City of Sammamish Washington

Department of Community Development

801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

Code Interpretation

Sammamish Unified Development Code (SMC) 21.04.030.H

Interpretation Request:

We are requesting a Code Interpretation of SMC 21A.25.080 as it relates to use of reduced wetland buffers for density calculations.

As written, the code identifies that existing submerged land, … wetlands and buffers, … may not be considered as developable area for lot density calculations. While we have interpreted the word "existing" to apply to submerged lands, Staff has interpreted the word "existing" to apply to buffers as well. This would suggest that no development has been approved by the City of Sammamish under this code with a reduced buffer for a wetland, steep slope or stream.

We agree with the interpretation that wetland buffers should be excluded from consideration. However, we would present that buffers are a flexible boundary set by code, not by physical circumstances. Exclusion of existing submerged land from density calculations makes sense and is a consistent and measurable criteria.

Context, Finding, Facts:

The Planning Division has received an inquiry regarding wetlands and density.

Sammamish is blessed with a great deal of natural beauty. Residents identify streams, lakes, forested areas and other natural features as defining features of the City, and they believe the preservation of these natural features should be an important priority. This priority is expressed through goals and policies that support environmental stewardship, protection of habitat areas and preservation of surface and groundwater quality.

Portions of the city containing wetland areas are important for the storing and cleaning of surface water and for habitat values.

Interpretation:

The Department of Community Development does review subdivision applications that include wetlands and their buffers where the development proposal, activity, or alteration impacts the critical area and its associated buffers. The preferred sequential measures for the impacts are to avoid, minimize, and mitigate in accordance with SDC 21.03.020.M. Wetland development standards may be reviewed in SDC 21.03.020.Y.

All short plat applications with on-site critical areas must include a critical areas report that demonstrates the smallest impact to the on-site critical areas, no net loss of ecological function, and includes a mitigation plan. The report is reviewed during the short plat process and the City recognizes there is discretionary approval during the process. However, with mitigation sequencing the preferred method is to avoid. Buffer reductions are rare, only follow averaging, and require applicants to provide a design that follows the mitigation sequencing of avoidance, minimization, and, finally, mitigation. Allowing modification of the buffer to be included in the density calculation would skip over the preferred method of mitigation

sequencing altogether. Buffer reductions are approved in a manner that allows an applicant to obtain buildable lots when they have the available density to do so, not to increase the number of lots they may obtain.

Applicable Code Sections:

21.04.030.H Calculations – Site area used for density calculations

1. All site areas may be used in the calculation of maximum allowed residential density or project floor area except as outlined under the provisions of subsection 2. of this section.
2. …
    - Existing submerged lands,
    - steep slopes and buffers,
    - Categories 1 – 4 wetlands and buffers,
    - Types S, F, Np, and Ns streams and buffers, and
    - property to be used as a street(s)

    …***shall not be credited*** toward base and maximum density or floor area calculations; provided, that subdivisions or short plats that meet the tree retention standards of SDC 21.03.060G. Tree retention requirements, shall be credited 10 percent of the environmentally sensitive areas and associated buffers identified above.
    a. The site has accumulated sufficient technique points pursuant to SDC 21.03.030.D, preferred low impact development incentives, to allow for inclusion of such areas as set forth in that section; or
    b. The site meets the tree retention incentives of SDC 21.03.060G., in which case 10 percent of the critical areas and buffers identified above may be included in the site area used for calculating base and maximum density or floor area.

Applicable Comprehensive Plan Goals and Policies:

Goal EC.1	Serve as a leader in environmental stewardship of the natural environment for current and future generations.
Goal EC.3	Protect wetlands and other water resources from encroachment and degradation and encourage restoration of such resources.
Goal EC.4	Protect and promote a diversity of plant, pollinator and animal species habitat in Sammamish.
Policy EC.1.2	Encourage the retention and connectivity of active and passive open space and areas of natural vegetation to mitigate harmful impacts of development on the city's lakes, streams, wetlands, erosion and other natural hazard areas, fish, wildlife and pollinator habitat to improve the quality of life.
Policy EC.3.1	To the maximum extent possible, avoid wetland impacts, preserving and maintaining wetlands in their natural state.
Policy EC.3.4	In cases of small isolated low-quality wetlands, consider opportunities for development flexibility, provided that mitigation can be provided to ensure no cumulative impacts to wetland quality and function
Policy EC.4.11	Use existing regulatory tools to protect habitat, including the City's critical area regulations and tree retention ordinance

General Authority:

As described in SMC 21.09.070, Administrative Policy and Code Interpretations are binding interpretations concerning land use codes administered by the City's Community Development Department. It is the intent of this chapter to establish the procedure by which the City of Sammamish will render a formal interpretation of a development regulation. The purpose of such an interpretation includes clarifying conflicting or ambiguous provisions in the City's development regulations.

Applicant:	Muhammad Basbeth
Project Location:	City-wide
Appeal Period:	May 4, 2022, through May 25, 2022. Pursuant to SDC 21.09.070.I.2.b, this interpretation may be appealed within 21 days from the date of issuance, on or before May 25, 2022, at 5:00 PM. Appeals are heard by the Hearing Examiner.
Staff Member Assigned:	Savannah Hutchins, Assistant Planner SHutchins@Sammamish.us 206-305-6651

David Pyle, Director of Community Development *Date*