

Chapter 21.03.

ENVIRONMENT & SUSTAINABILITY

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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, fish and wildlife habitat, 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 and restoring fish and wildlife habitat to the extent practicable to maximize riparian function over time;
8. Protecting the public trust as to navigable waters and aquatic resources;
9. Meeting the requirements of the National Flood Insurance Program and maintaining the City as an eligible community for federal flood insurance benefits;
10. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of critical areas;
11. Establishing special district overlays with alternative development standards for increasing minimum requirements to address unique site characteristics in areas of increased sensitivity;
12. Providing City officials with sufficient information to protect critical areas; and

13. 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, the 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.
6. All development occurring within shoreline jurisdiction shall be regulated by the City of Sammamish Shoreline Master Program, Title 25.
7. All development occurring outside of the jurisdiction of the City of Sammamish Shoreline Master Program shall be regulated by this chapter.

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. Complete exemptions

The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder:

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 that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter, provided that:

- a. The emergency action shall have the least reasonably possible impact to the critical area and its buffer as judged in real-time by a qualified professional while still adequately addressing the emergency situation;
 - b. The person, agency, or authorized representative undertaking such action shall notify the department within one (1) working day of the commencement of the emergency alteration or development. Within thirty (30) days of the commencement, the Director shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Director determines that the action taken, or any part of the action, was beyond the scope of an allowed emergency action, then the activity would be considered a violation and is subject to enforcement by the City; and
 - c. After the emergency, the person, agency, or authorized representative undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical areas report and mitigation plan. The person, agency, or authorized representative undertaking the action shall apply for review, and the alteration, critical areas report, and mitigation plan shall be reviewed by the department in accordance with the review procedures contained herein.
2. Public utility departments or private utility companies that provide service to the public including 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 as defined in SMC 21.04.040.B.217, or repair of existing utility structures or rights-of-way within the existing developed footprint;
 - 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 within the existing developed footprint including the road prism 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, the activity has been minimized to the extent feasible, and has considered the Washington Department of Fish and Wildlife (WDFW) Priority Habitat and/or Species (PHS) data and management recommendations when applicable.
5. 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. Use of pesticides, insecticides, herbicides, and fertilizers within critical areas and their buffers shall be allowed on a case-by-case basis as part of the City of Sammamish Integrated Pest Management Policy, consistent with King County Noxious Weed Control Board best management practices, and in accordance with state and federal laws. In accord with Washington State Department of Ecology requirements, aquatic-approved pesticides and adjuvants are required in seasonally or permanently wet environments;
 - v. Native plants are protected from removal or damage;
 - vi. All removed plant material shall be taken away from the site and disposed of properly;
 - vii. Appropriate erosion-control measures are used;
 - viii. The area is replanted within one growing season with a like kind and density of native vegetation following nonnative plant removal; and
 - ix. Removal of nonnative or invasive plants authorized under this subsection shall not require a critical areas report.
 - 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 report may be required by the Director.

- c. Removal of hazardous trees as defined in SMC 21.04.040.B.165 where target structures are in immediate danger of damage, where such activities are determined by the department to have minimal impact to habitat and/or riparian ecosystem functions. Tree removal within a critical area or buffer shall involve avoidance and/or minimization of damage to the remaining trees and vegetation. Hazard trees must be identified by a TRAQ ISA Certified arborist of hazard qualification for trees prior to removal. The creation of snags, and retention of stumps and woody debris is required when feasible. If a hazard tree meets the criteria above, the subject tree removed from critical areas must be mitigated through one of the following actions, listed in order of preference:
 - i. Replace with appropriate native trees on-site at the ratios designated in the tree replacement standards (SMC 21.03.060.J);
 - ii. Demonstrate critical area functions will be restored through a critical areas report (SMC 21.03.020.I.3) and vegetation management plan (SMC 21.03.020.O). Restoration actions may include invasive plant removal and revegetation with shrub and groundcover plants where on-site tree replacement is determined by a qualified professional to be unsustainable.
 - iii. When on-site tree replacement or restoration cannot be achieved, then off-site planting is allowed within protected open space, or critical areas and their buffers within Sammamish City limits. Off-site planting may be achieved through purchase of credits from an in-lieu fee program if available that supports off-site tree planting equivalent to tree replacement requirements within the City.
6. Conservation, preservation, restoration and/or enhancement is allowed within critical areas or buffers subject to the following:

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.
7. 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.

E. Allowances for existing urban development and other uses

Subject to the limitations set forth in 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. If any existing legally created single detached dwelling unit(s), accessory dwelling unit(s), ancillary residential structure, commercial building, and/or 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.

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 report or review is required, when the applicant has adequately demonstrated that there is no increase to existing nonconforming uses and no net loss of existing critical area and critical area functions.
3. 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 SMC 21.04.040.B.244., be removed or discontinued prior to recording of the final plat, final short plat, or binding site plan 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.
4. 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 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), accessory dwelling unit(s), and associated impervious surfaces that do not meet the applicable

building setback or buffer requirements are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the structure(s) and associated impervious surface areas lying within the buffer or building setback. This provision is subject to the following and cannot be applied for development that was created through a Reasonable Use Exception or other variance approval process:

- i. **Landslide Hazard Areas.** 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 report must be supplied consistent with the provisions of SMC 21.03.020.I.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. **Aquatic and Habitat Resources.** 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, wetland, or within a fish and wildlife habitat conservation area, the following must be met:
 - a) No portion of the modification, addition or replacement may be located closer to the critical area than the nearest extent of the legally established existing single detached dwelling unit, except as provided under this section.
 - b) When there is an intervening legally established single detached dwelling unit(s) or accessory dwelling unit(s) on a perpendicular line in between the subject critical area 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 critical area.
 - c) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:
 - 1) A critical areas report approved by the City demonstrates a net improvement in hydrologic and habitat values to the subject-affected critical 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 are allowed a one-time increase of up to 1,000 square feet or 10% of the subject property area, whichever is less, to the existing total

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

- i. Landslide Hazard Areas. 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 report must be supplied consistent with the provisions of SMC 21.03.020.I.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. Aquatic and Habitat Resources. 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 the critical area than the nearest extent of the existing building(s), except as provided under section.
 - b) When there is an intervening building(s) on a perpendicular line in between the subject critical area and building(s) that is proposed to be modified, added to, or replaced, the modification, addition or replacement may be located closer to the critical area, provided no portion of the modification, addition or replacement is located closer than 50 feet to the critical area.
 - c) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:
 - 1) A critical areas report 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 critical 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.
5. 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 and the reconstruction or replacement activity complies with the regulations contained within SMC 21.09.130, Nonconformance. A critical areas report may be required by the Director.
 6. A permit or approval sought as part of a continuously pursued development proposal where applications have not expired or entitlements lapsed or otherwise been subject to a delay that causes a new permit to be submitted and 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, SMC 21.03.020.Q. and SMC 21.03.020.R., if:

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- 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; and
- 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 the prior permit or approval, including any conditions, has been complied with.

F. Exceptions

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 feasible alternative to the activity or proposed development with less impact to the critical area; and
 - ii. The activity or development proposal is designed to avoid, minimize, and mitigate the impact to environmentally critical areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and
 - iii. The proposed use does not pose a threat to the public health, safety, or welfare.
 - c. The department shall process exceptions, provide public notice, provide an opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of SMC 21.09.010.
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 to 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;
 - 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 design must follow mitigation sequencing as outlined in SMC 21.03.020.K. 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; and
 - 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 to 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 to the critical area and buffer are not feasible, including Transfer of Development Rights (TDRs) (SMC 21.06.070) as an alternative economic use.
 - v. A neighborhood land analysis on a form provided by the City adopted by the Director that evaluates the surrounding conditions in the immediate vicinity to verify that the request is consistent with the criteria included in SMC 21.03.020.F.2.
- 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 a single-family home proportionate to the median home size within the vicinity as determined by the Director, up to 2,250 square feet of gross square footage inclusive of all conditioned space, garages, unconditioned space, and 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.

G. Critical areas maps and inventories

Not all of the critical areas in the City of Sammamish are fully mapped. Public maps are advisory only. The approximate distribution and extents of many environmentally critical areas in the City of Sammamish is displayed in the City's GIS database, Sammamish Property Tool. Field verification and, if appropriate, evaluation and site-specific mapping by a qualified professional of the location of critical areas will be required and may be subject to third party review and verification by the City or the City's on-call qualified consultant. When the City has maps or records that depict the presence, location, classification or type of critical area, the maps are of variable quality and precision that cannot be accurately or reliably overlaid to be used parcel-by-parcel scale. Therefore, public maps and inventories are intended to be advisory only and should not be relied upon for site-specific development. A field reconnaissance or critical areas report is required to identify and verify the presence or absence of a regulated critical area, buffer, or required development setback.

H. 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. As described in SMC 21.03.020.I.1.f., Approved critical area reports, including geotechnical reports are valid for a period of up to five years subject to the limitations of SMC 21.03.020.I.1.f.,. Since critical area conditions can be dynamic, it is acknowledged that critical area boundaries and buffers change over time.
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.

I. Critical area review and report requirements

1. Critical area review
 - a. The City shall require 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 report is required;
- iv. Evaluate the critical areas report 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 report 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 report at a level determined by the Director to adequately evaluate the proposal and probable impacts.
- b. The Director may modify the requirement for a critical areas report 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 report to include only that area 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 report.
- 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. Validity of Determination:
 - i. Critical area determinations are valid for five (5) years from the date of report preparation by a qualified professional and are subject to third party review decision. However, the Planning Official or Director may require an updated assessment by a qualified professional ahead of that expiration date when physical conditions have demonstrably changed on or adjacent to the subject property.

3. Contents of critical area study

- a. The critical areas report 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. Documentation of any fieldwork and desktop review performed by qualified professional(s) to identify, map, and classify critical areas in the project vicinity as described in SMC 21.03.020.I.3.a.i above;
 - iii. 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; and
 - c) Cumulative impacts to environmentally critical areas or buffers in the project vicinity. Cumulative impacts must consider impacts from the proposed development and future potential development in the vicinity based on zoning and general code allowances.
 - iv. A description of efforts made to apply mitigation sequencing pursuant to SMC 21.03.020.K. to avoid, minimize and mitigate impacts to environmentally critical areas;
 - v. Analysis of the proposal for conformance with applicable critical area development standards in subsections T through X of this section.
 - vi. 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;
 - vii. A scale map of the development proposal site;
 - viii. Photographic records of the site before the proposed alteration occurs;
 - ix. Detailed studies, as required by this chapter, for individual critical areas or as otherwise deemed necessary for critical areas protection by the Director;
 - x. Assessment of potential impacts that may occur downstream or downhill from the development site, such as sedimentation or erosion, where applicable;
 - xi. Assessment of potential impacts to lake management areas, and other areas designated for special protection, where applicable; and

- xii. Consideration of the protection recommendations of the Lake Washington/ Cedar/Sammamish Watershed Chinook Salmon Conservation Plan – WRIA 8 Steering Committee and adopted sub-basin plans.
- b. A critical areas report may be combined with any studies required by other laws and regulations.
- c. Additional critical areas report content for aquatic resources, including streams, wetlands, ponds and lakes under 20-acres.

When an alteration is proposed to an aquatic resource or its buffer, a critical areas report must determine the proposed development will:

- i. Protect, restore, or enhance the habitat, natural drainage, or other valuable functions of the aquatic resource resulting in a net improvement to the aquatic resource and its buffer;
 - ii. Design, implement, maintain, and monitor a restoration or enhancement plan prepared by a qualified professional or document other approved mitigation bank use or in-lieu fee plan;
 - 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 and state and federal requirements.
- d. Additional critical areas report content for erosion hazard areas:

Any proposed modification of development standards for erosion hazard areas must meet the following additional criteria:

- i. Qualified professionals for preparing geotechnical reports and geotechnical design recommendations for erosion hazard areas must be a geotechnical engineer with a professional civil engineering license or geotechnical reports and geotechnical design recommendations must be prepared by a geotechnical engineer with a professional civil engineer, licensed by the State of Washington.
 - ii. Demonstrate 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.
- e. Additional critical areas report content for landslide hazard areas:

Any proposed modification of development standards for landslide hazard areas must meet the following additional criteria:

- i. Qualified professionals for preparing geotechnical reports and geotechnical design recommendations associated with alteration or modification of a landslide hazard or protective regulations must be prepared by both a geotechnical engineer with a professional civil engineering license and a licensed geologist, licensed by the State of Washington, or geotechnical reports and geotechnical design recommendations associated with alteration or modification of a landslide hazard or protective regulations must be prepared jointly by a geotechnical engineer with a professional civil engineering license and a licensed geologist, licensed by the State of Washington.
- ii. The critical areas report for a landslide hazard area shall also include 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. An evaluation of the slope by a qualified professional of the general slope stability.
- ix. If the reduction of buffers to less than 15 feet or removal of buffers is proposed the following additional requirements of the critical area study must be performed:
 - a) Exploration(s) that provide strength data such as soil Standard Penetration Tests (SPT) or other industry accepted methods. For construction above a landslide hazard at least one exploration must be conducted near the top of the slope or above the proposed construction area and extend at least to the elevation of the base of the landslide hazard. For sites where structures are planned at the base of a landslide hazard area at least one exploration is required to be conducted near the top of the slope or the property boundary if the hazard extends off of the property. Another exploration should be performed near the base of the landslide hazard or if the landslide hazard extends off the property the exploration should be placed near the property boundary where the hazard exists.
 - b) 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 for the post construction conditions. Additionally, a slope stability analysis of the worst case conditions during construction must also be evaluated for static conditions and show a factor of safety of 1.5 or greater. These analyses must be included in a report including soil parameters and loading conditions utilized for the analysis.

- f. Additional critical area report content for Critical Aquifer Recharge Areas is contained within SMC 21.03.020.U.5 and/or U.7.

J. 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 on 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.

K. Avoiding impacts to critical areas

1. Except as otherwise provided in SMC 21.03.020.E., 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 required sequencing, first to avoid, second to minimize, and last to mitigate impacts to environmentally critical areas and associated buffers:
 - a. Avoidance. 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 the relevant environmentally critical areas and based on the recommendations of a critical areas report. When multiple critical areas are present protection should be prioritized in order of preference,

for wetlands, fish and wildlife habitat conservation areas, flood hazard areas, geologically hazardous areas, and critical aquifer recharge areas.

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 d. of this section.

- b. **Minimization.** Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact by using appropriate technology, by taking affirmative steps to avoid or reduce impacts, or by changing the timing of the action. This may also include minimizing or eliminating the hazard by restoring or stabilizing the hazard area through plantings, engineering, or other methods, where applicable.
 - c. **Mitigation.**
 - i. **Restoration.** Restoring the impacted critical areas by repairing, rehabilitating, or restoring the affected critical area or its buffer.
 - ii. **Preservation or Maintenance.** Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal, activity or alteration.
 - iii. **Compensation.** Compensating for the adverse impact by replacing or enhancing critical areas and their buffers or creating substitute critical areas and their buffers as required in this chapter.
 - d. **Monitoring.** Monitoring the impact, hazard or success of required mitigation and taking remedial or corrective 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.
 3. The department shall document the decision-making process used under this section as a part of the critical areas review conducted pursuant to SMC 21.03.020.L.3.

L. 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. A City-approved fee-in-lieu mitigation program;
 - d. Within the Sammamish service area boundaries of an approved fee-in-lieu mitigation program;
 - e. 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 report, mitigation plan and any required permits. Following City approval, mitigation shall be implemented in accordance with the provisions of the approved critical areas report and mitigation plan.

M. 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 report. 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. Third-party sponsor. If a Fee-in-Lieu Program or Mitigation Bank mitigation is proposed, a critical areas report shall be supplied that demonstrates how proposed impacts and mitigation meet the requirements of SMC 21.03.020.L. and SMC 21.03.020.V.3. or SMC 21.03.020.W.7., whichever is applicable, and also the specific requirements of the fee-in-lieu mitigation program or mitigation bank to be utilized.

N. Financial guarantees

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

O. 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. 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 be prepared by a qualified professional and must identify the following:
 - a. A site plan that includes the proposed clearing limits for the project and any areas where vegetation in a critical area or its buffer is proposed to be disturbed;
 - b. A description of the existing site conditions, including critical areas and their functions;
 - c. A description of the plan's goals and objectives;
 - d. A clear description and map of the applicable vegetation management plan area;
 - e. Short and long-term management prescriptions; and
 - f. Allowed work windows.
3. Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010., 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.

P. 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 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.
 - e. 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.

Q. Notice on Title

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 on Title shall run with the land.

R. 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 noted on all documents of title for all affected lots:
 - a. All landslide hazard areas and buffers;
 - b. Erosion hazard areas;
 - c. All wetlands and buffers;
 - d. All streams and buffers; and
 - e. All fish and wildlife habitat corridors and 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 report 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 SMC 21.03.020.I.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 SMC 21.03.020.Q.

S. 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.

T. Erosion, landslide, and seismic hazard areas

1. Designation of Geologically Hazardous Areas. Geologically hazardous areas susceptible to erosion, sliding, earthquake, or other geological events pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use.

Mapping resources references in this subsection are considered to be advisory only and are subject to geotechnical evaluation by a qualified professional. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas:

- a. Erosion hazard;
- b. Landslide hazard;
- c. Seismic hazard;

2. Designation of Specific Hazard Areas

- a. Erosion Hazard Areas. Those areas in the City underlain by soils that are subject to severe erosion when disturbed as defined under SMC 21.04.040.B.115. Erosion hazards includes mapped erosion hazard areas near sensitive water bodies and may also include soils not mapped by the United States Department of Agriculture (USDA) as one of the soil types defined in SMC 21.04.040.B.115, where sloped conditions on the property exceed 15% for an area with either 10 feet of vertical relief or that extends laterally at least 30 feet, and could lead to sediment transfers into wetland areas, waters of the state, or onto neighboring properties and right of ways.
- b. 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, structure, groundwater, or other factors. Landslide hazard areas include the following:
 - i. Areas of historic failures, such as:
 - a) Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a significant limitation for building site development;
 - b) Those areas mapped by the Department of Ecology Coastal Zone Atlas or the Department of Natural Resources slope stability mapping as unstable ("U" or class 3), unstable old slides ("UOS" or class 4), or unstable recent slides ("URS" or class 5); or
 - c) Areas designated as quaternary slumps, earth flows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
 - ii. Areas that have shown movement during the Holocene epoch, from 10,000 years ago to the present, or which are underlain or covered by mass wastage debris of that epoch;
 - iii. Areas with all three of the following characteristics:
 - a) Areas that encompass slopes steeper than fifteen (15) percent;
 - b) Hillslides intersecting geologic contacts with relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c) Springs or ground water seepage;
 - iv. 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 SMC 21.04.040.B.352, and measured by averaging the inclination over at least 10 feet of vertical relief;
 - v. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

- vi. Slopes having gradients steeper than 80 percent subject to rock fall during seismic shaking;
 - vii. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
 - viii. Unconsolidated glacial deposits subject to elevated groundwater levels after prolonged rainfall or rain-on-snow events as designation criteria for a landslide hazard area; and
 - i. Areas located in a canyon or an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding.
- c. Seismic hazard areas. Those areas determined to have susceptibility to liquefaction, surface rupture, seismically induced landslides, or lateral spreading as determined by a geotechnical investigation, or 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.
3. Erosion hazard areas – Development standards
- 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 SMC 21.03.050, Surface Water Management; and
 - b) 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.
 - ii. In addition to the requirements of this section, the Director may require additional studies of the site hydrology, soils, and stormwater retention, and may also require grading, structural improvements, erosion control measures, restoration plans, and/or an indemnification/release agreement.
 - iii. 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.
 - iv. The Director may halt wet season construction as necessary to protect the hazard area and/or to prevent downstream impacts.

- b. 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 lots until building permits are approved for development by the department;
 - ii. If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit an erosion control plan to the department for review and approval. Following approval, the applicant shall be required to implement the plan;

4. General Development Standards

The Director may modify the property-specific development standards required by this section when a critical areas report that meets the requirements of SMC 21.03.020.I.3 is conducted by the applicant and approved by the Director.

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 hazard or as otherwise necessary to protect the public health, safety, and welfare.
- b. The buffer may be reduced or removed if, based on a critical areas report prepared by a qualified professional consistent with SMC 21.04.040.B.282.b, the City determines that the reduction will adequately protect the proposed development and other properties, the critical area and other critical areas off site. For single-family residential building permits only, the City may reduce the scope of the critical areas report if other development in the area has already provided sufficient information or if such information is otherwise readily available.
- 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 SMC 21.03.020.D. 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 SMC 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 SMC 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 report 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.
 - g) A comprehensive study and additional critical areas report content for landslide hazard areas outlined in SMC 21.03.020.I.e is performed, and peer reviewed by a professional geotechnical engineer of the City's choosing and approved by the City.
- 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 this subsection SMC 21.03.020.T.4.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.
5. Seismic hazard areas – Development standards and permitted alterations

A development proposal within a seismic hazard area shall comply with the most recently state adopted versions of the Building Code and ASCE7 and must meet the following requirements:

- a. 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 surface rupture, seismically induced settlement, landsliding, lateral spreading, or soil liquefaction.

U. Critical aquifer recharge areas - Development standards

1. Designation. Critical Aquifer Recharge Areas (CARAs) are 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 geology and soil types.
2. Mapping. CARAs are mapped within Sammamish city limits, the King County designated Potential Annexation Areas, and the City-King County Joint Study Area. The City of Sammamish Aquifer Recharge Zone map shows Class 1, Class 2, and Class 3 CARA locations within and around the City as mapped by the City's water purveyors. The CARAs include wellhead protection areas drawn from time-of-travel calculations for Group A and Group B wells.

3. Groundwater Quantity Protection Standards. For developments in all CARA classes, when not otherwise prohibited or quantified within this section, the applicant shall provide surface water infiltration as follows:
 - a. All activities within a designated CARA must comply with the requirements of the adopted stormwater design manual.
 - b. If infiltration is not feasible (see SMC 21.04.040.B.129) or required, then stormwater flow control 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 Management Manual (201905), or as amended, the adopted stormwater design manual, or other technical guidance as approved by the City. At the discretion of the Director, permitting of stormwater infiltration or injection wells in CARA 1 and CARA 2 areas may require a demonstrative BMP approach.
4. Groundwater Quality Protection Standards. The following provisions shall apply to new development in all CARA classes, as part of the review of any construction or land use application:
 - a. Activities may only be permitted in a critical aquifer recharge area if the proposed activity will not result in an increased risk of contamination of drinking water supplies including, but not limited to, the following:
 - i. Activities that generate runoff must be treated to preserve water quality and remove potential contaminants, including biological oxygen demand (BOD), fecal coliform, nutrients, oil, grease, and total suspended solids (TSS);
 - ii. Stormwater runoff from roads and highways must be treated to preserve water quality and remove pollutants from vehicles, including polynuclear aromatic hydrocarbons (PAHs), lead, zinc, copper, cadmium, as well as sediments (soil particles) and road salt
 - iii. Runoff from Industrial activities must be treated to preserve water quality including the removal of heavy metals, sediments, and a broad range of man-made organic pollutants, including phthalates, PAHs, and other petroleum hydrocarbon;
 - iv. Residential activities must include stormwater treatment methods to preserve water quality and remove road-based pollutants, as well as herbicides, pesticides, nutrients, bacteria, and viruses, where applicable; and
 - v. Activities shall be designed to prevent impacts from Toxic Organics, such as Per-and Polyfluoroalkyl Substances (PFAS), Pollutants from Rubber Preservatives (including 6PPD-q), and Polychlorinated Biphenyls (PCBs), to the extent practicable.
 - 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, including best available science; 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, Washington State Department of Health, and the Seattle-King County Public Health Department.
5. 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 report in accordance with SMC 21.03.020.I.3. including, as necessary, a hydrogeologic 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 report, when required by this section, shall be prepared by a qualified professional hydrogeologist to determine potential impacts of contaminants on the aquifer. The report shall address and comply with the standards of RCW 90.48 and 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. Presumptive best management practices (BMPs) and integrated pest management (IPM) proposed to be used; and
 - vii. At the discretion of the Director permitting of stormwater infiltration or injection facilities in CARA 1 and CARA II areas may require a demonstrative BMP approach.
 - viii. 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 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 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.

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 (stormwater 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
Dry cleaning using chlorinated solvents	prohibited	prohibited	prohibited

6. Prohibited Uses. Where land uses or materials prohibited in this section are allowed in the Table of Permitted Land Uses (Chapter 21.05 SMC), this section shall control, and the use shall be prohibited.

- a. Table 21.03.020.U.6.a identifies land uses and materials prohibited in Class 1, 2 and 3 CARAs for new uses; and
- b. Table 21.03.020.U.6.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.

* 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			
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
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		

7. 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. Infiltration or Injection of Stormwater or Reclaimed Water. Water reuse projects for reclaimed water and stormwater are regulated in accordance with the adopted water, sewer or stormwater comprehensive plans that have been approved by the Departments of Ecology and Health. Injection wells are prohibited in Class 1 and 2 CARA areas. Underground injection control (U wells

are allowed as defined in SMC 21.04.040.B.383, 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. For all proposals that include infiltration or injection of stormwater, unless waived by the City and the local water purveyor, the following information must be provided:

- i. A hydrogeologic report prepared by a qualified professional hydrogeologist shall be provided that includes an analysis to assess the risks to the specific aquifer and viability of the proposed infiltration and/or UIC. In addition to the report requirements described in subsection 5.c of this section, the analysis shall also include:
 - a) The location of the proposed infiltration and/or UIC;
 - b) The proposed depth of the infiltration or injection;
 - c) Treatment prior to infiltration or injection;
 - d) Contributing area and infiltration rate (peak and average flows);
 - e) Depth to the shallowest groundwater level based on historic hydrogeologic data for the area to be affected by the proposed activity, or collection of a minimum of one year of water level data within or close proximity to the site to capture the seasonal high water groundwater level;
 - f) Discussion of how the system meets the demonstrable conditions for a UIC permit including evaluating the effects of the proposed project on the groundwater quality and quantity.
 - g) A monitoring plan to assess long term impacts to groundwater from the proposed infiltration system and/or UIC; and
 - h) A mitigation plan to be employed in the event the infiltration and/or UIC were to degrade groundwater quality.
- d. 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.

- e. 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 Seattle-King County Department of Public 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.
- f. Geothermal/heat exchange wells may be permitted if allowed in Table 21.03.020.U.6.a, 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, or as amended; and
 - ii. A Notice on Title is recorded documenting the maintenance requirements of the geothermal/heat exchange wells.

V. 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. Wetland identification: Wetland extents must be determined by a qualified professional following methodology under RCW 36-70A.175 and RCW 90-58-380 using the 1987 U.S. Corps of Engineers Wetland Delineation Manual and the 2010 Western Mountains Valleys and Coasts Regional Supplement, or as amended.
- b. Wetland Classification: Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2014, version 2.0 (Ecology publication #23-06-009), or as amended). 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.

c. The following standard buffers shall be established from the wetland edge:

WETLAND BUFFERS		
Wetland Category	Standard Buffer Width (without mitigation measures / habitat corridor applied)	Mitigated Buffer Width with mitigation measures / habitat corridor applied
Category 1:		
Natural heritage or bog wetlands	250'	190'
Habitat score 8 – 9	300'	225'
Habitat score 6 – 7	150'	110'
Habitat score 3 – 5 (habitat corridor not required)	100'	75'
Category 2:		
Habitat score 8 – 9	300'	225'
Habitat score 6 – 7	150'	110'
Habitat score 3 – 5 (habitat corridor not required)	100'	75'
Category 3*:		
Habitat score 8 – 9	300'	225'
Habitat score 6 – 7	150'	110'
Habitat score 3 – 5 (habitat corridor not required)	80'	60'
Category 4*:		
All land use types	50'	40'

* Subject to SMC 21.03.020.V.5...

d. Minimization Measures: Developments that produce the disturbances listed in the table below and are requesting a buffer reduction are required to address the disturbance through the use of applicable minimization measures. The applicant should implement as many measures as practical and applicable;

IMPACT MINIMIZATION MEASURES

Example of disturbance	Activities and uses that cause disturbances	Examples of measure to minimize impacts	
Lights	<ul style="list-style-type: none"> • Parking lots 	<ul style="list-style-type: none"> • Direct lights away from wetland 	
	<ul style="list-style-type: none"> • Commercial/Industrial 	<ul style="list-style-type: none"> • Only use lighting where necessary for public safety and keep lights off when not needed 	
	<ul style="list-style-type: none"> • Recreation (e.g. athletic fields) 		
	<ul style="list-style-type: none"> • Residential 	<ul style="list-style-type: none"> • Use motion-activated lights 	
	<ul style="list-style-type: none"> • Agricultural buildings 		<ul style="list-style-type: none"> • Use full cut-off filters to cover light bulbs and direct light only where needed
			<ul style="list-style-type: none"> • Limit use of blue-white colored lights in favor of red-amber hues
		<ul style="list-style-type: none"> • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity 	
Noise	<ul style="list-style-type: none"> • Commercial 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland 	
	<ul style="list-style-type: none"> • Industrial 		
	<ul style="list-style-type: none"> • Recreation (e.g. athletic fields, bleachers, etc.) 	<ul style="list-style-type: none"> • Construct a fence to reduce noise impacts on adjacent wetland and buffer 	
	<ul style="list-style-type: none"> • Residential • Agriculture 	<ul style="list-style-type: none"> • Plant a strip of dense shrub vegetation adjacent to wetland buffer 	
Toxic runoff	<ul style="list-style-type: none"> • Parking lots 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered 	
	<ul style="list-style-type: none"> • Roads 		
	<ul style="list-style-type: none"> • Commercial/Industrial 	<ul style="list-style-type: none"> • Establish covenants limiting use of pesticides with 150 ft. of wetland 	
	<ul style="list-style-type: none"> • Residential Areas 		
	<ul style="list-style-type: none"> • Landscaping 		
<ul style="list-style-type: none"> • Agriculture 	<ul style="list-style-type: none"> • Apply integrated pest management 		
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development 	
	<ul style="list-style-type: none"> • Roads 		
	<ul style="list-style-type: none"> • Commercial/Industrial 		
	<ul style="list-style-type: none"> • Residential Areas 	<ul style="list-style-type: none"> • Prevent channelized or sheet flow from lawns that directly enters the buffer 	
	<ul style="list-style-type: none"> • Recreation 		
	<ul style="list-style-type: none"> • Landscaping/lawns 		
<ul style="list-style-type: none"> • Other impermeable surfaces, compacted soil, etc. 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns 		
Pets and human disturbance	<ul style="list-style-type: none"> • Residential Areas 	<ul style="list-style-type: none"> • Use privacy fencing 	
	<ul style="list-style-type: none"> • Recreation 	<ul style="list-style-type: none"> • Plant dense native vegetation to delineate buffer edge and to discourage disturbance 	
		<ul style="list-style-type: none"> • Place wetland and its buffer in a separate tract 	
		<ul style="list-style-type: none"> • Place signs around the wetland buffer every 50-200 ft., and for subdivisions place signs at the back of each residential lot 	
		<ul style="list-style-type: none"> • When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower-intensity uses adjacent to wetland buffers 	
Dust	<ul style="list-style-type: none"> • Tilled fields 	<ul style="list-style-type: none"> • Use best management practices to control dust 	
	<ul style="list-style-type: none"> • Roads 		

- e. Wetlands that score 6 points or more for habitat functions can apply the mitigated buffer width if all of the following criteria are met:
 - i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and:
 - a) A legally protected, relatively undisturbed and vegetated area (e.g. WDFW Priority habitats and/or species of local importance, compensatory mitigation sites, wildlife areas/refuges, national, county, and state parks) where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve, or
 - b) An area that is the site of a Watershed Project identified within, and fully consistent with, a Watershed Plan as defined by RCW 89-08-460, or
 - c) An area where development is prohibited according to the provisions of the local shoreline master program, or
 - d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW.
 - ii. The corridor is permanently protected for the entire distance between the wetland and the shoreline or legally protected area by a conservation easement, deed restriction, or other legal site protection mechanisms.
 - iii. Presence or absence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or shoreline Administrator.
 - iv. The measures in Table 2 the Impact Minimization Measures Table above are implemented, as applicable, to minimize the impacts of the adjacent land uses.
 - v. For wetlands that score 5 or fewer habitat points, only the measures in Table 2 are required for use of mitigated buffers.
 - vi. If an applicant does not apply the mitigation measures or does not provide a protected corridor when a potential corridor is available, then the standard buffers shall be used.
 - a) Potential or lack of potential to create a protected corridor must be determined by a qualified professional.
 - vii. The mitigated narrower buffer widths in the table above assume the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer does not meet vegetative buffer standards, is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer must either be densely planted to create the appropriate native plant community or apply the wider buffer widths in the buffer table above to ensure that the buffer provides adequate functions to protect the wetland.
 - a) To meet vegetative buffer standards, the wetland buffer must contain at least an average of 80 percent native plant cover, and noxious weed cover cannot exceed 10 percent. The

native cover must include tree, shrub and groundcover strata in proportions that mimic native forest.

- viii. Where a legally established, constructed street, or legally established development transects a wetland buffer, the department may approve a modification of the standard buffer width to the edge of the interruption 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 75 percent of the standard buffer for the applicable wetland category, no further reduction shall be allowed.
- ix. In addition to the provisions of SMC 21.03.020.E., 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, and the parcels that are included on the plat at the time of recording of the subject parcel or tract, then the buffer shall remain as previously established, provided:
 - a) It is equal to or greater than 50 percent of the current required standard buffer distance for the applicable wetland category; and
 - b) It meets vegetative buffer standards above; and
 - c) Impact minimization measures are applied.
- x. 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 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.
- f. 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 SMC 21.03.020.E., Allowances for existing urban development and other uses.
- g. Activities and uses shall be prohibited from wetlands and associated buffers, except as provided for in this chapter.
- h. Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the buffer required for the highest wetland category involved.
- i. 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.
- j. 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 SMC 21.06.020.D.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 75 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.
- k. 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. Fish and wildlife habitat conservation area and habitat connections are present;
 - ii. Landslide or erosion hazard areas are contiguous to wetlands;
 - iii. Groundwater recharge and discharge areas are at risk;
 - iv. Or to offset buffer impacts, such as trail and utility corridors; and
 - v. 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
- l. The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the City. Limited use may be permitted pursuant to SMC 21.03.020.D.5. 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 by SMC 21.03.020.E., Allowances for existing urban development and other uses.
- d. Utilities may be allowed in wetland buffers if:
 - i. The Director determines that no feasible 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, December 2014, Publication No. 14-10-055, or as amended.
- 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 SMC 21.07.060, and requirements elsewhere in the SMC, unless otherwise approved through a Public Agency and Utility Exception under SMC 21.03.020.F. Trails should be limited to pervious surfaces no more than five (5) feet wide and designed for pedestrian use only. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas report 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 at least 50% 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:
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 feasible alternative access is possible; or 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. Restoration. Voluntary wetland 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 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 SMC 21.03.020.O. 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 or as amended).
- 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 feasible 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 SMC 21.03.020.V.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 SMC 21.03.020.V.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.

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

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

TEMPORARY WETLAND MITIGATION						
Category and type of wetland	Mitigation for long-term conversion of forested wetland -to shrub -and/or emergent wetland			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	0.75:1
Category 3	2:1	1.5:1	1:1	1:1	0.75:1	0.5:1
Category 4	1.5:1	1:1	0.75:1	N/A	N/A	N/A

- 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 SMC 21.03.020.V.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 SMC 21.03.020.V.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 SMC 21.04.040.B.402., and evaluated in a written and approved critical areas report meeting the requirements of SMC 21.03.020.I.3., with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21.03.020.M.1.a. This provision is not applicable within the City of Sammamish shoreline jurisdiction.
- b. Category 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 six points or more 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. Isolated category IV wetlands less than 1,000 square feet are exempt from the buffer provisions contained in this Chapter.

W. Fish and wildlife habitat conservation areas

1. Fish and wildlife habitat conservation areas – Designation

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. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;
 - c. Waters of the state;
 - d. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
 - e. 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;
 - f. Fish and wildlife habitat corridors as defined in SMC 21.04.040.B.135; and
 - g. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important within the City of Sammamish and/or included within WDFW's Priority Habitats and Species list as amended.
 - i. Bald eagle (*Haliaeetus leucocephalus*);
 - ii. Peregrine falcon (*Falco peregrinus*);
 - iii. Common loon (*Gavia immer*);
 - iv. Pileated woodpecker (*Dryocopus pileatus*);
 - v. Vaux's swift (*Chaetura vauxi*);
 - vi. Merlin (*Falco columbarius*);
 - vii. Purple martin (*Progne subis*);
 - viii. Western grebe (*Aechmophorus occidentalis*);
 - ix. Great blue heron (*Ardea herodias*);

- x. Osprey (*Pandion haliaetus*);
- xi. Green heron (*Butorides striatus*);
- xii. Red-tailed hawk (*Buteo jamaicensis*);
- xiii. Western big-eared bat (*Plecotus townsendii*);
- xiv. Keen's myotis (*Myotis keenii*);
- xv. Long-legged myotis (*Myotis volans*);
- xvi. Long-eared myotis (*Myotis evotis*);
- xvii. Townsend's Big-eared bat (*Corynorhinus townsendii*)
- xviii. Oregon spotted frog (*Rana pretiosa*);
- xix. Western toad (*Bufo boreas*);
- xx. Western pond turtle (*Clemmys marmorata*);
- xxi. Chinook salmon (*Oncorhynchus tshawytscha*);
- xxii. Bull trout (*Salvelinus confluentus*);
- xxiii. Coho salmon (*Oncorhynchus kisutch*);
- xxiv. Kokanee salmon (*Oncorhynchus nerka*);
- xxv. River lamprey (*Lampetra ayresi*).

2. 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 report that includes a habitat management plan to be prepared by a qualified professional that meets the requirements of SMC 21.04.040.282.a. The habitat management plan shall identify how development impacts to fish and wildlife habitat conservation areas from a proposed development will be mitigated and shall be consistent with Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) Management Recommendations, published on their website, or as amended, and any applicable species and/or habitat-specific management regulations approved by WDFW.
- b. The Director may require the following site- and proposal-related information with the critical areas report and habitat management plan:
 - i. A map prepared at an easily readable scale that includes the following:
 - a) The location of the proposed development site;
 - b) The relationship of the site to surrounding topographic, water and cultural sites;

- c) Proposed building locations and arrangements, including clearing limits;
 - d) Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and an assessment of potential project impacts to the species;
 - ii. The nature and intensity of the proposed development;
 - iii. An analysis of mitigation sequencing as outlined in SMC 21.03.020.M;
 - iv. 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;
 - v. An analysis of the direct and indirect potential impacts of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection, including potential impacts to water quality and soil;
 - vi. A mitigation plan shall be provided that ensures no net loss of ecological functions and meets following requirements:
 - a) Mitigation sites must be located to preserve or achieve contiguous wildlife habitat corridors to minimize the isolating effects of development on habitat areas;
 - b) The mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed; and
 - c) The mitigation plan shall include standards for ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring, maintenance and adaptive management programs.
 - vii. 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 Washington 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
 - viii. When appropriate, information from the Washington Department of Fish and Wildlife's Habitat at Home program shall be included.
- c. General Requirements. 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 specified season.

- ii. Where applicable, a fish and wildlife habitat corridor shall be established as required in SMC 21.03.020.W.2. A habitat conservation area may be altered only if the proposed alteration functions of the habitat. Required buffer widths shall consider the management recommendations identified in 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 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.
- iii. In addition to the provisions of SMC 21.03.020.E., 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 report, and/or alteration plan.
- iv. 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 based on a study from a qualified professional. Examples of uses and development activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, stormwater 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.
- v. 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.
- vi. Plant, wildlife, or fish species not native 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.
- vii. 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.
- viii. 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 requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
- ix. 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.

3. Fish and wildlife habitat corridors

On development proposal sites that contain stream and/or wetland with moderate to high habitat functions (score 6 or more habitat points) or their associated buffers; and within 200 feet either a Priority habitat and/or species of local importance on or adjacent to the site; or another stream or wetland with moderate to high habitat functions 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 100 feet or a corridor width that is consistent with an approved habitat management plan;
 - iii. In addition to the provisions of SMC 21.03.020.E., 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 100 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 streams and riparian areas, except as required to provide a connection between two features as described above.
- e. A habitat management plan that meets the requirements of SMC 21.03.020.Y.2 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 habitat management plan shall be reviewed and approved by the department. The approved habitat 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 habitat 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 habitat 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 habitat management plan that supports the proposed clearing.
- 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 Habitat at Home program.
- h. Wildlife corridors set aside in tracts or conservation easements shall meet the provisions in SMC 21.03.070J.
- 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 SMC 21.02.030G., 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, stormwater 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.
4. Streams – Development standards, Streams are considered those areas in the City where surface waters meet the criteria contained within WAC 222-16-030 as defined in SMC 21.04.040.354.

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. 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 F	150'
Type Np	75'
Type Ns	50'

- i. The buffer widths in the table above assume the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer does not meet vegetative buffer standards, is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer must either be densely planted to create the appropriate native plant community or be widened by 33 percent to ensure that the buffer provides adequate functions to protect the stream.
 - a) To meet vegetative buffer standards, the stream buffer must contain at least an average of 80 percent native plant cover, and noxious weed cover cannot exceed 10 percent. The native cover must include tree, shrub and groundcover strata in proportions that mimic native forest.
- ii. Interrupted buffer. 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.
- iii. Legally established buffer. 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, and the parcels that are included on the plat at the time of recording of

the subject parcel or tract, then the buffer shall remain as previously established, provided:

- a) It is equal to or greater than 50 percent of the required standard buffer distance for the applicable stream category; and
 - b) Meets vegetative buffer standards above; and
 - c) Impact minimization measures are applied.
- 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 type 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 type; or
 - ii. A 25-foot buffer beyond the minimum buffer width required for the stream type involved if the horizontal length of the slope, including small benches and terraces, extends beyond the buffer for that stream type.
- c. 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, and equivalent or greater buffer functions are provided (see also SMC 21.06.020.F.2.d. for buffer compensation requirements for trails);
 - ii. The riparian area 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 75 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
- d. Increased Buffers. The department may increase the standard buffer width when greater protection is necessary, based on site-specific conditions and project features, to preserve functions and values. This determination shall be reasonably related to protection of the functions and values of the regulated riparian area. A determination that a larger buffer is needed shall be based on the following factors:
- i. The development proposal has known locations of a designated fish and wildlife habitat conservation area or habitat connections for which a habitat management plan indicates that a larger buffer is necessary to protect habitat values for such species;
 - ii. A landslide or erosion hazard areas is contiguous to a regulated stream and/or its buffer;

- iii. A larger buffer is necessary to offset buffer impacts, such as trail and utility corridors; or
 - iv. The development is within the vicinity of at-risk ecological stream and/or riparian area functions identified in a critical areas report or habitat management plan 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.
 - e. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be prohibited by the City.
 - f. The introduction of livestock into a stream or stream buffer is prohibited.
 - g. In addition to the provisions of SMC 21.03.020.G., 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 report, and/or alteration plan.
5. 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. Any alterations must demonstrate application of mitigation sequencing as outlined in SMC 21.03.020.M.
- a. Alterations may only be permitted if based upon a critical areas report conducted in accordance with SMC 21.03.020.I.3.
 - 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 and Mitigation 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 SMC 21.03.020.G.
 - d. Utilities may be allowed in stream buffers if:

- i. No feasible 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 SMC 21.03.020.V.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 stormwater requirements.
- f. Except as provided in this section, public and private trails may be allowed in the outer 25 percent of stream buffers consistent with the standards and requirements in this chapter, the development standards in SMC 21.07.060, and requirements elsewhere in the SMC, unless otherwise approved through a Public Agency and Utility Exception under SMC 21.03.020.F. Trails should be limited to pervious surfaces no more than five (5) feet wide and designed for pedestrian use only. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas report 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 or riparian 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 fish use;
 - iii. Crossings do not occur over spawning areas used by resident or anadromous fish including salmonids unless the City determines that no other feasible 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 SMC 21.03.020.W.4. 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, 2013, Water Crossing Design Guidelines, 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 SMC 21.03.020.F.; and
 - i. 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.
 - j. 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.
 - k. 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 SMC 21.03.020.W.3 and is consistent with the guidelines of the Washington State Integrated Streambank Protection Guidelines (2003, or as amended); and

- iii. Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank techniques are not a feasible alternative due to site-specific soil, geologic and/or hydrologic conditions.
 - l. 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.
 - m. 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.
 - vii. The City encourages opening up or daylighting piped stream segments to restore the stream to a more natural and open condition.
 - n. Roadside ditches that carry streams with fish species may be maintained through the use of best management practices developed in consultation with relevant City, state, affected Tribes, and federal agencies.
6. Streams – Mitigation requirements

When mitigation for stream or stream buffer impacts is required, mitigation shall meet the requirements listed in SMC 21.03.020.M, 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 feasible 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.
7. Lake management areas – Special district overlay
- a. The lake management areas special overlay district shall be designated on critical areas maps maintained by the department of community development.
 - b. 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 (± 2) micrograms/liter and 20 (± 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 stormwater 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 stormwater discharges to Beaver Lake.
 - c. 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.
- d. 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 SMC 21.03.050, Surface Water Management.
- e. 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 stormwater runoff drainage does not in fact drain into the basin in question.
- f. 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 SMC 21.03.050, Surface Water Management, in the Beaver Lake or Pine Lake watersheds.
 - ii. The proposed stormwater facilities shall be designed to remove 80 percent of all new total phosphorus loading on an annual basis due to new development (and associated stormwater 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 SMC 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 stormwater 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 SMC 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 this section.

X. Frequently flooded areas

1. 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 15.10.130.2.
2. Development in frequently flooded areas shall be subject to the provisions in Chapter 15.10 SMC.

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 stormwater, 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 feedlines; 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. Additionally, consistent with federal guidance to recognize and incorporate Indigenous Knowledge (IK) in decision making, best available science may include IK as appropriate.
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 stormwater 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 Area Enhancement. The manipulation of the physical, chemical, or biological characteristics of a critical area to heighten, intensify, or improve specific function(s). Enhancement does not result in a gain in the size of a critical area.
72. Critical Area Restoration. Voluntary measures taken to restore an altered or damaged natural feature,

including:

- a. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
 - b. Actions performed to re-establish structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.
73. Critical areas. Those areas in the City that are geologically hazardous areas, including erosion hazard areas, landslide hazard areas, seismic hazard areas (WAC 365-190-120); frequently flooded areas; critical aquifer recharge areas; wetlands, streams; and fish and wildlife habitat conservation areas.
74. 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.
75. 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.
76. 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.
77. DBH. The diameter of a tree as measured at breast height (54 inches above the ground).
78. Deciduous. A plant species with foliage that is shed annually.
79. 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.
80. Department. The City’s department of community development.
81. 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.

82. 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.
83. 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.
84. 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](#).)
85. 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.
86. 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.
87. Development proposal. Any activities requiring a permit or other approval from the City of Sammamish relative to the use or development of land.
88. 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.
89. 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.
90. 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.
91. Director. The director of the City of Sammamish department of community development or his/her designee.
92. Dormitory. A residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking recreation, or bathing facilities.
93. 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.
94. 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.

95. 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.
96. 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.
97. Dwelling unit, attached accessory. A separate, complete dwelling unit attached to or contained within the structure of the primary dwelling.
98. 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.
99. 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.
100. Dwelling unit, single detached. A detached building containing one dwelling unit.
101. 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.
102. Earth station. A communication facility that transmits and/ or receives signals to and from an orbiting satellite using satellite dish antennas.
103. 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.
104. 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.
105. 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.
106. 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).
107. 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.
108. Electric vehicle infrastructure. Structures, machinery, and equipment necessary and integral to support

an electric vehicle, including battery charging stations and battery exchange stations.

109. Electric vehicle parking space. Any marked parking space (public or private) that identifies the use to be for an electric vehicle.
110. 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.
111. Emergency. An unforeseen 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.
112. 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.
113. 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.
114. Erosion. The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.
115. Erosion hazard areas. Those areas in the City underlain by soils that are subject to severe erosion when disturbed. Such soils include those on slopes 15 percent or more and mapped by the USDA as one of the following soil types:
 - 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).
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, likely to achieve the intended results, and impacts to critical areas have been avoided, where applicable;
 - b. Any unavoidable critical area impacts can be adequately mitigated;
 - c. The action provides a reasonable likelihood of achieving its intended purpose;
 - d. 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 serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. The City of Sammamish has designated locally important

habitats and species in SMC 21.03.020.W.1.

135. Fish and wildlife habitat corridors. Those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain streams and/or wetlands with a moderate to high habitat score greater than or equal to six 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 stream and/or wetland with a moderate to high habitat score greater than or equal to six 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.
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. Gross square footage, residential accessory structures. Gross square footage includes all gross area that is above grade. Any visible wall height of more than 3' shall count towards the gross building square

footage.

161. Gross square footage, single-family residence. Gross square footage all area that is above grade including garages. Any visible wall height of more than 3' shall count towards the gross building square footage.
162. Groundcover. Living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.
163. Hazardous household substance. A substance as defined in RCW 70.105.010.
164. Hazardous substance. A substance as defined in RCW 70.105.010.
165. 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.
166. 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.
167. 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.
168. 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.
169. Historic resource. A district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.
170. 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).
171. 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).

172. Homeless encampment. A site for a group of homeless persons temporarily residing on a site, either out of doors or in a building.
173. House, Front. The facade of the house that faces a street with a clearly defined main entrance and walkway.
174. 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.
175. 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.
176. Household pets. Small animals that are kept within a dwelling unit.
177. Hydroelectric generation facility. An establishment for the generation of electricity using water sources.
178. 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.
179. Imminent Risk. A risk to public health, safety, welfare, or property with a high probability of occurring at any time, an active and ongoing risk. See Emergency ([SMC 21.04.040.111](#)).
180. 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.

181. 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.
182. 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. 119 – Local passenger transportation, not elsewhere classified.
183. Infiltration rate. The rate of water entry into the soil expressed in inches per hour.
184. 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.
185. 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.
186. 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.
187. 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.
188. 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.
189. Joint use driveway. A jointly owned and/or maintained vehicular access to two residential properties.
190. 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.
191. 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.
192. Lake management plan. The plan (and supporting documents as appropriate) describing the lake

management recommendations and requirements.

193. Lakes. An open body of surface water, not including streams or rivers, that is 20 acres or greater in total area.
194. Landfill. A disposal site or part of a site at which refuse is deposited.
195. Landscape water features. A pond, pool or fountain used as a decorative component of a development.
196. Landscaping. Live vegetative materials required for a development. Said materials provided along the boundaries of a development site are referred to as perimeter landscaping.
197. Landslide. Episodic downslope movement of a mass including, but not limited to, soil, rock or snow.
198. 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 mapped by the Department of Ecology Coastal Zone Atlas or the Department of Natural Resources slope stability mapping as unstable (“U” or class 3), unstable old slides (“UOS” or class 4), or unstable recent slides (“URS” or class 5); or
 - ii. Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources or as amended;
 - 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 21.04.040.B.350.](#), 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.
 - i. Unconsolidated glacial deposits subject to elevated groundwater levels after prolonged rainfall or

rain-on-snow events as designation criteria for a landslide hazard area; and

- j. Areas located in a canyon or an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding.
199. 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.
 200. 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.
 201. Light equipment. Hand-held tools and construction equipment, such as chain saws, wheelbarrows, and post-hole diggers.
 202. 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.
 203. 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.
 204. Liquor and Cannabis Board (LCB). The Washington State Liquor and Cannabis Board which carries out Washington liquor, marijuana, and tobacco laws and regulations.
 205. 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.
 206. Livestock, large. Cattle, horses, and other livestock generally weighing over 500 pounds.
 207. 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.
 208. Livestock sales. The sale of livestock but not including auctions.
 209. Loading space. A space for the temporary parking of a vehicle while loading or unloading cargo or passengers.
 210. 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.
 211. 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.

212. 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.
213. 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.
214. Lot line, side yard. The property boundary or property line that delineates the property boundaries along the side portion of the property.
215. Lot line, interior. Lot lines that delineate property boundaries along those portions of the property that do not abut a street.
216. Low impact development (LID). A stormwater 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 stormwater management practices that are integrated into a project design.
217. Maintenance. Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use. Maintenance may include an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design; expand impervious surfaces; or drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.
218. 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.)
219. 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.
220. 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.
221. 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.
222. Marijuana producer. A person or entity licensed by the LCB to produce and sell marijuana at wholesale

to marijuana processors and other marijuana producer.

223. 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.
224. Marijuana retailer. A person or entity licensed by the LCB to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.
225. 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.
226. Master telecommunications plan. A plan developed to establish public policy and applicable development standards related to the deployment of wireless telecommunications infrastructure.
227. 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.
228. 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.
229. 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.
230. 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.
231. Microwave. Electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz).
232. 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.
233. 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.

234. 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).
235. Mobile home park. A development with two or more improved pads or spaces designed to accommodate mobile homes.
236. 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.
237. 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.
238. 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.
239. Mulch. Any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation.
240. 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.
241. 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.
242. 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 stormwater 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.
243. Nonelectric vehicle. Any motor vehicle that does not meet the definition of “electric vehicle,” [SDC 21.04.040B.101](#).
244. 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.
245. 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.
246. 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.
247. 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.
248. 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.
249. 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.
250. 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.
251. Overspray. Irrigation water applied beyond the landscape area.
252. 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.

- 253. 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.
- 254. 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.
- 255. 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.
- 256. Parking space. An area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.
- 257. Parking space angle. Reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked.
- 258. 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).
- 259. 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.
- 260. Peak hour. The hour during the morning or afternoon with the highest traffic volumes for a particular roadway or intersection.
- 261. Permanent school facilities. Facilities of a school district with a fixed foundation that are not relocatable facilities.
- 262. 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.
263. 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.
264. Phosphorus. Elemental phosphorus and shall be measured as total phosphorus.
265. Phosphorus concentration. The mass of phosphorus per liquid volume.
266. Phosphorus loading. The total mass of phosphorus per time basis.
267. 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.
268. 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.
269. Plant factor. A factor that when multiplied by reference evapotranspiration estimates the amount of water used by plants.
270. 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.
271. Potable water. Water suitable for human consumption.
272. 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.
273. Private stormwater 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.
274. 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.
275. 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.
276. Public agency animal control facility. A facility for the impoundment and disposal of stray or abandoned small animals.
277. Public agency archive. A facility for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials.
278. 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.
279. 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.
280. 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.
281. 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.
282. 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. Qualified professionals for preparing geotechnical reports and geotechnical design recommendations for erosion hazard areas must be a civil engineer ~~with geotechnical certification~~ licensed by the State of Washington. Where specified in code, qualified professionals for preparing geotechnical reports and geotechnical design recommendations for landslide hazard areas must be both a geotechnical engineer with a professional civil engineering license and a licensed geologist, licensed by the State of Washington, or geotechnical reports and geotechnical design recommendations must be prepared by jointly by a licensed geotechnical engineer with a professional civil engineering license and a licensed geologist, licensed by the State of Washington.
 - c. A qualified professional for preparing critical aquifer recharge reports must be a professional hydrogeologist or geologist licensed in the state of Washington.
283. 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.
284. 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.
285. Reasonable use. A legal concept articulated by federal and state courts in regulatory taking cases.
286. 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.
287. 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.
288. 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.
 289. Recyclable material. A nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.
 290. Reference evapotranspiration (Eto). A standard measurement of environmental parameters that affect the water use of plants.
 291. Regional stormwater 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. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems.
 292. 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.
 293. Religious organization. The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
 294. 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.
 295. 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.
 296. Retail, comparison. Provides for the sale of comparison goods and services and is centrally located in the community.
 297. Retail, convenience. Provides for daily living goods, is easy to access and use and is close to residential neighborhoods.
 298. Retaining wall. Any wall used to resist the lateral displacement of any material.
 299. Riparian area. 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.

300. Runoff. Water not absorbed by the soil in the landscape area to which it is applied.
301. 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.
302. School bus base. An establishment for the storage, dispatch, repair, and maintenance of coaches and other vehicles of a school transit system.
303. School district. Any school district whose boundaries include the City of Sammamish.
304. 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.
305. 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.
306. 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.
307. Seismic hazard areas. Those areas determined to have susceptibility to liquefaction, surface rupture, seismically induced landslides, or lateral spreading as determined by a geotechnical investigation, or 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.
308. Self-service storage facility. An establishment containing separate storage spaces that are leased or rented as individual units.
309. 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.
310. Senior citizen. A person aged 62 or older.
311. 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.
312. 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.
 313. 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.
 314. 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.
 315. 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.
 316. 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.
 317. 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.
 318. Sign, A-frame. A freestanding, two-panel, foldable, portable temporary sign made of rigid material.
 319. 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.
 320. 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.
 321. Sign, commercial. A sign erected for a business transaction or advertising the exchange of goods and services.
 322. 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.
 323. 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.
 324. Sign, fuel price. A manually or electronically controlled sign utilized to advertise the price of gasoline and/or diesel fuel.
 325. 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.
326. Sign, indirectly illuminated. A sign that is illuminated entirely from an external artificial source.
327. 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.
328. 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.
329. 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.
330. 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.
331. 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.
332. Sign, permanent residential development identification. A permanent sign identifying the residential development upon which the sign is located.
333. Sign, pole. A freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.
334. Sign, portable. A sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building.
335. 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.
336. 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.
337. 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.
338. Sign, window. Any sign applied to or mounted on a window.
339. 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.
340. 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.
341. 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.
342. 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.
343. 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.
344. 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.
345. 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.
346. 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.
347. 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.
348. 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.
349. 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.
350. 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.

351. 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.
352. 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.
353. 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 stormwater flows and maintaining the free flowing conveyance of water, sediments, and other organic matter.
354. Streams. Those areas in the City where surface waters meet the criteria contained within WAC 222-16-030 and produce a defined channel or bed, not including irrigation ditches, canals, storm or stormwater runoff conveyance devices or other entirely artificial watercourses, unless they contain fish habitat 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.
 - ii. Type F streams are segments of natural waters other than Type S Waters, which are within the bank-full widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat as defined in WAC 222-16-030 (and WAC 222-16-031 as adopted by reference). 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 are all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow (WAC 222-16-030). 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 are all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters (WAC 222-16-030).
355. Street. A public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.
356. 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.
357. Street frontage. Any portion of a lot or combination of lots that directly abuts a public right-of-way.
358. 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.

359. 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.
360. Submerged land. Any land at or below the ordinary high water mark.
361. 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.
362. TDR certificate. A form of currency that represents development rights available for sale and use.
363. 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.
364. 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.
365. 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.
366. 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.
367. 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.
368. Theater. An establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations.
369. 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.
370. 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.
371. 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.

372. 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.
373. Transfer of development rights (TDR). The transfer of the right to develop or build from sending sites to receiving sites.
374. 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.
375. 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.
376. 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.
377. 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.
378. Tree, heritage. A tree that is equal to or greater than twenty- two 22. inches DBH.
379. Tree, landmark. A tree that is equal to or greater than thirty- two 32. inches DBH.
380. 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.
381. 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.
382. Trophic status. A classification which defines lake quality by the degree of biological productivity.
383. 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.
384. Underground injection control (UIC) well. A well that is used to discharge fluids from the ground surface into the subsurface and is one of the following:
 - a. A bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface

dimension; or

- b. A dug hole whose depth is greater than the largest surface dimension; or
- c. An improved sinkhole; which is a natural crevice that has been modified; or
- d. A subsurface fluid distribution system which includes perforated pipes, drain tiles or other similar mechanisms intended to distribute fluids below the surface of the ground.

Examples of UIC wells or subsurface infiltration systems include Drywells; On-site septic drainfields; Infiltration trenches with perforated pipe; Storm chamber systems with the intent to infiltrate; French drains; Bioretention systems intending to infiltrate water from a perforated pipe below the treatment soil; and other similar devices that discharge to the ground.

- 385. 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 stormwater or for the storage of nonhazardous substances, such as drinking water.
- 386. 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.
- 387. 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 stormwater 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.
- 388. Vector waste. Liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes.
- 389. Vector waste receiving facility. A facility where vector waste is brought for treatment and storage prior to final disposal.
- 390. Variance. An adjustment in the application of standards of a zoning code to a particular property.
- 391. Vegetation. Any and all plant life growing at, below or above the soil surface.

392. 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.
393. 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.
394. 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.
395. Water budget. The upper limit of irrigation water applied to the established landscape area.
396. 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.
397. 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.
398. Water-oriented use. A use that is water-dependent, water- related, or water-enjoyment, or a combination of such uses.
399. 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.
400. Wetland Creation. The manipulation of the physical, chemical, or biological characteristics present to develop a wetland that did not previously exist at an upland site. Creation results in a gain in wetland area and functions. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.
401. 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.

402. 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 stormwater flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4b.2., 1988.
403. 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.
404. Wetland Re-establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions and environmental processes to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland area and functions.
405. Wetland Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions and environmental processes to a degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland acres.
406. 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.
407. 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.
408. Wetpond. An artificial water body constructed as a part of a surface water management system.
409. Wildlife shelter. A facility for the temporary housing of sick, wounded, or displaced wildlife.
410. 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.
411. 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. Has an approximate fair market value equal only to the approximate value of the scrap in it.

412. 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.