.120.](#)
- (4) Approvals that are consistent with the comprehensive plan may be considered by the examiner at any time. Zone reclassifications that are not consistent with the comprehensive plan require a site-specific land use map amendment and the City council's hearing and consideration will be scheduled with the amendment to the comprehensive plan pursuant to [SMC 24.25.040](#) and [24.25.050](#).
- (5) As defined in [SMC Chapter 13.10](#) for Full Drainage Review ([SMC 13.10.300](#)) and Large Project Drainage Review ([SMC 13.10.390](#)).
- (6) Subject to [SDC 21.02.060](#) for preliminary plat revisions and will need to follow the preliminary short plat or preliminary plat review process accordingly.

**C. Project Guidance—Preapplication conference**

1. Prior to the filing of a land use application, applicants shall contact the department for project guidance and shall subsequently request a preapplication conference with the department as provided by subsections 2. and 3. of this section.

- a. **Project Guidance Submittal.** All application types must complete the project guidance form and required attachments before scheduling the preapplication conference unless below the development thresholds identified in subsection 2. of this section. The purpose of project guidance is to provide general information and next steps prior to the preapplication conference. The project guidance may be an informal conversation between the department and the applicant.
  - b. **Preapplication Conference.** The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner within 30 days from the date of the applicant's request. The director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application. Except as provided in subsection 5. of this section, nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within 30 days following the applicant's request. The provisions of subsections 2. through 5. of this section apply only to the preapplication conference and not to the project guidance.
2. The applicant shall contact the department to schedule a preapplication conference prior to filing a permit

application for a Type 1 decision involving any of the following:

- a. Property that will have 5,000 square feet or greater of development and/or right-of-way improvements; or
- b. Property in a critical drainage area; or
- c. Property that has a wetland, steep slope, landslide hazard, or erosion hazard.
- d. Single-family residences and accessory buildings directly impacting critical areas and/or their buffers.
- e. All new single-family homes or residential dwellings on lot platted prior to the date of incorporation for the City of Sammamish.
- f. All projects subject to SEPA review

provided, that the provisions of this subsection shall not apply to structures where all work is in an existing building and no parking is required or added.

3. Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference that shall be held prior to filing the application, except as provided in subsection 1.b. of this section.
4. For the purposes of this section, "applicant" means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in [SDC 21.02.060B.3](#).

5. Information presented at or required as a result of the preapplication conference shall be valid for a period of 180 days following the preapplication conference. An applicant wishing to submit a permit application more than 180 days following the preapplication conference for that permit must schedule and participate in another preapplication conference prior to submitting the permit application; however, the director may waive this requirement for de minimus deviations or if it is determined to be unnecessary for review of an application.
6. At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable City policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in [SDC 21.09.010H.7](#) and 8.

#### D. **Neighborhood meetings**

1. The applicant for a subdivision, short subdivision, or conditional use permit shall conduct and attend a neighborhood meeting within the City limits to discuss the proposed development after the preapplication conference but prior to submission of the development proposal to the City, at a date and time which shall not be unreasonable. The purpose of the meeting shall be to receive neighborhood input and suggestions prior to submission of the application, and an opportunity for the applicant to amend the proposal to address neighborhood feedback

as appropriate. Such a public meeting is not a mediation, and any party who participates in such a meeting may still request mediation in accordance with [SDC 21.09.040E](#) and the provisions of the City land use mediation program. For the purposes of this subsection, “applicant” means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in [SDC 21.02.060B.3](#).

2. At least 21 days prior to the neighborhood meeting, the applicant shall give notice of the date, time, and location of the meeting to the community development director and to all persons who would be entitled to receive notice of the proposed plat application, short subdivision application or conditional use permit application under the requirements of the Sammamish Municipal Code.
3. The notice shall be on a form provided by the community development director and shall briefly describe the proposal and its location and shall include the name, address, and telephone number of the applicant or a representative of the applicant who may be contacted for additional information about the proposal. Notice to the community development director shall include a list of the persons and addresses notified of the neighborhood meeting.
4. Within 30 days following the neighborhood meeting, the applicant shall provide to the community development director, and to all attendees who signed in at the meeting, documentation of the meeting as follows:
  - a. The date, time, and location of the meeting;
  - b. Contact information for all persons representing the applicant at the meeting;
  - c. A summary of comments provided for the meeting attendees by the applicant prior to or during the meeting;
  - d. A summary of comments received from meeting attendees or other persons prior to or during the meeting; and
  - e. Copies of documents submitted or presented at the meeting.
5. Complete applications must be received by the City within 120 days of the neighborhood meeting. If an application is not submitted in this time frame, or if the materials submitted with the application do not substantially conform to the materials provided at the meeting, the applicant shall be required to hold a new neighborhood meeting.

#### E. Unified zone development plan process

Following application submittal and prior to approval of the unified zone development plan, the applicant and City shall conduct an open house. Notice of the open house shall be provided at least 14 days prior to the open house, and shall include the date, time, and location of the meeting and shall be mailed to all persons who would be entitled to receive notice of decision pursuant to [SDC 21.09.010L](#). The purpose of this open house is to provide an additional opportunity for the community to review and provide comments on the proposed unified zone development plan.

**F. Application requirements and permit fees**

1. The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. The director shall maintain a policy in the fee schedule resolution the process and standard on permit fee refunds that is available to the public. Applications for land use permits requiring Type 1, 2, 3, or 4 decisions shall be considered complete as of the date the department deems it complete. The director shall also maintain a list of application materials by project type that may be required to verify compliance. Except as provided in subsection 2. of this section, all land use permit applications described in [SDC 21.09.010B.](#), Exhibit A, shall include the following:
  - a. An application form provided by the department;
  - b. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
    - i. The name of the agency or private or public utility is shown on the application as the applicant;
    - ii. The agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
    - iii. The form designating who the applicant is is submitted to the department prior to permit approval;
  - c. A certificate of sewer availability from the Sammamish Plateau Sewer and Water District or site percolation data with preliminary approval by the Seattle-King County department of public health, however this is not required if applying for a stand-alone type 2 drainage adjustment under [SMC Chapter 13.20](#);
  - d. A current certificate of water availability, as required by [SDC 21.06.040](#), however this is not required if applying for a stand-alone type 2 drainage adjustment under [SMC Chapter 13.20](#);
  - e. A site plan, prepared in a form prescribed by the director;
  - f. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of [SDC 21.02.060B.](#), however this is not required if applying for a stand-alone type 2 drainage adjustment under [SMC Chapter 13.20](#);
  - g. A sensitive areas affidavit if required by [SDC 21.03.020](#);
  - h. A completed environmental checklist, if required by [SDC 21.09.030](#), State Environmental Policy Act Procedures;
  - i. Payment of any development permit review fees, excluding impact fees, as set forth by resolution;
  - j. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the City or any other governmental entity;



- k. Approved certificate of concurrency from the director or designee, if required by [SDC 21.08.020](#), however this is not required if applying for a stand-alone type 2 drainage adjustment under SMC Chapter 13.20;
  - l. Certificate of future connection from the appropriate purveyor for lots located within the City that are proposed to be served by on-site or community sewage system and/or group B water systems or private well, however this is not required if applying for a stand-alone type 2 drainage adjustment under SMC Chapter 13.20;
  - m. A determination if drainage review applies to the project pursuant to [SDC 21.03.050](#), and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted by reference in [SDC 21.03.050](#);
  - n. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;
  - o. Legal description of the site;
  - p. Variances obtained or required under this Title to the extent known at the date of application;
  - q. Verification that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has a right to develop the site and that the application has been submitted with the consent of all owners of the affected property; provided, that compliance with subsection 2.d. of this section shall satisfy the requirements of this subsection 1.(q);
  - r. For commercial site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years; and
  - s. For any applicant organized as a single-member or multiple-member limited liability company, the designation required by subsection 1.b. of this section must include the names and addresses of all the applicant's members, including all individuals who hold transferable interests in the applicant or its members.
  - t. For Type 2, Type 3 and Type 4 applications a narrative from the applicant about how the project furthers specific goals and policies of the City's Comprehensive Plan. The statement should reference specific statements from the Comprehensive Plan.
- A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.
2. Additional complete application requirements apply for the following land use permits:



- a. Clearing and grading permit, as set forth in [SDC 21.03.070G](#);
  - b. Construction permits as set forth in SMC 16.20.215;
  - c. Mobile home permits as set forth in [SDC 21.05.030H](#);
  - d. For all applications for land use permits requiring Type 2, 3, or 4 decisions, a title report from a reputable title company indicating that the applicant has either sole marketable title to the development site or has a publicly recorded right to develop the site (such as an easement); if the title report does not clearly indicate that the applicant has such rights, then the applicant shall include the written consent of the record holder(s) of the development site.
  - e. Drainage adjustment as set forth in SMC 13.20.030. Stand-alone drainage adjustment application subject to [SDC 21.09.010](#) Exhibit A – Type 2 is not allowed prior to an underlying the primary project permit process occurring.
3. The director may specify the requirements of the site plan required to be submitted for various permits.
  4. The applicant shall attest by written oath to the accuracy of all information submitted for an application.
  5. Applications shall be accompanied by the payment of the applicable filing fees, if any, as set forth by resolution.
  6. The Director may waive applicable fees for projects where the fee may be a barrier to activities that have a clear public benefit such as the removal of invasive species, the

restoration of critical areas, landscape maintenance, and other similar activities.

#### G. Notice of complete application to applicant

1. Within 28 days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional, or federal governments that may have jurisdiction over some aspects of the development proposal.
2. An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the 28-day period as provided herein.
3. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within 14 days whether the application is complete or what additional information specified by the department as provided in subsection 1. of this section is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the 14-day period that the application is incomplete.
4. The date an application is deemed complete is the date of receipt by the department of all of the information

necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application as provided in subsections 1. or 3. of this section, or the failure of the department to provide such a notice as provided in subsections 2. or 3. of this section, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

5. The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within 90 days following notification from the department that the application is incomplete.

#### H. Notice of application

1. A notice of application shall be provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions that meet the thresholds in [SDC 21.09.010C.2](#).
2. Notice of the application shall be provided by the department within 14 days following the department's determination that the application is complete. A public comment period of at least 21 days shall be provided, except as otherwise provided in Chapter 90.58 RCW.
3. If the director has made a determination of significance (DS) under Chapter 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.
4. All required notices of application shall contain the following information:

- a. The file number;
  - b. The name of the applicant;
  - c. The date of application, the date of the notice of completeness and the date of the notice of application;
  - d. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
  - e. A site plan on eight-and-one-half-by-14-inch paper, if applicable;
  - f. The procedures and deadline for filing comments, requesting notice of any required hearings, and any appeal procedure;
  - g. The date, time, place, and type of hearing, if applicable and scheduled at the time of notice;
  - h. The identification of other permits not included in the application to the extent known;
  - i. The identification of existing environmental documents that evaluate the proposed project;
  - j. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable City plans and regulations.
5. Notice shall be provided in the following manner:
    - a. Posted at the project site as provided in subsections 6. and 9. of this section;

- b. Mailed by first class mail as provided in subsection 7. of this section; and
  - c. Published as provided in subsection 8. of this section.
6. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within 14 days following the department's determination of completeness as follows:
- a. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
    - i. At the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
    - ii. Five feet inside the street property line except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the department;
    - iii. So that the top of the notice board is between seven to nine feet above grade; and
    - iv. Where it is completely visible to pedestrians.
  - b. Additional notice boards may be required when:
    - i. The site does not abut a public road;
    - ii. A large site abuts more than one public road; or
    - iii. The department determines that additional notice boards are necessary to provide adequate public notice.
  - c. Notice boards shall be:
    - i. Maintained in good condition by the applicant during the notice period through the time of the final City decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;
    - ii. In place at least 28 days prior to the date of any required hearing for a Type 3 or 4 decision, or at least 14 days following the department's determination of completeness for any Type 2 decision; and
    - iii. Removed within 14 days after the end of the notice period.
  - d. Removal of the notice board prior to the end of the notice period may be cause for discontinuance of City review until the notice board is replaced and remains in place for the specified time period.
  - e. An affidavit of posting shall be submitted to the department by the applicant within 14 days following the department's determination of completeness to allow continued processing of the application by the department.
  - f. Notice boards shall be constructed and installed in accordance with this subsection, and any additional

specifications promulgated by the department pursuant to Chapter 2.55 SMC, Rules of City Departments.

The director shall maintain specifications and design templates for notice boards which may differ by application type. Notice boards should be scaled appropriately to the site and project including smaller notice boards for Type 1 applications including new single-family dwellings. All sign boards shall be a minimum of 24"x36" unless specified by the director based on site specific conditions.

7. Mailed notice for a proposal shall be sent by the department within 14 days after the department's determination of completeness:
  - a. By first class mail to owners of record of property in an area within 1,000 feet of the site and, if the site lies within an erosion hazards near sensitive water bodies overlay, to owners of record of property within a 2,000-foot-wide column centered at the site and extending directionally with the natural drainage of the basin to the perimeter of the overlay or to the Lake Sammamish shoreline, as determined by the director; provided, that such area shall be expanded as necessary to send mailed notices to at least 20 different property owners;
  - b. To any utility that is intended to serve the site;
  - c. To the State Department of Transportation, if the site adjoins a state highway;
  - d. To the affected tribes;
  - e. To any agency or community group that the department may identify as having an interest in the proposal;
  - f. Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and
  - g. For preliminary plats only, to all cities within one mile of the proposed preliminary plat.
8. Notice of a proposed action shall be published by the department within 14 days after the department's determination of completeness on the City's official website.
9. Posted Notice for Approved Formal Subdivision Engineering Plan, Clearing or Grading Permits Subject to SEPA, or Building Permits Subject to SEPA. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA, or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, prior to construction as follows:
  - a. Notice boards shall comport with the size and placement provisions identified for construction signs in [SDC 21.06.050G.3.](#);
  - b. Notice boards shall include the following information:
    - i. Permit number and description of the project;
    - ii. Projected completion date of the project;

- iii. A contact name and phone number for both the department and the applicant; and
- iv. Hours of construction, if limited as a condition of the permit;
- v. Information on how to receive regular projects updates such as a website, email list, or other online platform. The City may provide a platform for use by applicants to provide regular updates to applicants during site development and construction. Applicants must provide updates at least weekly.

- c. Notice boards shall be maintained in the same manner as identified in subsection 6. of this section;
- d. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

**I. Vesting**

- 1. Applications for Type 1, 2, 3 and 4 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

- 2. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.
- 3. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.

**J. Applications—Modifications to proposal**

- 1. Modifications required by the City to a pending application shall not be deemed a new application.
- 2. An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application when such modification would result in a substantial change in a project's review requirements, as determined by the department.
- 3. A change to any of the following shall constitute a substantial change and require a new application unless waived by the Director. Percentages indicate the degree of change that requires a new application and where no percentages are listed any change requires a new application:
  - a. An increase in the number of dwelling units (5%)
  - b. An increase in building square footage for non-residential projects (5%)
  - c. Changes to building setbacks (10%)
  - d. Increase in building height (5%)
  - e. Additional encroachment into critical areas or buffers

- f. An increase in the number of parking stalls (5%)
- g. Any proposal requesting a variance or wavier from development standards
- h. Modifications to the amount of proposed open space (5%)
- i. Changes to the layout of streets, trails, and bike connections
- j. An increase of 500 or more square feet of impervious surface
- k. Change to the primary site access location
- l. Reduction in the size of any lots (5%)
- m. Other changes determined by the director to constitute a substantial change

**K. Reasonable accommodation**

**1. Purpose and Intent.**

The Federal Fair Housing Act (FFHA) requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling. The community development director is therefore authorized to make accommodations in the provisions of this code as applied to dwellings occupied or to be occupied by persons with disabilities as defined in the Federal Fair Housing Act, when the director determines that such accommodations

reasonably may be necessary in order to comply with such Act.

**2. Applicability.**

The director may grant reasonable accommodation to individuals with disabilities as defined by the Fair Housing Amendments Act (FHAA), 42 U.S.C. 3602h., or the Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW.

**3. Procedure.**

If modification of a standard or regulation in the Sammamish Municipal Code is sought, the director shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the following:

- a. **Application.** Requests for reasonable accommodation by any eligible person or entity described in subsection 1. of this section shall be submitted on an application form provided by the community development department, or in the form of a letter, to the director of community development and shall contain the following information:
  - i. The applicant’s name, address, email, and telephone number.
  - ii. Address of the property for which the request is being made.
  - iii. The property owner’s name, address and telephone number and the owner’s written consent.

- iv. The current actual use of the property.
  - v. The basis for the claim that the individual that resides or will reside at the property is considered disabled under the Acts.
  - vi. The provision, regulation or policy from which reasonable accommodation is being requested.
  - vii. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
  - viii. Copies of emails, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation.
- b. No fee shall be charged to the applicant for a response to a reasonable accommodation request.
  - c. The director shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. This determination shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from the residents, staff and visitors; and any other circumstances determined to be relevant.
  - d. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the director's decision. If it is determined that the

accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the director shall rescind or modify the decision to grant reasonable accommodation.

- e. Appeals of reasonable accommodation decisions made by the director must be filed within 21 days of the decision issuance date.

#### L. **Notice of decision or recommendation—Appeals**

1. The department shall provide notice in a timely manner of its final decision or recommendation on permits requiring Type 2, 3 and 4 land use decisions and Type 1 decisions subject to SEPA, including the threshold determination, if any, the dates for any public hearings, and the procedures for administrative appeals, if any. Notice shall be provided to the applicant, to the Department of Ecology, and to agencies with jurisdiction if required by [SDC 21.09.030](#), to the Department of Ecology and Attorney General as provided in Chapter 90.58 RCW, and to any person who, prior to the decision or recommendation, had requested notice of the decision or recommendation or submitted comments. The notice shall also be provided to the public as provided in [SDC 21.09.010H](#).
2. Except for shoreline permits that are appealable to the State Shorelines Hearings Board, all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director shall be filed within 21 calendar days from the date of issuance of the notice of decision as provided in [SDC 21.09.020H](#).



**M. Permit issuance**

1. Final decisions by the City on all permits and approvals subject to the procedures of this chapter should be issued within 120 days from the date the applicant is notified by the department pursuant to this chapter that the application is complete; provided, that the following shorter time periods should apply for the type of land use permit indicated:

PERMIT ISSUANCE	
Permit Type	Issuance Period
New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days
Residential appurtenances that require substantial site review	40 days
SEPA exempt clearing and grading	45 days
SEPA clearing and grading	90 days
Health department review (for projects pending a final department review and/or permit)	40 days

The following periods shall be excluded from this 120-day period:

- a. Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under Chapter 9.04 KCC as adopted by [SDC 21.03.050](#). The period shall be calculated from the date of notice to the applicant

of the need for additional information (“request for revision”) until either the City advises the applicant that the additional information satisfies the City’s request or 14 days after the date the information has been provided, whichever is the earlier date. If the City determines that the correction, study, or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies, and the procedures of this section shall apply as if a new request for revision had been made.

- i. The department shall set a reasonable deadline for submittal by the applicant of corrections, studies, or other information in response to a request for revision, and shall provide written notification of the deadline to the applicant. The deadline may not exceed 90 days from the date of the request for revision; provided, that an extension of such deadline may be granted upon written request by the applicant providing satisfactory justification for an extension or upon the applicant’s agreement to and compliance with an approved schedule with specific target dates for submitting the full revisions, corrections or other information requested.
- ii. Applications may be canceled for inactivity if an applicant fails to provide, by such deadline, an adequate response substantively addressing code requirements identified in the written request for revision.
- iii. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department

of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request.

- b. The period of time, as set forth in [SDC 21.09.030E.](#), during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.
  - c. A period of no more than 90 days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than 60 days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.
  - d. Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant.
  - e. Any time extension mutually agreed upon by the applicant and the department.
2. The time limits established in this section shall not apply if a proposed development:
- a. Requires an amendment to the Comprehensive Plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;
  - b. Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort

as provided in RCW 36.70A.360, or the siting of an essential public facility as provided for RCW 36.70A.200; or

- c. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.
3. Permits or approvals subject to the procedures of this chapter may be denied if the applicant is unable to present satisfactory proof of ownership of the property or development site as required by [SDC 21.09.010F.1.\(r\)](#).
4. If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. Within 14 days of the date of such notice, a copy of the notice shall be provided to the public in the manner set forth in [SDC 21.09.010H.5](#).

**N. Semi-annual report**

Beginning January 1, 2000, and continuing semi-annually thereafter, the director shall prepare a report to the City council detailing the length of time required to process applications for Type 1, 2, 3, and 4 land use decisions in the previous period, categorized both on average and by type of permit. The report shall provide commentary on department operations and

identify any need for clarification of City policy or development regulations or process.

O. **Citizen's guide**

The director shall issue a citizen's guide to permit processing including making an appeal or participating in a hearing.

## 21.09.020 Hearing Examiner

A. **Chapter purpose**

The purpose of this chapter is to provide a system of considering and applying regulatory devices that will best satisfy the following basic needs:

1. The need to separate the application of regulatory controls to the land from planning;
2. The need to better protect and promote the interests of the public and private elements of the community;
3. The need to expand the principles of fairness and due process in public hearings.

B. **Office created**

The office of hearing examiner is created. The examiner shall act on behalf of the City council in considering and applying adopted City policies and regulations as provided herein.

C. **Appointment and terms**

The City council shall appoint the examiner to serve in said office for a term of four years.

D. **Removal**

The examiner may be removed from office at any time by the affirmative vote of not less than four members of the City council for just cause.

E. **Qualifications**

The examiner shall be appointed solely with regard to his or her qualifications for the duties of the office and shall

have such training or experience as will qualify him or her to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon him or her, and shall hold no other appointive or elective public office or position in the City government except as provided herein.

**F. Pro tem examiners**

The City council may appoint qualified persons to serve as hearing examiner pro tempore, as needed, to expeditiously hear pending applications and appeals.

**G. Jurisdiction of the hearing examiner**

1. The examiner shall receive and examine available information, conduct open record public hearings, prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by [SDC 21.09.020U.](#), in the following cases:

- a. Appeals from the decisions of the director for short subdivisions, including those variance decisions of the City engineer made pursuant to the public works standards as adopted in [SDC 21.08.010](#) with regard to circulation in the subject short subdivisions;
- b. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses that are appealable to the State Shoreline Hearings Board;

- c. Appeals from notices and orders and stop work orders issued pursuant to **SMC Title 23**;
  - d. Appeals from decisions regarding the abatement of a nonconformance;
  - e. Type 3 and Type 4 decisions;
  - f. Appeals from public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department as provided in RCW 69.50.505;
  - g. Appeals from the department’s final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of **Chapter 21.08 SMC**;
  - h. Other applications or appeals that the City council may prescribe by ordinance.
2. The examiner’s decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

**H. Appeal to examiner—Filing**

1. Except as otherwise provided herein, all appeals to the examiner shall be filed with the City department issuing the original decision with a copy provided by the department to the hearing examiner. Except as otherwise provided herein, an appeal, together with the required appeal fee, shall be filed within 21 calendar days from the date of issuance of such decisions.
2. Department staff shall:
  - a. Be available within a reasonable time to persons wishing to file an appeal subsequent to an agency ruling, and to respond to queries concerning the facts and process of the City decision; and
  - b. Make available within a reasonable time a complete set of files detailing the facts of the department ruling in question to persons wishing to file an appeal, subsequent to an agency ruling. If a department is unable to comply with these provisions, the hearing examiner may authorize amendments to an appeal to reflect information not made available to an appellant within a reasonable time due to a failure by the department to meet the foregoing requirements. The appeal shall identify the decision being appealed and the alleged errors in that decision. Further, the appeal shall state specific reasons why the decision should be reversed or modified, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based principally on matters or issues raised in the appeal. Failure to timely file an appeal

or appeal fee deprives the examiner of jurisdiction to consider the appeal.

**I. Dismissal of untimely appeals**

On its own motion or on the motion of a party, the examiner shall dismiss an appeal for untimeliness or lack of jurisdiction.

**J. Expeditious processing**

1. Hearings shall be scheduled by the examiner to ensure that final decisions are issued within the time periods provided in [SDC 21.09.010M](#). During periods of time when the volume of permit activity is high, the City shall retain one or more pro tem examiners to ensure that the 120-day time period for final decisions is met.
2. Appeals shall be processed by the examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. Unless a longer period is agreed to by the parties, or the examiner determines that the size and scope of the project is so compelling that a longer period is required, a prehearing conference or a public hearing shall occur within 45 days from the date the office of the hearing examiner is notified that a complete statement of appeal has been filed. In such cases where the examiner has determined that the size and scope warrant such an extension, the reason for the deferral shall be stated in the examiner's recommendation or decision. The time period may be extended by the examiner at the examiner's discretion for not more than 30 days.

**K. Time limits**

In all matters where the examiner holds a hearing on applications, the hearing shall be completed and the examiner's

written report and recommendations issued within 21 days from the date the hearing opens, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to [SDC 21.09.020G.](#), the appeal process, including a written decision, shall be completed within 90 days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to [SDC 21.09.020H.](#) When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional 30 days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner.

"Days" shall be calendar days unless specified otherwise. "Days" in [SDC 21.09.020T.5.](#) shall be working days.

#### L. **Condition, modification and restriction examples**

The examiner is authorized to impose conditions, modifications, and restrictions, including but not limited to setbacks, screenings in the form of landscaping or fencing, covenants, easements, street improvements, dedications of additional street right-of-way, and performance bonds as authorized by City ordinances.

#### M. **Quasi-judicial powers**

The examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by City ordinance.

#### N. **Freedom from improper influence**

Individual councilmembers, City officials, or any other person shall not interfere with or attempt to interfere with the examiner in the performance of his or her designated duties.

#### O. **Public hearing**

1. When it is found that an application meets the filing requirements of the responsible City department, it shall be accepted and a date assigned for public hearing.
2. When it is found that an appeal meets the filing requirements of the responsible City department, it shall be accepted and a date assigned for an appeal hearing.

#### P. **Consolidation of hearings**

Whenever a project application includes more than one City permit, approval, or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner pursuant to [SDC 21.09.010B.](#)

#### Q. **Prehearing conference**

1. A prehearing conference may be called by the examiner pursuant to this chapter upon the request of a party or on the examiner's own motion. A prehearing conference shall be held in every appeal brought pursuant to this chapter if

timely requested by any party. The prehearing conference shall be held at such time as ordered by the examiner, but not less than 14 days prior to the scheduled hearing on not less than seven days' notice to those who are then parties of record to the proceeding. The purpose of a prehearing conference shall be to identify, to the extent possible, the facts in dispute, issues, laws, parties, and witnesses in the case. In addition the prehearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of prehearing conferences.

2. Any party who does not attend the prehearing conference, or anyone who becomes a party of record after notice of the prehearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing.

#### R. Notice

1. Notice of the time and place of any hearing on an application before the hearing examiner set pursuant to this chapter shall be provided in the following manner:
  - a. Published by the department in the official City newspaper no less than 30 calendar days prior to the scheduled hearing date; and
  - b. Posted at the project site as provided in [SDC 21.09.010H.6.](#) and [9.](#) no less than 30 days prior to the scheduled hearing date; and
  - c. Mailed by first class mail at least 14 calendar days prior to the scheduled hearing date to all persons who would be entitled to receive notice under [SDC 21.09.010H.7.](#)

and to all persons who commented or requested notice of the hearing; and

The hearing notice required by this section may be combined with the notice of decision or recommendation required by [SDC 21.09.010L.](#), as applicable.

2. Notice of the time and place of any appeal hearing before the hearing examiner pursuant to this chapter shall be mailed to all parties of record by first class mail at least 30 calendar days prior to the scheduled hearing date.
3. If testimony cannot be completed prior to adjournment on the date set for a public hearing or appeal hearing, the examiner shall announce prior to adjournment the time and place said hearing will be continued. A matter should be heard, to the extent practicable, on consecutive days until it is concluded.

#### S. Rules and conduct of hearings

1. The examiner shall adopt rules for the conduct of hearings and for any mediation process consistent with this chapter. The rules shall be reviewed by the City council, and remain in effect during this review. Any modifications made by the council by motion shall be incorporated by the hearing examiner, and shall become effective 10 days after adoption of the motion. Such rules shall be published and available upon request to all interested parties. The examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.



2. To avoid unnecessary delay and to promote efficiency of the hearing process, the examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard, in light of adopted City policies and regulations, and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The examiner may establish reasonable time limits for the presentation of direct oral testimony, cross examination, and argument. Any written submittals will be admitted only when authorized by the examiner under pertinent and promulgated administrative rules.

#### T. **Examiner findings, recommendations, and decisions**

##### 1. **Examiner findings**

When the examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

##### 2. **Additional examiner findings – Reclassifications**

When the examiner issues a decision regarding an application for a reclassification of property or for a

shoreline environment redesignation, the decision shall include additional findings that support the conclusion that at least one of the following circumstances applies:

- a. The property is potentially zoned for the reclassification being requested and conditions have been met that indicate the reclassification is appropriate; or
- b. The adopted interim comprehensive plan or zoning specifies that the property shall be subsequently considered through an individual reclassification application; or
- c. The applicant has demonstrated with substantial evidence that:
  - i. Since the last previous area zoning of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the plan or zoning;
  - ii. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning is not appropriate; and
  - iii. The requested reclassification is required in the public interest.

### 3. Additional examiner findings – Preliminary plats

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

- a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- b. The public use and interest will be served by the platting of such subdivision and dedication.

### 4. Additional examiner findings and recommendations – School capacities

Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications or actualization of potential multifamily zoning, receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in [SDC 21.06.040](#) if the development were approved, the examiner shall remand to the department to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency, or deny the proposal if required by the provisions of this chapter. The examiner shall prepare findings to document the facts that support the action taken. The examiner

shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or in the alternative shall require the provision of the needed facilities. An offer of payment of a school impact fee as required by ordinance shall not be a substitute for such phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with the phasing of an impact mitigation fee if such provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.

### 5. Written recommendation or decision

- a. Within 10 days of the conclusion of a hearing or rehearing, the examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record. The examiner's decision shall identify the applicant and/or the owner by name and address.
- b. Decisions of the examiner in cases identified in [SDC 21.09.020G](#), shall be final and reviewable pursuant to [SDC 21.09.020U.1](#).

### U. Judicial review of final decisions of the hearing examiner

1. Decisions of the examiner in cases identified in [SDC 21.09.020G](#), shall be a final and conclusive action unless within 21 calendar days from the date of issuance of the examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or

related action may occur during the 21-day appeal period; provided further, that the 21-day appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final EIS shall not commence until final action on the underlying proposal.

2. Prior to filing an appeal of a final decision for a conditional use permit or special use permit, requested by a party that is licensed or certified by the Washington State Department of Social and Health Services or the Washington State Department of Corrections, an aggrieved party (other than a county, city or town) must comply with the mediation requirements of Chapter 35.63 RCW (Chapter 119, Laws of 1998). The time limits for appealing a final decision are tolled during the mediation process.

#### V. **Reconsideration of final action**

1. Any final action by the hearing examiner may be reconsidered by the examiner, if:
  - a. The action was based in whole or in part on erroneous facts or information;
  - b. The action when taken failed to comply with existing laws or regulations applicable thereto; or
  - c. An error of procedure occurred that prevented consideration of the interests of persons directly affected by the action.
2. The examiner shall reconsider a final decision pursuant to the rules of the hearing examiner.
3. Authority of the examiner to reconsider does not affect the finality of a decision when made.

#### W. **Citizen's guide**

The department shall issue a citizen's guide on the office of hearing examiner including making an appeal or participating in a hearing.

#### X. **Semi-annual report**

The hearing examiner shall prepare a semi-annual report to the City council detailing the length of time required for hearings in the previous six months, categorized both on average and by type of proceeding. The report shall provide commentary on examiner operations and identify any need for clarification of City policy or development regulations. The semi-annual report shall be presented to the council by March 1st and September 1st of each year.

#### Y. **Site-specific land use map amendment**

Upon initiation of a site-specific land use map amendment to the interim comprehensive plan pursuant to [SDC 21.09.040D.](#), the hearing examiner shall conduct a public hearing to consider the report and recommendation of the department and to take testimony and evidence relating to the proposed amendment. The hearing examiner may consolidate hearings pursuant to [SDC 21.09.020P.](#) to the extent practical. Following the public hearing, the hearing examiner shall complete a report within 30 days that contains written findings and conclusions regarding the proposed amendment's qualification for annual review consideration and consistency or lack of consistency with the applicable review criteria. An annual report containing all site specific land use map amendment reports that have been completed shall be compiled by the hearing examiner and submitted to the council by January 15th of the following year.

## 21.09.030 State Environmental Policy Act (SEPA) Procedures

### A. Lead agency

The procedures and standards regarding lead agency responsibility contained in WAC 197-11-050 and 197-11-922 through 197-11-948 are adopted, subject to the following:

1. The department shall serve as the lead agency and the director shall serve as the responsible official for all SEPA activity by the City of Sammamish.

### B. Purpose and general requirements

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

1. Pursuant to WAC 197-11-0554., the department shall adopt rules and regulations pursuant to Chapter 2.55 SMC establishing a process for environmental review at the conceptual stage of permit applications that require detailed project plans and specifications (i.e., building permits and PUDs). This process shall not become effective until it has been reviewed by the council.
2. The optional provision of WAC 197-11-0603.c. is adopted.
3. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

4. The director may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees.

### C. Categorical exemptions and threshold determinations

1. The City of Sammamish adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:
  - a. The following exempt threshold levels are hereby established pursuant to WAC 197-11-8001.c. for the exemptions in WAC 197-11-8001.b.:
    - i. The construction or location of any residential structures of up to 20 dwelling units;
    - ii. The construction of an office, school, commercial, recreational, service, or storage building with up to 12,000 square feet of gross floor area, and with associated parking facilities designed for up to 40 automobiles;
    - iii. The construction of a parking lot designed for up to 20 automobiles;
    - iv. Any fill or excavation of up to 500 cubic yards throughout the total lifetime of the fill or excavation.

- b. The determination of whether a proposal is categorically exempt shall be made by the department.
  - c. The construction of an individual battery charging station or an individual battery exchange station.
2. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:
- a. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures that were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.
  - b. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

**D. Planned actions**

The procedures and standards of WAC 197-11-164 through 197-11-172 are adopted regarding the designation of planned actions.

**E. Environmental impact statements and other environmental documents**

The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

1. Pursuant to WAC 197-11-4082.a., all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-4101.b.
2. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the department shall be responsible for preparation and content of EISs and other environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services, or otherwise participate in the preparation of required environmental documents.
3. Consultants or subconsultants selected by the City to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.
4. The department may establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. Pursuant to Chapter

2.55 SMC, the department shall promulgate administrative rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter.

5. All costs of preparing the environmental document shall be borne by the applicant. Pursuant to Chapter 2.55 SMC, the department may promulgate administrative rules that establish a deposit mechanism for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.
6. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.
7. The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within 270 days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided, that the additional time shall not exceed 90 days unless agreed to by the applicant.
8. The following periods shall be excluded from the 270-day time period for issuing a final environmental impact statement:
  - a. Any time period during which the applicant has failed to pay required environmental review fees to the department;
  - b. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement; and
  - c. Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement.

#### F. **Comments and public notice**

1. The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.



2. For purposes of WAC 197-11-510, public notice shall be required as provided in this title. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use permit decisions in this Title.
3. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

**G. Use of existing environmental documents**

The procedures and standards of WAC 197-11-600 through 197-11-640 are adopted regarding use of existing environmental documents.

**H. Substantive authority**

1. The procedures and standards of WAC 197-11-650 through 197-11-660 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.
2. For the purposes of RCW 43.21C.060 and WAC 197-11-660a., the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City of Sammamish's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240 and subsection 3. of this section:
  - a. The policies of the State Environmental Policy Act, RCW 43.21C.020.

- b. The City's comprehensive plan, and surface water management program basin plans, as specified in Chapters 24.15 and 24.20 SMC.
  - c. The Sammamish Development Code, as adopted in this Title.
  - d. The City's shoreline management master plan, as adopted in SMC Title 25.
  - e. The King County surface water runoff policy, as adopted by reference in Chapter 9.04 KCC as adopted by [SDC 21.03.050](#).
  - f. The City's public works standards and transportation regulations, as adopted in Chapter 21.08 SMC.
  - g. The City's noise ordinance, Chapter 8.15 SMC.
3. Substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below, or unusual circumstances exist. In cases where the City has adopted the following regulations to systematically avoid or mitigate adverse impacts ([SDC 21.04.030](#), Development Standards – Density and Dimensions; [SDC 21.07.060](#), Development Standards – Design Requirements; [SDC 21.06.020](#), Design Standards – Landscaping and Irrigation; [SDC 21.06.030](#), Development Standards – Parking and Circulation; [SDC 21.06.050](#), Development Standards – Signs; [SDC 21.03.020](#), Environmentally Sensitive Areas; [SDC 21.06.060](#), Wireless Communication Facilities; [SDC 21.06.040](#), Development Standards – Adequacy of Public Facilities and Services), those standards and regulations will normally constitute



adequate mitigation of the impacts of new development. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the foregoing regulations, will be subject to site-specific or project-specific SEPA mitigation.

4. Any decision to approve, deny, or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts (or lack thereof) as identified in an environmental checklist, EIS, threshold determination, other environmental document including a department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation that supports the SEPA decision and, if mitigation beyond existing development regulations is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.
5. This chapter shall not be construed as a limitation on the authority of the City to approve, deny, or condition a proposal for reasons based upon other statutes, ordinances, or regulations.

#### I. **SEPA/GMA integration**

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-210 through 197-11-235 are hereby adopted.

#### J. **Ongoing actions**

Unless otherwise provided herein, the provisions of Chapter 197-11 WAC shall be applicable to all elements of SEPA compliance, including the modification or supplementation of an EIS, initiated after the effective date of the ordinance codified in this chapter.

#### K. **Responsibility as consulted agency**

All requests from other agencies that the City of Sammamish consult on threshold investigations, the scope process, EISs, or other environmental documents shall be submitted to the department. The department shall be responsible for coordination with other affected City officials and for compiling and transmitting the City's response to such requests for consultation.

#### L. **Appeals**

1. Appeals of threshold determinations or the adequacy of a final EIS are procedural SEPA appeals that are conducted by the hearing examiner pursuant to the provisions of [SDC 21.09.020G.](#), subject to the following:
  - a. Only one appeal of each threshold determination shall be allowed on a proposal.
  - b. As provided in RCW 43.21C.0753.d., the decision of the responsible official shall be entitled to substantial weight.
  - c. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

- d. An appeal of a DNS for actions classified as land use permit decisions in [SDC 21.09.010B](#), must be filed within 21 calendar days following notice of the decision as provided in [SDC 21.09.010L](#). For actions not classified as land use permit decisions in [SDC 21.09.010B](#), no administrative appeal of a DNS is permitted.
  - e. Administrative appeals of the adequacy of a final EIS are permitted for actions classified as Type 2, 3 or 4 land use permit decisions in [SDC 21.09.010B](#), except Type 1 decisions for which the department has issued a threshold determination. Such appeals must be filed within 21 calendar days following notice of the decision or recommendation as provided in [SDC 21.09.010L](#).
  - f. The hearing examiner shall make a final decision on all procedural SEPA determinations. The hearing examiner's decision may be appealed to superior court as provided in [SDC 21.09.020U.1](#).
2. The hearing examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.
  3. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal.
  4. Notwithstanding the provisions of subsections 1. through 3. of this section, the department may adopt procedures

under which an administrative appeal shall not be provided if the director finds that consideration of an appeal would be likely to cause the department to violate a compliance, enforcement, or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.

#### M. Department procedural rules

1. The department may prepare rules and regulations pursuant to Chapter 2.55 SMC for the implementation of SEPA, Chapter 197-11 WAC, and this chapter.
2. The rules and regulations prepared by the department shall not become effective until approved by council motion.

## 21.09.040 Land Use Mediation Program

### A. Introduction

#### 1. Purpose.

Mediation is an entirely voluntary process by which two or more parties and/or interested persons, with the assistance of an impartial person (the mediator), attempt to reach a full or partial agreement on a disputed matter. Persons participate in the mediation process only if, and only to the extent, they choose to do so. A participant is bound by the outcome of the mediation process only if that person, or his or her duly authorized representative, approves the mediated agreement (see [SDC 21.09.040P](#)).

In appropriate cases, mediation may assist in the resolution of land use issues at a substantial savings in time and money to the parties, interested persons, the City of Sammamish, and the general public. Mediation is also available as an alternative to a formal appeal hearing to resolve other disputes between individuals and the City of Sammamish.

#### 2. Interpretation.

These rules shall be interpreted to facilitate and encourage use of the mediation process at the earliest practical time following the identification of a conflict or dispute that the affected parties or persons are unable to resolve through direct negotiation.

### B. When mediation is available

1. As to any application for a land use permit or an appeal of a land use action that is or could become the subject of a public hearing, the responsible City official, the City council,

or the community development director may at their own discretion or at the request of any party or interested person request mediation (see [SDC 21.09.040E](#)). Mediation shall occur only when it is requested or accepted by at least one party and by one additional party or interested person with an opposing position. When the issue proposed for mediation involves the disposition or other action to be taken on an application, mediation shall occur only if the affected applicant agrees to be a participant in the mediation process.

2. Any objection to an inconsistency between a mediation proposed to be conducted pursuant to these rules and a procedural requirement of the Sammamish Municipal Code shall be raised with the community development director within 10 calendar days of the receipt of information that would apprise a reasonable person of such inconsistency. Objections not raised within 10 calendar days shall be deemed waived.

### C. Notice of availability of mediation

The City of Sammamish shall take reasonable steps to advise all persons who file applications or appeals that are within the jurisdiction of the hearing examiner that mediation of disputes is available. A "notice of availability of mediation" shall be contained in or attached to application and appeal forms that are provided by the City of Sammamish and shall be contained in the initial mailing to surrounding property owners and the posted notice of every land use application within the jurisdiction of the City. A similar notice also shall be incorporated in the first notice issued by the responsible City official announcing the scheduled date of any public hearing for which mediation is available to resolve disputed issues.

**D. Neighborhood meetings for plat applications**

Repealed by Ord. O2004-151.

**E. Request for mediation—Responses (20.20.060)**

**1. Request.**

- a. **Method.** Any party or interested person may request mediation. The request shall be in writing, unless made orally at a prehearing conference or hearing. A request for mediation should be made promptly following the determination that the disputed issues for which mediation is proposed cannot be resolved by direct negotiation between or among the affected parties and interested persons. A request for mediation made after a hearing has commenced will normally be granted only if all parties to the proceeding agree to participate in the mediation.
- b. **Cost Allocation and Tender.** Unless otherwise agreed by the parties to the mediation, the opposing sides to a dispute shall each pay an equal share of the cost of mediation. A request for mediation shall be accompanied by a tender to the City of Sammamish of not less than one-third of the anticipated cost for a half-day mediation. Until such time as mediation costs may be set by ordinance, it is expected that the cost of a half-day mediation will be \$450.00. Therefore, the minimum amount required to be tendered with a request for mediation shall be \$150.00.

The cost of mediation is not a fee to be paid to the City of Sammamish. The tender shall be delivered to the City of Sammamish solely for transmittal to the mediator

if the request for mediation is accepted. The funds tendered, or any unexpended balance thereof, shall be returned in proportionate shares to the person(s) from whom received if the request for mediation is not accepted or if the full amount tendered is not expended.

A request for mediation may propose an alternative allocation of the cost of mediation. If an alternative cost allocation is accepted, any excess of the mediation cost tendered will be promptly returned to the party making the request for mediation.

- c. **Substance of Request.** The request for mediation shall identify with reasonable specificity the application or appeal to which it applies, the scope of the mediation proposed (including a statement of the particular issues or questions to be addressed), and an estimate of the time likely to be required to conduct and complete the mediation proposed. The request for mediation may propose inclusion of matters or issues that are beyond the scope of the pending hearing, so long as those additional matters are reasonably related to the matters in dispute and are within the control of the parties who will participate in the mediation.
- d. **To Whom Transmitted.** If made in writing, the request shall be transmitted to all other parties to the proceeding, and also may be addressed to any current or prospective interested persons known to the party

making the request. A copy of the request shall also be filed with the community development director.

## 2. Response to Request for Mediation.

- a. **Substance of Response.** A response to a request for mediation may be made in the form of an agreement to participate in the mediation as proposed, or may propose either a more limited or an expanded mediation. The response may also propose a different allocation of the expense of mediation, time limits for the conduct of mediation, or other conditions.
- b. **Counter-Proposals.** Any response other than an agreement to participate in the mediation substantially as proposed by the person making the request shall be considered a counter-proposal and responded to in the same manner as an initial request for mediation.
- c. **Tender of Cost.** A positive response to a request for mediation shall be accompanied by a tender to the City of Sammamish of the respondent's share, if any, of the cost of a half-day mediation.
- d. **Response Not Required.** No party or interested person is obliged to respond to a request for mediation. If there is no response made to a request for mediation within seven calendar days, the request shall be deemed refused. No inferences shall be drawn from a refusal to participate in mediation or a failure to respond to a request for mediation. Requests to mediate and responses thereto shall be privileged and not admissible

into evidence under the same rules as apply to settlement negotiations.

- e. **To Whom Transmitted.** Any response to a request for mediation shall be transmitted to the person who requested the mediation, to any other persons to whom that request was addressed, and to any other persons the respondent proposes to be a participant in the mediation. A copy of the response shall also be filed with the office of the hearing examiner.
- f. **Technical Deficiencies Not a Bar.** Failure of a request for mediation or a response to strictly comply with this rule shall not be a bar to mediation if the intent of the affected persons is clear and the costs of mediation are provided for adequately.

## F. Attendance—Representation

1. A party to the mediation shall be present in person or represented by a person or persons who have the requisite authority to enter into an agreement that implements or binds the party to the results of the mediation. A request to mediate, or acceptance of such request, shall constitute an agreement to attend in person or be represented at the mediation by an individual or individuals who shall possess the authority to enter into a binding agreement with respect to any matters within the scope of the issues agreed to be mediated.
2. Parties to a mediation may participate directly or through a designated representative. Two or more parties or interested persons who share substantially similar interests or concerns with respect to the matter being mediated

may participate through a single representative designated or approved by them unless the mediator determines that individual participation will facilitate the making of a mediated agreement.

**G. When mediation may occur**

**1. As a Matter of Right.**

Mediation is available as a matter of right upon agreement by all parties to the proceeding to address through mediation all issues in dispute. Mediation shall also be approved as a matter of right upon agreement by all parties to mediate any one or more (but not all) issues in dispute; provided, that the agreement to engage in mediation is executed and filed with the community development director 14 or more days prior to the scheduled opening of the hearing.

**2. At the Community Development Director's Discretion.**

Mediation may be approved by the community development director if any party, and any one or more other parties or interested persons with an opposing position, agree to mediate any substantial issue in dispute. In acting upon a request to approve a partial mediation, the community development director shall consider, to the extent applicable, the following factors:

- a. Whether the issue(s) to be mediated affects primarily the private interests of the parties to the proposed mediation or is a matter of public interest;

- b. If the persons seeking mediation appear to represent substantially all of the persons likely to be affected by or interested in the matters proposed for mediation;
- c. Will the proposed mediation, if successful, be likely to expedite final action on the underlying application or appeal;
- d. Are the costs to the proposed parties to the mediation, as well as to other parties and interested persons, likely to be reduced if the mediation occurs;
- e. The timeliness of the request for mediation and the effect that granting the request would have on previously established schedules of other parties, interested persons, and the office of the hearing examiner;
- f. The probability of participation by City staff in the mediation process, if such participation appears necessary to accomplish the purpose of the proposed mediation; and
- g. Such other facts or circumstances as bear upon the purposes and objectives of the office of the hearing examiner and these rules.

**H. Time of mediation**

Mediation should normally be accomplished within a half day, and rarely exceed a full day, unless additional information or expertise that is not available that day is identified by the mediator as necessary to a successful mediation. Unless otherwise agreed by all parties to the mediation, as well as all parties to the pending proceeding and the community



development director, the mediation session shall occur within 21 calendar days of the execution of the agreement to mediate or the date of approval of the mediation by the community development director, whichever is later, and the entire process shall be concluded within 30 calendar days of its commencement.

**I. Waiver of hearing and review time limits**

A request by a party for mediation, or agreement by a party to participate in mediation, shall constitute an agreement by such party (or parties) to stay all time limits applicable to the affected permit review and hearing processes from the date of the first proposal to mediate until the first business day following the receipt by the community development director of the mediator's report. If any party to the proceeding, who is not a participant in the proposed mediation, does not agree to a similar waiver of time limits, the community development director may deny or limit the proposed mediation to assure that applicable time limits for action on the affected application or appeal are not exceeded.

**J. Selection of mediator**

**1. Selection by the Parties.**

A mediator shall be selected by the parties to the mediation.

**2. List of Available Mediators.**

Solely as a convenience to the public at large, the community development director will maintain a list of mediators who appear to be qualified by training or experience to conduct mediation of matters that are within the jurisdiction of the hearing examiner. Any person who

desires to be on the list shall submit a resume or other statement of qualifications to the community development director. Inclusion of a person on the list of mediators maintained by the community development director shall not constitute a warranty or representation by the City of Sammamish that such person is in fact qualified to conduct mediation in a particular proceeding or type of proceeding. The parties to the mediation shall be the sole judges of the qualifications of the person whom they select as a mediator, whether that person is or is not on the list maintained by the community development director.

The approval of the person selected as a mediator by the community development director is not required. In no event, however, shall a current employee of the City of Sammamish or any person who is currently or contemporaneously acting as an agent or contractor for the City be designated as a mediator.

**K. Costs of mediation**

The City of Sammamish shall have no responsibility for the payment of the costs of mediation, except for the transfer of funds deposited with the City of Sammamish with a request for mediation or a response. The City of Sammamish shall pay the costs, if any, allocable to a responsible City official that participates in the mediation and has agreed, in writing, to pay a specified proportion or amount of the costs of mediation.

**L. Notice of mediation**

**1. Notice to Parties to the Mediation.**

It is the responsibility of the parties to the mediation and the mediator to assure that all parties to the mediation and the



community development director have reasonable notice of the time and place of the mediation session.

**2. Notice to All Other Parties and Interested Persons.**

Upon receipt of notice by the community development director that a mediator has been selected and of the time and place set for the mediation session, the community development director shall give notice to all other parties and known interested persons, if any, that a mediation session has been scheduled. The notice by the community development director shall give the names of the parties to the mediation.

**3. Notice of Outcome.**

At the conclusion of the mediation, the community development director shall give notice to all parties and known interested persons of the outcome of the mediation.

**M. Authority of the mediator**

1. The mediator shall have the authority to:
  - a. Schedule, recess, adjourn, and terminate mediation sessions;
  - b. Keep order;
  - c. Request information of the parties, experts or other persons who are present, and ask questions to clarify issues and positions;
  - d. Request the presence of additional persons; and
  - e. Generally conduct the mediation in a manner designed to resolve the controverted matters.

2. Resolutions to the matters in controversy may be proposed by the mediator, but no decision may be imposed by the mediator on participants.

**N. Use of experts**

The mediator may determine, with or without request by a party, that a mediated agreement would be facilitated by the receipt of expert information during the mediation process. If requested by the mediator, the parties to the mediation shall make available expert reports, or arrange for the attendance of their anticipated expert witnesses to provide information at the mediation. Alternatively, one or more independent experts on issues relevant to the mediation may be identified by the mediator for that purpose. Experts provided by a party shall be compensated by that party; responsibility for payment of any independent experts shall be assigned in a manner determined by the mediator and agreed to by those parties to the mediation who will be obliged by that determination to contribute to the cost. No expert, whether provided by a party or independent, shall participate in the mediation with respect to any matter outside the scope of his or her expertise.

**O. General order of mediation**

1. Unless otherwise determined by the mediator, the order of proceedings at the mediation shall be:
  - a. Introduction by mediator.
  - b. Introduction of participants.
  - c. Opening statements of interest and position by each participant. After hearing initial statements of the interests of all parties to the mediation, the

mediator may encourage the designation of a single representative by parties who share substantially similar interests or concerns (see [SDC 21.09.040F](#)).

- d. Questions by the mediator to clarify issues, interests, and positions.
  - e. Identification of issues to be discussed.
  - f. Discussion of identified issues and other efforts to reach agreement. This may include individual caucuses by the mediator with the parties to the mediation in separate sessions, the written or oral conveyance of proposals by the mediator to other parties to the mediation, the transmittal of responses, and the making of suggestions or proposals by the mediator to the parties separately or jointly.
  - g. Identification of matters agreed upon.
  - h. Clarification of agreement by mediator.
  - i. Written documentation of agreement prepared by the mediator.
  - j. Signature to agreement by the parties to the mediation who agree thereto.
  - k. Transmittal of report by the mediator to the community development director and responsible City official.
2. The foregoing order of proceedings may be modified at any time by agreement of the parties or order of the mediator.

## P. **Agreements resulting from mediation**

### 1. **Execution and Notice.**

All agreements resulting from mediation shall be reduced to writing by the mediator and signed by the persons who have agreed thereto or their authorized representatives. Fully executed copies shall be filed by the mediator with the responsible City official and the community development director.

### 2. **Effect of Agreement.**

- a. **Appeals.** If the mediated agreement resolves all issues of all parties to an appeal, the mediated agreement shall include a stipulation and waiver of notice authorizing entry of an order dismissing the appeal. An order of dismissal incorporating the mediated agreement shall be promptly entered by the hearing examiner.

If the agreement is not executed by all parties to an appeal, the agreement shall be binding only upon those parties who have agreed thereto. For appeals not fully resolved, the mediator may, with the consent of the parties to the mediation, prepare and file a recommended prehearing order that may be adopted or modified by the hearing examiner to govern future proceedings.

- b. **Applications and Other Matters.** With respect to matters other than appeals for which a hearing examiner is required to make findings and conclusions concerning the public health, safety, and welfare as defined by applicable laws and ordinances, the mediated agreement shall be considered as a joint

recommendation to the community development director by the parties to the mediation. The mediated agreement shall be accorded substantial weight in resolving issues between or among the parties to the mediated agreement, and shall be applied to the agreeing parties unless it would be clearly erroneous to do so.

Except for an agreement by an applicant to withdraw or modify an application, a mediated agreement shall not be used to obviate the need for, nor limit the scope of, any public hearing required by law. Mediation is not a substitute for the lawful exercise of discretion by the City council in performing its legislative and quasi-judicial responsibilities, nor for the performance of the duties and responsibilities of the City of Sammamish hearing examiner and responsible City officials.

- c. **Effect on Other Parties and Persons.** An agreement arrived at through mediation may be considered by a hearing examiner with respect to parties or persons who did not agree to the mediated agreement only as evidence that the mediated resolution of the disputed matter may be feasible or reasonable. The evidentiary use of the agreement does not preclude any party or interested person who is not bound by the agreement from introducing other evidence and argument that disputes the reasonableness or feasibility of the agreement or supports an alternative resolution of the dispute.

## 21.09.050 Commercial Site Development Permits

### A. Purpose

The purpose of this chapter is to establish an optional comprehensive site review process of proposed commercial development resulting in a permit that can combine any or all of the following:

1. Site development requirements specified prior to building and/or grading permit applications.
2. Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.
3. Site development coordination and project phasing occurring over a period of years.
4. Evaluation of commercially zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application.

### B. Applicability

1. An application for commercial site development permit may be submitted for commercial development projects on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.
  - a. A commercial site development permit is separate from and does not replace other required permits such as conditional use permits or shoreline substantial development permits. A commercial site development

permit may be combined and reviewed concurrently with other permits.

- b. Prior to the issuance of a building permit, all applications for apartment, townhouse, commercial, or office projects must apply for and receive a commercial site development permit. In the event of any question, the City manager or his or her designee shall be responsible for determining the applicability of a commercial site development permit, and how the commercial site development permit shall be processed in conjunction with other applicable permits.
- c. If any of the following scenarios apply to a multifamily, commercial or office proposal, then the applicant must apply for and obtain a CSDP first, prior to issuance of any other permit. In the event of any question, the City manager or his/her designee shall be responsible for determining the applicability of a CSDP.
  - i. If three residential units or more will not be located on an individual parcel. This includes three individual single-family dwelling units, townhouse units, apartment units or a combination of dwelling types. Note: Accessory dwelling units are not counted as a residential unit for purposes of this calculation.
  - ii. Any new office, multifamily, commercial or office building. Note: New institutional buildings are also included in this definition.
  - iii. An office, multifamily, commercial, institutional expansion, tenant improvement or change of use that results in an increase in the number of

dwelling units; an increase in impervious surface which triggers a new level of surface water review; a change in the number of ingress or egress points from the site (whether at the applicant's request or expansion in any of the following areas: building square footage, parking space requirements, or peak a.m. or peak p.m. traffic trips.

- iv. Any office, multifamily, commercial, institutional expansion, tenant improvement or change of use that will impact sensitive areas, shoreline or buffers.
- v. Any office, multifamily, commercial or institutional expansion that will require drainage review in accordance with the King County Surface Water Design Manual.

### C. Public comments

All public comments shall be in writing and signed, shall reference the proposed commercial site development permit application, and shall include the full name, address and telephone number of the person commenting. All comments shall be received within the designated comment period. The designated comment period shall commence on the day following publication or posting of the application notice and shall terminate at 4:30 p.m. on the fifteenth day thereafter. If the department determines that application notice shall be published as well as posted, the department shall make every attempt to have the comment periods run concurrently. If, however, more than one method of notification is used, the termination date shall be calculated from the last notification date. If the fifteenth day is a nonwork day for the City, the

designated comment period shall cease at 4:30 p.m. on the next City work day immediately following the fifteenth day.

**D. Application of development standards**

1. An application for commercial site development permit shall be reviewed pursuant to Chapter 43.21C RCW, SEPA, as implemented by Chapter 197-11 WAC; Chapter 9.04 KCC as adopted by [SDC 21.03.050](#), Surface Water Management; [SDC 21.08.010](#), Public Works Standards Adopted; [SDC 21.03.070](#), Clearing and Grading; Chapter 16.05 SMC, Construction Codes; [SDC 21.09.030](#), State Environmental Policy Act Procedures; SMC Title 21, Sammamish Development Code; SMC Title 25, Shoreline Management; administrative rules adopted pursuant to Chapter 2.55 SMC to implement any such code or ordinance provision; King County board of health rules and regulations; and City approved utility comprehensive plans.
2. Lot-based standards, such as internal circulation, landscaping signage and setback requirements, are typically applied to each individual lot within the site. However, the director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot-based regulations shall not be waived altogether.
3. The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City, provided the site is being reviewed concurrently with a binding site plan application.

**E. Approval**

1. The director may approve, deny, or approve with conditions an application for a commercial site development. The decision shall be based on the following factors:
  - a. Conformity with adopted City and state rules and regulations in effect on the date the complete application was filed, including but not limited to those listed in [SDC 21.09.050D](#).
  - b. Consideration of the recommendations or comments of interested parties and those agencies or departments having pertinent expertise or jurisdiction, consistent with the requirements of this Title.
2. Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered.
3. Approval of the proposed commercial site development shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes listed in Chapter 16.05 SMC.
4. The director shall mail a copy of the decision to the applicant and any other person who has presented written comment to the department.

**F. Financial guarantees**

Performance guarantees consistent with the provisions of SMC Title 27A may be required to assure that development occurs according to the approved plan.

**G. Project phasing—Limitation of permit approval**

1. A commercial site development permit may be approved with project phasing and other project-specific conditions to mitigate impacts on the environment or on public facilities and services including transportation, utilities, drainage, police and fire protection, schools, and parks. Project phasing shall mean a phasing plan designed to address impacts on the environment or on public facilities and services as those impacts become relevant in the project.
2. A commercial site development permit approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.
3. A commercial site development permit approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the director, and fails to have all valid building permits issued within four years of the commercial site development permit approval date.

**H. Modification to an approved permit**

A subsequent building permit application may contain minor modifications to an approved commercial site development plan provided a modification does not:

1. Increase the building floor area by more than 10 percent;
2. Increase the number of dwelling units;

3. Increase the total impervious surface area; provided, that relocatable facilities for schools shall be exempt from this restriction;
4. Result in an insufficient amount of parking and/or loading;
5. Locate buildings outside an approved building envelope; provided, that relocatable facilities for schools shall be exempt from this restriction;
6. Change the number of ingress and egress points to the site;
7. Significantly increase the traffic impacts of a.m. or p.m. peak-hour trips to and from the site;
8. Significantly increase the quantity of imported or exported materials or increase the area of site disturbance.

Modifications that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

**I. Administrative rules**

The director may promulgate administrative rules and regulations pursuant to **Chapter 2.55 SMC**, to implement the provisions and requirements of this chapter.

## 21.09.060 [Reserved]

## 21.09.070 Review Procedures—Notice Requirements

### A. Administration and review authority

1. The examiner shall have authority to hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals, as set forth in [SDC 21.09.070](#).
2. The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, unless a public hearing is required as set forth in [SDC 21.09.070](#), in which case this authority shall be exercised by the hearing examiner.
3. The director shall have the authority to issue a written code interpretation in accordance with the review procedures contained within this chapter and [SDC 21.09.070](#). The director shall issue such interpretations as he or she deems necessary, or upon the request of any person, in cases of any ambiguity, difference of meaning, unclear procedural requirements, or other unclear regulatory requirements of the SMC.
4. An interpretation related to a development proposal must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates.
5. The department shall have authority to grant, condition, or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in [SDC 21.09.070](#).



6. Except for other agencies with authority to implement specific provisions of this Title, the department shall have the sole authority to issue official interpretations of this Title, pursuant to Chapter 2.55 SMC.

## B. Review

### 1. Decision Basis. In issuing an interpretation consistent with this chapter, the director may consider the following:

- a. The purpose and intent statements of the chapters in question;
- b. Consistency with other regulatory requirements governing the same or a similar situation;
- c. The legislative direction of the City council, if any, provided with the adoption the code sections in question;
- d. The policy direction provided by the Sammamish Comprehensive Plan, or other adopted policy documents, as amended;
- e. Relevant judicial actions related to the interpretation;
- f. Expected result or effect of the interpretation; and
- g. Previous implementation of the regulatory requirements governing the situation.

### 2. Content. Consistent with the requirements of [SDC 21.09.070](#), the director shall provide facts, findings, and

**conclusions supporting the interpretation. At a minimum these shall include the following:**

- a. A brief summary of the issue that requires an interpretation by the director;
- b. The context of the interpretation, if not included or implied from the summary;
- c. Citation of the decision basis from subsection 1. of this section; and
- d. The interpretation, signature, and date.

### C. Code compliance review—Actions subject to review

The following actions shall be subject to administrative review for determining compliance with the provisions of this Title and/or any applicable development conditions that may affect the proposal:

1. Building permits;
2. Grading permits; and
3. Temporary use permits.

### D. Code compliance review—Notice requirements and comment period

1. The department shall provide posted and published notice pursuant to [SDC 21.09.080](#) for temporary use permits.
2. Any written comments on applications subject to code compliance review shall be submitted within 15 days of the date of published notice or the posting date, whichever is later.

**E. Code compliance review—Decisions and appeals**

1. The department shall approve, approve with conditions, or deny permits based on compliance with this Title and any other development condition affecting the proposal.
2. Decisions on temporary use permits may be appealed to the hearing examiner.
3. Permits approved through code compliance review shall be effective for the time periods and subject to the terms set out as follows:
  - a. Building permits shall comply with the Uniform Building Codes as adopted by the City in SMC Title 16;
  - b. Grading permits shall comply with [SDC 21.03.070](#); and
  - c. Temporary use permits shall comply with [SDC 21.05.030](#).

**F. Director review—Actions subject to review**

Applications for variances, exceptions under [SDC 21.03.020H](#)., interpretations under [Chapter 21.01 SDC](#), and conditional uses shall be subject to the director review procedures set forth in this chapter.

**G. Director review—Decision regarding proposal**

1. Decisions regarding the approval or denial of proposals subject to director review shall be based upon compliance with the required showings of [SDC 21.09.100](#), or in the case of interpretations, based upon compliance with the requirements of [Chapter 21.01 SDC](#).
2. The written decision contained in the record shall show:

- a. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
  - b. Any conditions and limitations imposed, if the request is granted.
3. The director shall mail a copy of the written decision to the applicant and to all parties of record.
  4. **Rules.** The director shall adopt rules for the transaction of business and shall keep a public record of his or her actions, findings, waivers and determinations.

**H. Director review—Procedure for issuance of interpretations**

1. A person may submit written analysis and supporting documentation to assist the director in analyzing a code interpretation request.
2. The director may conduct research or investigation as the director deems necessary to resolve the issue presented in the code interpretation request and may refer the request to department staff and other City staff for review and analysis.
3. A code interpretation must be in writing, clearly labeled “Code Interpretation,” and describe the basis for the interpretation pursuant to [SDC 21.01.090](#).
4. The director shall issue a code interpretation within 60 days after receiving the code interpretation request, unless the director determines that based on the unusual nature of the issue additional time is necessary to respond to the request. If the code interpretation request relates to a specific development proposal that is pending before the department of community development or relates to a

code enforcement action that is subject to appeal, the code interpretation shall become final when the department of community development issues its final decision on the underlying development proposal for a Type 1 or 2 decision, the department makes its recommendation on a Type 3 or 4 decision or, based on the code interpretation, the department issues a notice and order, citation or stop work order under **SMC Title 23**. If the director determines that a code interpretation request does not relate to a specific development proposal that is currently pending before the City or to a code enforcement action, the code interpretation is final when issued by the director.

5. The director shall maintain a list of indexed code interpretations for public inspection.
6. The director shall mail copies of the code interpretation to the following:
  - a. The person who requested the code interpretation;
  - b. If the director determines that the code interpretation relates to a specific development proposal that is pending before the City, the applicant and all other parties of record for that proposal;
  - c. If the director determines the code interpretation relates to a specific parcel of property, the taxpayer of record for that parcel; and
  - d. Any person who has submitted written comments regarding the director's review of the code interpretation request.

7. When it is final, a code interpretation remains in effect until it is rescinded in writing by the director or it is modified or reversed on appeal by the hearing examiner, the City council or an adjudicatory body.
  8. A code interpretation issued by the director governs all staff review and decisions unless withdrawn, or modified by the director or modified or reversed on appeal by the City hearing examiner, City council, or an adjudicatory body.
- I. **Director review—Decision and interpretation final unless appealed**
1. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to [SDC 21.09.020H](#).
  2. The interpretation of the director shall be final except for any appeal allowed as follows:
    - a. If the director determines that a code interpretation is necessary for review of a specific development proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement action. If the City of Sammamish hearing examiner makes the City's final decision with regard to the underlying permit, other approval type or code enforcement action regarding which the

interpretation was requested, the hearing examiner’s decision constitutes the City’s final decision on the code interpretation request. If the City council, acting as a quasi-judicial body, makes the City’s final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the City council’s decision constitutes the City’s final decision on the code interpretation request.

- b. If the director issues a code interpretation that is not associated with one of the items described in subsection 2.a. of this section, the interpretation may be appealed to the hearing examiner within 21 days of the date the notice of the interpretation is provided.
- 3. The hearing examiner shall review and make decisions based upon information contained in the written appeal and the record.
- 4. The hearing examiner’s decision may affirm, modify, or reverse the decision of the director.
- 5. As provided by [SDC 21.09.020](#)T.5.a. and b.:
  - a. The hearing examiner shall render a decision within 10 days of the closing of hearing; and
  - b. The decision shall be final unless appealed under the provisions of [SDC 21.09.020](#)U.1.
- 6. Establishment of any use or activity authorized pursuant to a conditional use permit, reasonable use exception, or variance shall occur within two years of the effective date of the decision for such permit or variance; provided, that for schools this period shall be five years. This period may be

extended for up to 180 days by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

- 7. For the purpose of this section, “establishment” shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized use or activity; provided, that the conditions or improvements required by such permits are completed within the time frames of said permits.
- 8. Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance remain satisfied.

**J. Examiner review—Zone reclassifications and special use permits**

Applications for zone reclassifications and special use permits shall be reviewed by the department subject to the procedures and criteria set forth in [SDC 21.09.020](#).

**K. Combined review**

Proposed actions may be combined for review purposes with any other action subject to the same review process, provided:

- 1. Notice requirements for combined review shall not be less than the greatest individual action requirement; and
- 2. No permit shall be approved without prior review and approval of any required variance.

**L. Establishment of hearing rules**

The department shall establish rules governing the conduct of public hearings before the hearing examiner and City council pursuant to Chapter 2.55 SMC.

**M. Records**

The department shall maintain public records for all permit approvals and denials containing the following information:

1. Application documents;
2. Tape recorded verbatim records of required public hearing;
3. Written recommendations and decisions for proposed actions;
4. Ordinances showing final council actions;
5. Evidence of notice;
6. Written comments received; and
7. Material submitted as exhibits.

**N. Modifications and expansions of uses or developments authorized by existing land use permits—Permits defined**

For the purposes of this chapter, a “land use permit” shall mean a conditional use permit, special use permit, unclassified use permit, or planned unit development.

**O. Modifications or expansions of uses or developments authorized by existing land use permits—When use now permitted outright**

Proposed modifications or expansions to a use or development authorized by an existing land use permit shall not require an amendment to the existing land use permit if the use is now

permitted outright in the zone district in which it is located and shall not require findings pursuant to [SDC 21.09.070P](#).

**P. Modifications or expansions of uses authorized by existing land use permits—Required findings**

Modifications or expansions approved by the department shall be based on written findings that the proposed modifications or expansions provide the same level of protection for and compatibility with adjacent land uses as the original land use permit.

**Q. Modifications and expansions—Use or development authorized by an existing planned unit development approval**

Modifications and expansions of uses or developments authorized by an existing planned unit development approval shall be subject to the following provisions:

1. Any approved modification or expansion shall be recorded.
2. Modifications to building location and/or dimensions shall be reviewed pursuant to the code compliance process of [SDC 21.09.070C](#), only when:
  - a. No buildings are located closer to the nearest property line(s); and
  - b. No increase in square footage of buildings is proposed.
3. Modifications beyond those permitted in subsection 2. of this section and all expansions shall be subject to the approval of a conditional use permit.

**R. Modifications and expansions—Uses or development authorized by existing conditional use, special use, or**

**unclassified use permits including conditional uses that have not been subject to full conditional use review**

1. The department may review and approve, pursuant to the code compliance process of [SDC 21.09.070C.](#), an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit provided that:
  - a. The expansion shall conform to all provisions of this Title and the original land use permit, except that the project-wide amount of each of the following may be increased up to 10 percent. Expansions beyond 10% of any of the following shall require full conditional use review for conditional uses:
    - i. Building square footage;
    - ii. Impervious surface;
    - iii. Parking; or
    - iv. Building height.
  - b. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection 1.a. of this section.
2. A conditional use permit shall be required for expansions within a use or development authorized by an existing conditional use permit if the expansions are not consistent with the provisions of subsection 1. of this section.
3. A special use permit shall be required for expansions within a use or development authorized by an existing special use

or unclassified use permit, if the expansions to either permit are not consistent with the provisions of subsection 1. of this section.

4. This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in [SDC 21.06.060I.6.](#) or to modifications or expansions of nonconformances, the provisions for which are set forth in [SDC 21.09.130F.](#)

## 21.09.080 Application Requirements— Notice Methods

### A. Applications—Limitations on refiling of applications

Upon denial of a zone reclassification or a special use permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial.

## 21.09.090 School Impact Fees

### A. Authority

The provisions of this chapter for the assessment and collection of impact fees are adopted pursuant to Chapter 82.02 RCW.

### B. Purpose

The purpose of this chapter is to implement the capital facilities element of the Comprehensive Plan and the Growth Management Act by:

1. Ensuring that adequate public school facilities and improvements are available to serve new development;
2. Establishing standards whereby new development pays a share of the cost for public school facilities needed to serve such new development;
3. Ensuring that school impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact; and
4. Providing needed funding for growth-related school improvements to meet the future growth needs of the City of Sammamish.

### C. Impact fee program elements

1. Impact fees will be assessed on every new single-family and multi-family unit in the district for which a fee schedule has been established.
2. Impact fees will be imposed on a district-by-district basis, on behalf of any school district that provides to the City a



capital facilities plan, the district’s standards of service for the various grade spans, estimates of the cost of providing needed facilities and other capital improvements, and the data from the district called for by the formula in [SDC 21.09.090D](#). The actual fee schedule for the district will be adopted by ordinance based on this information and the fee calculation set out for [SDC 21.09.090D](#). Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the development. The impact fee formula shall account in the fee calculation for future revenues the district will receive from the development. The ordinance adopting the fee schedule shall specify under what circumstances the fee may be adjusted in the interests of fairness.

3. The impact fee shall be based on a capital facilities plan developed by the district and approved by the school board, and adopted by reference by the City of Sammamish as part of the capital facilities element of the Comprehensive Plan for the purpose of establishing the fee program.

**D. Fee calculations**

1. The fee for each district shall be calculated based on the formula set out in [SDC 21.09.090J](#).
2. Separate fees shall be calculated for single-family and multifamily residential units and separate student generation rates must be determined by the district for each type of residential unit. For purposes of this chapter single-family units shall mean single detached dwelling units, and multifamily units shall mean townhouses and apartments.

3. The fee shall be calculated on a district-by-district basis using the appropriate factors and data to be supplied by the district, as indicated in [SDC 21.09.090J](#). The fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district used currently or within the last two years for instructional purposes.
4. The formula in [SDC 21.09.090J](#), also provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issues in the school district.
5. The formula in [SDC 21.09.090J](#), also provides for a credit for school facilities or sites actually provided by a developer that the school district finds to be acceptable.

**E. Fee collection**

Fees shall be collected by the department of community development and maintained in a separate account for each school district, pursuant to [SDC 21.09.090G](#). Fees shall be paid to the district pursuant to administrative rules of an interlocal agreement between the City and the district.

**F. Assessment of impact fees**

1. In school districts where impact fees have been adopted by City ordinance and except as provided in this section, the City shall collect impact fees, based on the schedules set forth in each ordinance establishing the fee to be collected for the district, from any applicant seeking development approval from the City where such development activity requires final plat or PUD approval or the issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid. No

approval shall be granted and no permit shall be issued until the required school impact fees set forth in the district's impact fee schedule have been paid, unless a deferral has been granted pursuant to [SDC 21.08.050](#).

2. Except as provided in [SDC 21.08.050C.](#), impact fees shall be assessed and collected, at the option of the applicant, either:
  - a. At the time of final plat (for platted development) or building permit application (for nonplatted development); or
  - b. At the time of building permit issuance;

which option shall be declared at the time of final plat (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City.
3. For existing lots or lots not covered by subsection 2. of this section, application for single-family and multifamily residential building permits, mobile home permits, and site plan approval for mobile home parks, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of permit application.
4. Any application for preliminary plat or PUD approval or multifamily zoning that has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter shall be required to pay the fee in accordance with the condition of approval.

5. Applicants for single-family attached or single-family detached residential construction may request deferral of all impact fees due under this chapter in accordance with the provisions of [SDC 21.08.050](#).

#### G. Adjustments, exceptions, and appeals

1. The following are excluded from the application of the impact fees:
  - a. Any form of housing exclusively for the senior citizen, including nursing homes and retirement centers, so long as these uses are maintained;
  - b. Reconstruction, remodeling, or replacement of existing dwelling units that does not result in additional new dwelling units. In the case of replacement of a dwelling, a complete application for a building permit must be submitted within three years after it has been removed or destroyed;
  - c. Shelters for temporary placement, relocation facilities, transitional housing facilities, and community residential facilities as defined in [SDC 21.04.040B.\(59\)](#);
  - d. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act;
  - e. Any development activity for which school impacts have been mitigated pursuant to a condition of plat or PUD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PUD approval provides otherwise; provided, that

the condition of the plat or PUD approval predates the effective date of a school district’s fee implementing ordinance;

- f. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with a school district to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of a school district’s fee implementing ordinance;
  - g. Housing units that fully qualify as housing for persons age 55 and over meeting the requirements of the Federal Housing Amendments Act of 1988, 42 U.S.C. 3607b.2.c. and b.3., as subsequently amended, and that have recorded covenants or other legal arrangements precluding school-aged children as residents in those units;
  - h. Mobile homes permitted as temporary dwellings pursuant to [SDC 21.05.030H.](#); and
  - i. Accessory dwelling units as defined in [SDC 21.04.040B. \(94\)](#) and [SDC 21.05.010C.2.e.i.](#)
2. Arrangement may be made for later payment with the approval of the school district only if the district determines that it will be unable to use or will not need the payment until a later time; provided, that sufficient security, as defined by the district, is provided to assure payment. Security shall be made to and held by the school district, which will be responsible for tracking and documenting the security interest.
  3. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement with a school district entered into after the effective date of a school district’s fee implementing ordinance.
  4. After the effective date of a school district’s fee implementing ordinance, whenever a development is granted approval subject to a condition that the developer actually provide school sites, school facilities, or improvements to school facilities acceptable to the district, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the school district, to provide land, provide school facilities, or make improvements to existing facilities, the developer shall be entitled to a credit for the value of the land or actual cost of construction against the fee that would be chargeable under the formula provided by this chapter. The land value or cost of construction shall be estimated at the time of approval, but must be documented. If construction costs are estimated, the documentation shall be confirmed after the construction is completed to assure that an accurate credit amount is provided. If the land value or construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.
  5. Impact fees may be adjusted by the City, at the City’s discretion, if one of the following circumstances exist; provided, that the discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

- a. The developer demonstrates that an impact fee assessment was incorrectly calculated; or
  - b. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.
6. A developer may provide studies and data to demonstrate that any particular factor used by the district may not be appropriately applied to the development proposal, but the district's data shall be presumed valid unless clearly demonstrated to be otherwise by the proponent.
  7. Any appeal of the decision of the director or the hearing examiner with regard to imposition of an impact fee or fee amounts shall follow the appeal process for the underlying permit and not be subject to a separate appeal process. Where no other administrative appeal process is available, an appeal may be taken to the hearing examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the City Council for possible modification.
  8. Impact fees may be paid under protest in order to obtain a building permit or other approval of development activity, when an appeal is filed.
- H. **Exemption or reduction for low- or moderate-income housing**
1. Low- or moderate-income housing projects being developed by public housing agencies or private nonprofit housing developers shall be exempt from the payment of school impact fees. The amount of the school impact fees not collected from low- or moderate-income

household development shall be paid from public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The department of community development shall review proposed developments of low- or moderate-income housing by such public or nonprofit developers pursuant to criteria and procedures adopted by administrative rule, and shall determine whether the project qualifies for the exemption.

2. Private developers who dedicate residential units for occupancy by low- or moderate-income households may apply to the department for reductions in school impact fees pursuant to the criteria established for public housing agencies and private nonprofit housing developers pursuant to subsection 1. of this section, and subject to the provisions of subsection 1. of this section. The department shall review proposed developments of low- or moderate-income housing by such private developers pursuant to criteria and procedures adopted by administrative rule, and shall determine whether the project qualifies for the exemption. If the department recommends the exemption, it shall reduce the calculated school impact fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.
3. Individual low- or moderate-income home purchasers (as defined pursuant to the King County Comprehensive Housing Affordability Strategy (CHAS)) who are purchasing homes at prices within their eligibility limits based on

standard lending criteria and meet other means tests established by rule are exempted from payment of the impact fee; provided, that at such time as the property in question is transferred to another owner who does not qualify for the exemption, at which time the fee shall be due and payable.

4. The department is hereby instructed and authorized to adopt, pursuant to Chapter 2.55 SMC, administrative rules to implement this section.
5. As a condition of receiving an exemption under subsection 2. or 3. of this section, the owner must execute and record a City-drafted lien, covenant, and/or other contractual provision against the property for a period of 10 years for individual owners, and 15 years for private developers, guaranteeing that the proposed development will continue to be used for low- or moderate-income housing. In the event that the pattern of development or the use of the development is no longer for low- or moderate-income housing, then the owner shall pay the impact fee amount from which the owner or any prior owner was exempt. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners.

**I. Impact fee accounts and refunds**

1. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the City solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes identified in subsection 2. of this section. Annually, the City shall prepare a report on each impact fee account showing the source and amount of all

monies collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.

2. Impact fees for the district's system improvements shall be expended by the district for capital improvements including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses that could be capitalized and that are consistent with the school district's capital facilities plan.
3. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.
4. Impact fees shall be expended or encumbered (i.e., committed as part of the funding for a facility for which the publicly funded share has been assured, or building permits applied for, or construction contracts let) by the district for a permissible use within six years of receipt by the City, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified to the City by the district. The City must prepare written findings concurring with the district's reasons, and authorizing the later encumbrance or expenditure of the fees prior to the district

so encumbering or expending the funds, or directing a refund of the fees.

5. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six years of receipt of the funds by the City. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The City shall notify potential claimants by first class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.
6. An owner's request for a refund must be submitted to the City council in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.
7. Should the City seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the district, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.
8. A developer may request and shall receive a refund, including interest earned on the impact fees, when:
  - a. The developer does not proceed to finalize the development activity as required by statute or City code or the Uniform Building Code; and
  - b. No impact on the district has resulted. "Impact" shall be deemed to include cases where the district has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in [SDC 21.09.090G](#).



9. Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the City or the district on invested funds throughout the period during which the fees were retained.

**J. Formula for determining school impact fees**

IF:

A = Student factor for dwelling unit type and grade span X site cost per student for sites for facilities in that grade span = Full cost fee for site acquisition cost

B = Student factor for dwelling unit type and grade span X school construction cost per student for facilities in that grade span X ratio of district’s square footage of permanent facilities to total square footage of facilities = Full cost fee for school construction

C = Student factor for dwelling unit type and grade span X relocatable facilities cost per student for facilities in that grade span X ratio of district’s square footage of relocatable facilities to total square footage of facilities = Full cost fee for facilities construction

D = Student factor for dwelling unit type and grade span “Boeckh index” X SPI square footage per student factor X state match % = State Match Credit, and

A1, B1, C1, D1 = A, B, C, D for elementary grade spans

A2, B2, C2, D2 = A, B, C, D for middle/junior high grade spans

A3, B3, C3, D3 = A, B, C, D for high school grade spans

TC = Tax payment credit = the net present value of the average assessed value in district for unit type X current school district capital property tax levy rate, using a 10-year discount period and current interest rate (based on the Bond Buyer Twenty Bond General Obligation Bond Index)

FC = Facilities credit = the per-dwelling unit value of any site or facilities provided directly by the development

THEN: the unfunded need = UN = A1 + . + C3 - (D1- D2 - D2) - TC

AND the developer fee obligation (local impact) = F = UN x 75%

AND the net fee obligation = NF = F - FC

Notes:

1. Student factors are to be provided by the school district based on district records of average actual student generation rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or county-wide averages must be used. Student factors must be separately determined for single-family and multifamily dwelling units, and for grade spans.
2. The “Boeckh index” is a construction trade index of construction costs for various kinds of buildings; it is adjusted annually.
3. The district is to provide its own site and facilities standards and projected costs to be used in the formula, consistent with the requirements of this chapter.



Attachment

4. The formula can be applied by using the following table:

TABLE FOR CALCULATING SCHOOL IMPACT FEE OBLIGATIONS FOR RESIDENTIAL DWELLING UNITS (TO BE SEPARATELY CALCULATED FOR SINGLE-FAMILY AND MULTIFAMILY UNITS)		
Elementary school site cost per student X student factor	=	
Middle/junior high school site cost per student X student factor	=	
High school site cost per student X student factor	=	
A1 + A2 + A3	=	
Elementary school construction cost per student X student factor	=	
Middle/junior high school construction cost per student X student factor	=	
High school construction cost per student X student factor	=	
(B1 + B2 + B3) X		=
	square footage of permanent facilities	
	total square footage of facilities	
Elementary school relocatable facility cost per student X student factor	=	
Middle/junior high school relocatable facility cost per student X student factor	=	
High school relocatable facility cost per student X student factor	=	

TABLE FOR CALCULATING SCHOOL IMPACT FEE OBLIGATIONS FOR RESIDENTIAL DWELLING UNITS (TO BE SEPARATELY CALCULATED FOR SINGLE-FAMILY AND MULTIFAMILY UNITS)		
(C1 + C2 + C3) X	square footage of permanent facilities	=
	total square footage of facilities	
Boeckh index X SPI square footage per student for elementary school X state match % X student factor	=	
Boeckh index X SPI square footage per student for middle/junior high school X state match % X student factor	=	
Boeckh index X SPI square footage per student for high school X state match % X student factor	=	
D1 + D2 + D3	=	
$\frac{((1 + I)^{10}) - 1}{i(1 + i)^{10}}$	X average assessed value for the dwelling unit type in the school district	
X current school district capital property tax levy rate where I = the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index		

Value of site or facilities provided by the development

Number of dwelling units in development

1 Unfunded Need = A + B + C - D - TC =

\_\_\_\_\_A

+\_\_\_\_\_B

+\_\_\_\_\_C

Subtotal

-\_\_\_\_\_D

-\_\_\_\_\_TC

L UNFUNDED NEED UN = \_\_\_\_\_ multiplied by 75% =

\_\_\_\_\_ = DEVELOPER FEE

OBLIGATION

-\_\_\_\_\_ Less FC (if applicable)

\_\_\_\_\_ NET FEE OBLIGATION

## 21.09.100 Decision Criteria

### A. Purpose

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

1. Providing clear criteria on which to base a decision;
2. Recognizing the effects of unique circumstances upon the development potential of a property;
3. Avoiding the granting of special privileges;
4. Avoiding development that may be unnecessarily detrimental to neighboring properties;
5. Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and
6. Providing criteria that emphasize protection of the general character of neighborhoods.

### B. Temporary use permit

A temporary use permit shall be granted by the City, only if the applicant demonstrates that:

1. The proposed temporary use will not be materially detrimental to the public welfare;
2. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;

3. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
4. The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

### C. Variance

A variance shall be granted by the City, only if the applicant demonstrates all of the following:

1. The strict enforcement of the provisions of this Title creates an unnecessary hardship to the property owner;
2. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
3. The subject property is deprived, by provisions of this Title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
4. The variance does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;
5. The variance does not relieve an applicant from any of the procedural provisions of this Title;
6. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
7. The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to [SDC 21.03.020W.2.](#), Erosion hazards near sensitive water bodies – Special district overlay, [SDC 21.03.020Y.6.](#), Wetland management area – Special district overlay, or [SDC 21.03.020AA.6.](#), Lake management areas – Special district overlay;

8. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
9. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;
10. The variance is the minimum necessary to grant relief to the applicant;
11. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
12. The variance does not relieve an applicant from any provisions of [SDC 21.03.020](#), Environmentally Critical Areas, except for the required building setbacks set forth in [SDC 21.03.020](#).

### D. Conditional use permit

A conditional use permit shall be granted by the City, only if the applicant demonstrates that:

1. The conditional use is designed in a manner that is compatible with the character and appearance of an existing or proposed development in the vicinity of the subject property;

2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those that will mitigate impacts in a manner equal to or greater than the standards of this Title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

**E. Special use permit**

A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;

2. The special use will not materially endanger the health, safety and welfare of the community;
3. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
4. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
5. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties; and
6. The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this Title.

**F. Zone reclassification**

A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in [SDC 21.09.020T.1.](#) and [21.09.020T.2.](#) and is consistent with the comprehensive plan.

## 21.09.110 Enforcement

### A. Purpose

The purpose of this chapter is to promote compliance with this Title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in SMC Title 23, Code Enforcement, when violations of this Title occur.

### B. Authority and application

The director is authorized to enforce the provisions of this code, any implementing administrative rules adopted under Chapter 2.55 SMC, Rules of City Departments, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of SMC Title 23, Code Enforcement.

### C. Violations defined

No building permit or land use approval in conflict with the provisions of this Title shall be issued. Structures or uses that do not conform to this Title, except legal nonconformances specified in [SDC 21.09.130](#) and approved variances, are violations subject to the enforcement, penalty, and abatement provisions of SMC Title 23, including but not limited to:

1. Establishing a use not permitted in the zone in which it is located;
2. Constructing, expanding, or placing a structure in violation of setback, height, and other dimensional standards in this Title;

3. Establishing a permitted use without complying with applicable development standards set forth in other titles, ordinances, rules, or other laws, including but not limited to street construction, surface water management, and the fire code;
4. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
5. Failing to secure required land use or permit approval prior to establishing a permitted use; and
6. Failing to maintain site improvements, such as landscaping, parking, or drainage control facilities as required by this code.

### D. Permit suspension, revocation or modification

1. Permit suspension, revocation, or modification shall be carried out through the procedures set forth in SMC Title 23. Any permit, variance, or other land use approval issued by the City pursuant to this Title may be suspended, revoked, or modified on one or more of the following grounds:
  - a. The approval was obtained by fraud;
  - b. The approval was based on inadequate or inaccurate information;
  - c. The approval, when given, conflicted with existing laws or regulations applicable thereto;
  - d. An error of procedure occurred that prevented consideration of the interests of persons directly affected by the approval;

- e. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law, or regulation;
  - f. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
  - g. The holder of the permit or approval interferes with the director or any authorized representative in the performance of his or her duties; or
  - h. The holder of the permit or approval fails to comply with any notice and order issued pursuant to **SMC Title 23**.
2. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:
- a. The City council may, after a recommendation from the hearing examiner, revoke or modify any residential density incentive approval, transfer of development credit, preliminary subdivision, zone reclassification, or special use permit;
  - b. The hearing examiner may revoke or modify any variance or conditional use permit; provided, that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and
  - c. The director may revoke or modify any permit or other land use approval issued by the director.

**E. Initiation of revocation or modification proceedings**

- 1. The director may suspend any permit, variance, or land use approval issued by the department pending its revocation or modification, or pending a public hearing on its revocation or modification;
- 2. The department may initiate proceedings to revoke or modify any permit or land use approval it has issued; and
- 3. Persons who are aggrieved may petition the department to initiate revocation or modification proceedings, and may petition the director to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification.

## 21.09.120 Moving Buildings

### A. Purpose—Scope

It is the purpose of this chapter to establish standards, including minimum requirements for the moving of all buildings and other structures within the corporate limits of the City, and to provide for the issuance of a permit, collection of various fees, and inspectional services for all such movements.

### B. Permit required

No person shall move any building over, upon, along, or across any public street without a written permit therefor issued by the City building official.

### C. Permit—Application information

The City shall furnish application for a permit. The application for permit shall contain or have attached thereto the following information:

1. Name and address of applicant;
2. Location of building to be moved (present address if assigned);
3. Location of proposed site to which building is to be moved;
4. Date and time requested for movement;
5. Map or description of requested route to be taken; and
6. Height, width, and length of building to be moved and truck or equipment to be used for moving the building.

### D. Permit—Application—Deposits and fees

1. Every applicant before being granted a permit shall pay an application filing fee in the amount as set forth by resolution in addition to any other required review fees.
2. An application hereunder shall be accompanied by the following:
  - a. A cash deposit or corporate surety bond in the sum of \$10,000 or such greater amount as the building official determines necessary as indemnity for any damage that the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, or other property of the City, which may be caused by or be incidental to the removal of any building over, along, or across any street in the City and to indemnify the City against any claim of damages to persons or private property; and
  - b. A public liability insurance policy providing \$250,000 or such greater amount as the building official determines necessary to satisfy any claim by private individuals, firms, or corporations arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the City.

### E. Permit—Conditions for granting

As a condition of securing a permit for a relocation within the City the permittee shall furnish the City with a set of plans and specifications for the completed building to include a plot plan prepared by a registered engineer or land surveyor from the state of Washington showing in detail the placement of the proposed structure upon the lot within the City.



## F. Special requirements

1. **Escort.** The housemover shall provide at least two escorts for the purpose of regulating traffic along the route such building is being moved; provided, that any such escorts shall be at the expense of the housemover. The building official shall approve the route selected.
2. **Time.** The City shall designate the time of the movement. Every such permit shall become and be void unless such removal shall be completed and the building removed from the public right-of-way within the time specified in the application for such permit; provided, however, that the City may extend such time when the moving of any building is rendered impractical by reason of inclemency of the weather or other causes not within the control of the housemover. If more than one day will be required to move the building, the building official shall designate where the building shall be located when not being moved.
3. **Lights.** No person moving any building over, upon, along, or across any public street shall fail, neglect, or refuse to keep a red light (or such other devices as the City may require) at all times at each corner of such building and at the end of any projection thereon while the same is located in or upon any public street.
4. **Notice to Utilities.** Before any building shall be moved the housemover shall give written notice to the public utilities or agencies designated in the application not less than three days in advance of the proposed move.
5. **Condition of Lot.** After the completion of any move the area or lot upon which the structure was formerly located

shall be left in a safe and sanitary condition, including, but not limited to, the following: the sanitary sewer connection, if one exists, shall be plugged and marked; the water meter shall be removed and the line satisfactorily capped and marked; the electrical and telephone lines removed; all wells shall be capped or filled; and all trash shall be removed therefrom to the satisfaction of the building official.

## G. Permit refused—When

The building official shall not issue a permit if it is found that:

1. Any application requirement or any fee or deposit requirement has not been complied with;
2. The building is too large to move without endangering persons or property in the City;
3. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
4. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
5. The applicant's equipment is unsafe and that persons and property would be endangered by its use;
6. Zoning or other ordinances would be violated by the building in its new location;
7. The applicant has not furnished proof that all affected public and private utilities, including those with electricity,

gas, telephone, water, and sewer have been notified of the time of the move and the route to be followed; and

8. For any other reason persons or property in the City would be endangered by the moving of the building.

Approval of the application by the police department and community development department shall be a condition precedent to issuance of the permit.

#### H. **Violation—Penalty**

Every person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and, upon conviction thereof, shall be punishable as provided in this section.

## 21.09.130 Nonconformance

### A. **Purpose**

The purposes of this chapter are to:

1. Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;
2. Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use;
3. Provide a permitting process and standards for homeless encampments for homeless persons, consistent with state laws; and
4. Encourage the adaptive re-use of existing public facilities that will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
  - a. Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;
  - b. Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or
  - c. Permanent re-use of historic structures listed on the National Register or designated as county landmarks.

**B. Nonconformance—Applicability**

1. All nonconformances except nonconforming uses and improvements related to the provisions of [SDC 21.03.020](#) shall be subject to the provisions of this chapter.
2. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
  - a. The requirements of the Uniform Building and Fire Codes; or
  - b. The provisions of this code beyond the specific nonconformance addressed by this chapter.

**C. Nonconformance—Creation, continuation, and forfeiture of nonconformance status**

Once created pursuant to [SDC 21.04.040B.\(241\)](#), a nonconformance may be continued in a manner consistent with the provisions of this chapter. However, nonconformance status is forfeited if the nonconformance is discontinued beyond the provisions of [SDC 21.09.130E](#). unless the structure is a historic landmark or resource and is being restored or reconstructed. Once nonconformance status is forfeited, the nonconformance shall not be re-established.

**D. Nonconformance—Abatement of illegal use, structure or development**

Any use, structure or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of SMC Title 23.

**E. Nonconformance—Re-establishment of damaged or destroyed nonconforming structure or site improvement**

A nonconforming structure or site improvement that has been damaged or destroyed may be re-established or reconstructed if:

1. The damage to the nonconforming structure is less than 50% of the current market value from a professional appraisal and the nonconformity is not expanded; All expansions of nonconforming structures must meet the current code requirements, including setbacks, unless a variance is obtained.
2. A new nonconformance is not created; and
3. A nonconforming structure that is damaged or destroyed such that it exceeds 50% of the value of the structure may only be reconstructed if the reconstruction complies with all code requirements. Single-family homes are exempt from this restriction and may be reconstructed if the nonconformity is not expanded.

**F. Nonconformance—Modifications, expansions, and alterations**

Modifications to a nonconformity may be reviewed and approved by the department with appeals to the Hearing Examiner pursuant to the code compliance review process of [SDC 21.09.070C](#). provided that:

1. The modification or expansion complies with all code requirements and does not expand any existing nonconformance or the degree of nonconformity; and
2. The modification or alterations does not create a new type of nonconformance.

3. The alteration constitutes normal and routine maintenance or is intended to correct a nonconformity.

#### G. Nonconforming Uses

1. Nonconforming uses may not be changed to another nonconforming use. When all or part of a nonconforming use is changed to a permitted use it may not be changed back to a nonconforming use.
2. If a structure containing a nonconforming use is damaged or destroyed, and the cause was not due to actions by the owner, it may be reestablished by obtaining a building permit and commencing construction within 12 months from the date the damage occurred. The reestablished nonconforming use may not exceed the existing building square footage or create a new nonconformity. If the nonconforming use is a nonconforming structure, then the reconstruction must comply with [SDC 21.09.130E](#).
3. A nonconforming use that has been discontinued for more than 12 months in whole or part may not be reestablished. Active listing of a vacant space with a nonconforming use qualifies for maintain the nonconforming use.
4. A nonconforming use may be expanded up to 10% or 500 square feet, whichever is less if all the following are met:
  - a. The expansion complies with all code requirement except the nonconforming use expansion.
  - b. The director determines the expansion is necessary for continued operation of the nonconforming use such as fire, building, or public health codes.

## CHAPTER 21.10.

# DEFINITIONS

---

## 21.10.010 Definitions

### A. General

The City of Sammamish adopts by reference the definitions contained in WAC 197-11-700 through 197-11-799. In addition, the following definitions are adopted for this chapter:

1. **City council.** The Sammamish City council.
2. **Department.** The City of Sammamish department of community development.
3. **Director.** The director of the department of community development.

The following abbreviations are used in this chapter:

1. SEPA – State Environmental Policy Act.
2. DNS – Determination of nonsignificance.
3. DS – Determination of significance.
4. EIS – Environmental impact statement.

### B. Definitions

1. **Interested person.** Any person who receives written notice of a proposed land use action under the requirements of the SMC, or has requested of the responsible City official or the community development director notification of proceedings or copies of orders, reports, recommendations, or decisions issued in the particular case, or who participates in a hearing by providing evidence, comment, or argument, or who participates in a neighborhood meeting (see [SDC 21.09.040D](#)). The term does not include

a person whose only communication is a signature on a petition or a mechanically or electronically reproduced form, or who has made a standing request for notices or documents encompassing a type of case or hearings that relate to a geographic area.

2. **Party.** The applicant, proponent, or petitioner; the owner(s) of property subject to a hearing; the responsible City official; or any other City official with jurisdiction or review authority over a proposal or proceeding who has notified the community development director in writing requesting to be a party to the proceeding.

A property owner who has authorized another individual to act as an agent for the development of a parcel of property is not a party unless he or she requests the community development director to be designated as such. Persons joining in or concurring with an appeal or petition are not parties unless they have separately filed the requisite documents and fees for an appeal or petition.

3. **Person.** Includes individuals, corporations, partnerships, other formal associations, and governmental agencies.
4. **Person.** Includes any person, firm, partnership, association, corporation, company, or organization of any kind.
5. **Responsible City official.** The City of Sammamish official who has primary responsibility for coordinating the review of an application or appeal, or who issued the decision or recommendation, or took the action, which is the subject of the proceeding.
6. **Building.** Includes every building, house, structure, or other like object.

7. **Housemover.** Any person, firm, or corporation engaged in the business of moving houses, buildings, structures, or other like object.