

PUBLIC HEARING DRAFT 7/15/2021

SAMMAMISH DEVELOPMENT CODE



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PHASE TWO / DEVELOPMENT REGULATIONS UPDATE

21.30 Neighborhood Design (NEW)

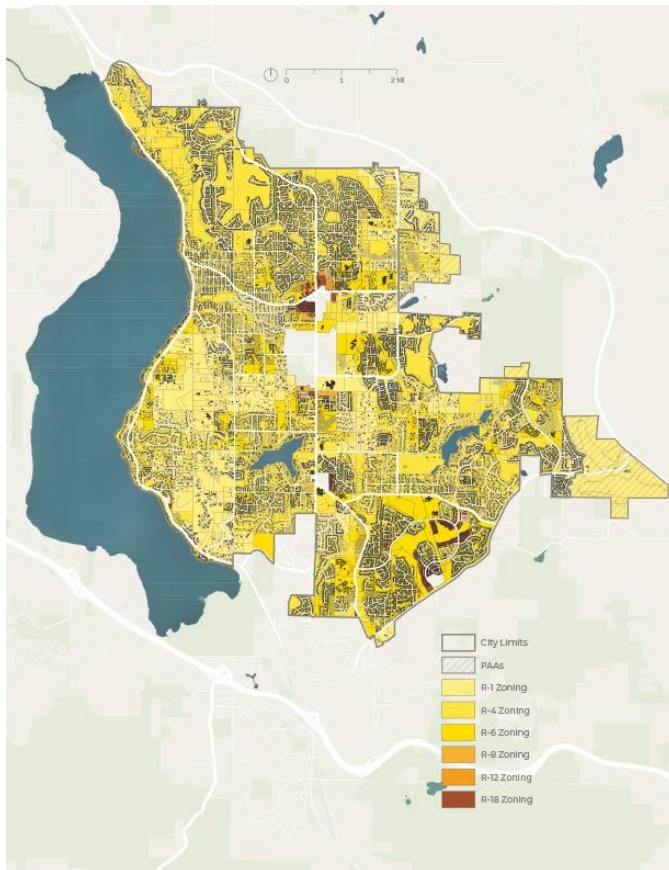
21.30.100 Purpose, Intent and Applicability

21.30.100.A Purpose and Intent

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

21.30.100.B Applicability

The neighborhood design standards apply to all plats, short-plats, and binding site plans in the Residential Districts (R- Districts).



21.30.100.C Design Intent

The intent of the Design Principles is to guide future development as closely as possible towards the stated vision of Sammamish as defined in its Comprehensive Plan. Design as defined for this



section is a broad term that includes layout of platting, utilities, streets and pathways, landscape, and building design.

From the City's Comprehensive Plan Vision [Add as a sidebar]:

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

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

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

21.30.200 Design Principles

The design principles are intended to illustrate the intent of the design standards and inform project design, particularly during the early stages. The application of the design principles will depend on the characteristics of the site and surrounding context. Applicants will be required to demonstrate how they have incorporated the design principles into their project but are not a basis for decision-making. The design standards in SMC 21.30.300 are used to review projects and determine compliance with this Chapter.

21.30.200.A. Preserving Ecological Functions of the Land

Sammamish cares about preserving the ecological function of its land, especially as the City becomes built out. Therefore:

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

21A.30.200.B Maintaining a Green Northwest Character

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

1. Well-landscaped areas should line arterials, with native drought-tolerant plants selected for an ability to provide year-round screening between buildings and traffic.
2. Landscape along residential streets should reflect the Northwest character and be designed for a pleasant streetscape over time.



3. Grade cuts should be limited so that tall walls are not necessary and when required are subtly integrated into the site design.
4. Fencing should be integrated into landscaping rather than standing alone as separation from streets and arterials.
5. Homes should be designed to respect the public interface along the street, with limited frontage devoted to garage entries and massing that avoids the feeling of a wall along the street.

21A.30.200.C A Well-Connected Community

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

1. New development should improve connections for people walking and biking, with sidewalks and trails, and with consideration of existing and future networks where people can access public amenities such as parks, playgrounds, and transit.
2. Neighborhood streets should be designed to encourage low vehicle speeds, and where appropriate with low volumes of traffic, streets can be shared by people walking, cycling, and driving slowly.

21A.30.200.D. Family-friendly Neighborhoods with Amenities for All Ages

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

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



21.30.300 Neighborhood Design Standards

21.30.300.A Protection and Integration of Natural Features

1. Design Intent

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

2. Design Standards

a. Natural Features Context.

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

b. Natural Features.

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

c. Hillside Development.

Development on hillsides should minimize clearing and grading, fitting buildings and streets with the slope rather than using extensive grading and vegetation removal for ease of construction.

d. Forested Areas and Habitat.

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

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

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

21.30.200.B Streets and Connections

1. Purpose and Intent

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



2. Design Standards

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

- a. Street Connections. Streets and alleys provide connections to homes and through neighborhoods. They should be appropriately sized so that the streets support and blend into a well-landscaped neighborhood, discourage drivers from speeding, and assure emergency vehicle access. In designing new subdivisions, alleys and pedestrian-oriented streets should be considered as options for creating neighborhoods where walking is safe and attractive. The street network should also consider needs for increasing connectivity beyond the site itself, with input from the City.
- b. Block Size and Perimeter. Block lengths are related to walkability, with shorter blocks offering permeability and shorter routes to destinations. They can also improve emergency response time. Blocks may be separated with connections for use by pedestrians, bicycles, and emergency vehicles only. Neighborhoods must be designed with block sizes that do not exceed a total perimeter of 1600' to provide for connectivity. Exceptions to this limit may be permitted due to constraints from topography, critical areas and buffers, the preservation of mature forest, and other factors determined by the City that limit effective street connectivity. Non-motorized connections may be counted towards the block perimeter calculations except where the City determines a full street connection is warranted for access and connectivity. Houses oriented towards pedestrian paths are an option.
- c. Dead-end Streets. Dead-end streets must be limited to no more than 750', and must be designed for future connection unless determined by the City to be infeasible. Where a full street connection is not possible, a non-motorized connection such as a trail or sidewalk must be provided, where the City determines it is feasible.
- d. Curb to Curb Width. Streets must be right-sized based on the anticipated built project density, anticipated traffic, and the parking program analysis required in SMC 21.30.300.E. The application of the curb-to-curb width in the Public Works Standards may be modified to meet the neighborhood design standards in ways such as requiring one parking lane instead of the standard two lanes.
- e. Curb cuts from public and private streets should be located to allow for usable on-street parking where additional parking is necessary based on the project parking program analysis.
- f. Walking and Biking Connections. A robust network of pedestrian and bicycle connections is a priority for Sammamish and should be included in developments



in a manner appropriate to the site and the surrounding connections. This may include sidewalks, paths, bike lanes, and “woonerf”-style shared streets or greenways. Routes that are integrated into the landscape or have a planted buffer from streets are encouraged.

21.30.300.C Open Space and Recreation

1. Design Intent

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

2. Context

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

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

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

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

3. Calculation of Density and Public Benefit

Open space proposed beyond the on-site recreation space required in 21A.30.140 must provide a clear public benefit to be counted towards the project density and approved by the City. Open space that is not counted towards the project density is exempt from this section. Adverse impacts will also be considered in determining compliance with these standards such as views from arterial streets, compatibility with adjacent development, connectivity, and other potential impacts. To be considered for public benefit, projects must use design methods for providing additional open



space as outlined below. Alternatives may be proposed that are consistent with the intent of this section, as approved by the City.

A. DESIGN INTENT

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

B. DESIGN STANDARDS

i. Open space should be integrated throughout the development to provide benefits for homesite design, such as increased buffers with native forest and vegetation.

ii. Integrate trail systems and other non-motorized connections within open space areas to increase connectivity where feasible.

iii. Integrate green infrastructure using low-impact development techniques into the design of open space areas.

4. Open Space Tracts

A. DESIGN INTENT

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

B. DESIGN STANDARDS

i. Open space tracts should not be provided for the purposes of reducing development costs, in cases where they prohibit necessary street or non-motorized connections, or where a clear public benefit is lacking.

ii. Open space tracts should be provided on lands that have existing mature forest and native vegetation.

iii. Open space tracts must be accessible as passive open space unless determined to be infeasible or unsafe.

5. Buffers

A. DESIGN INTENT

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

B. DESIGN STANDARDS

i. Buffers should maximize the preservation of mature forest and native vegetation when determining the appropriate locations.



ii. Where there is no mature vegetation, buffers should be landscaped with substantial drought-tolerant native vegetation that will provide a year-round screen between traffic and homes. Pedestrian trails are allowed in buffers.

iii. Buffers should provide benefits to individual homesites such as increased privacy, shading, minimized noise impacts, improved mobility for non-motorized travel, and improved aesthetics.

6. Recreation + Trails

A. DESIGN INTENT

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

B. DESIGN STANDARDS

i. Proposed trails must be designed to connect to adjacent properties where opportunities exist now or in the future and must be publicly accessible at all times.

ii. Recreation areas must be accessible and provide passive or active recreational opportunities.

iii. Trails must be designed to be compatible with adjacent development, including providing safe and convenient trail access along the route.

iii. Trails must be designed in accordance with City engineering standards. Ownership and management may be taken over by the City at their discretion.



21.30.300.D Parcels and Sites

1. Design Intent

Layout of parcels and sites creates long-term development patterns for the city and should be forward-looking and stand the test of time. Parcel and site layout should address the needs of residents, alignment with goals for the larger community, connectivity, mobility and environmental stewardship.

2. Design Standards

a. Design parcels and sites to minimize the need for clearing and grading, and to preserve mature forest and native vegetation where feasible.

b. The size, dimensions, and orientation of parcels must accommodate development that meets site design standards such as the Floor to Area (FAR) ratio, driveway width standards, parking design and location standards, and landscape frontage requirements.

c. Through lots with two street frontages are prohibited (unless in cases of hardship or provisions of ADUs). Alleys and open spaces are not considered a street frontage.

21.30.300.E Parking

1. Design Intent

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

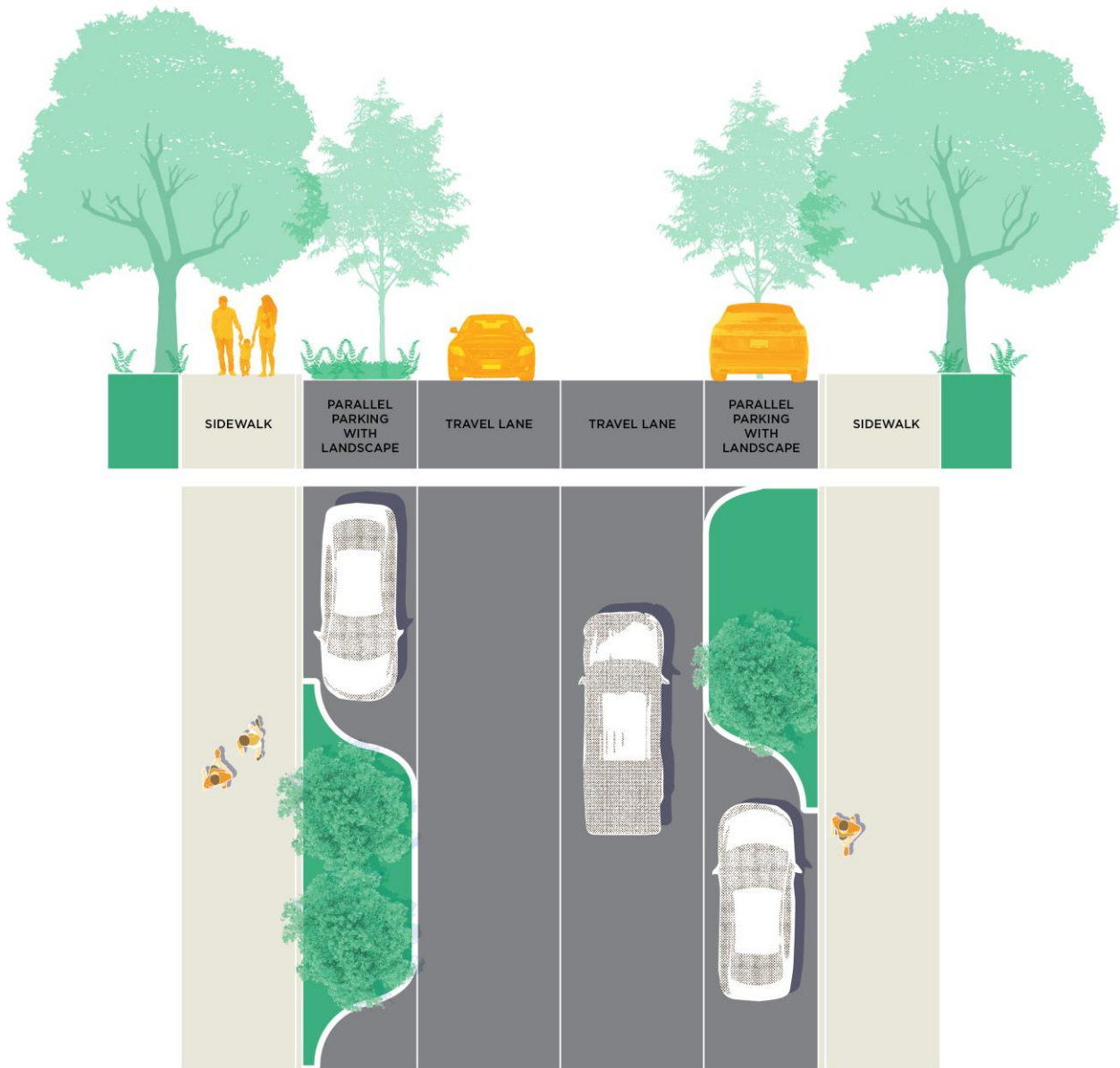
2. Parking Program Analysis

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

3. Design Standards

a. Provide no more than 200% of the off-street parking requirement within the neighborhood, unless waived by the City upon determination that additional parking is warranted based on information submitted by the applicant for a neighborhood-specific analysis.

b. Where uninterrupted parallel on-street parking is not warranted by the parking program analysis, provide bulb outs with landscaping and street trees between parking pockets.



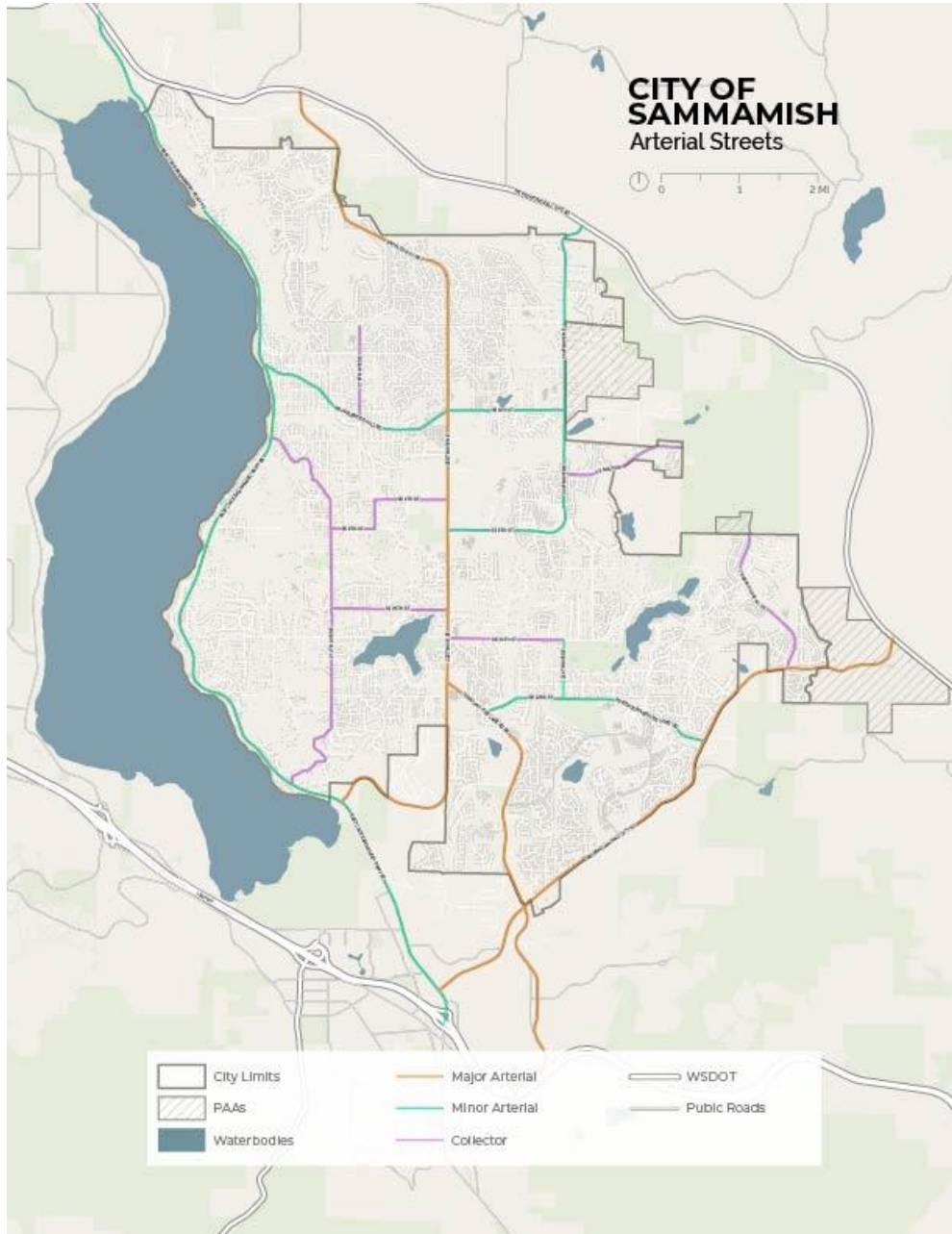
c. Design off-street parking to minimize aesthetic impacts on the street frontage such as setting the parking back behind the face of the building, utilizing alleys, landscaping buffers, and narrow single-lane driveway widths.

21.30.300.F Arterial Street Frontages

1. Design Intent

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

2. Arterial Street Typologies



3. Arterial Frontage Types

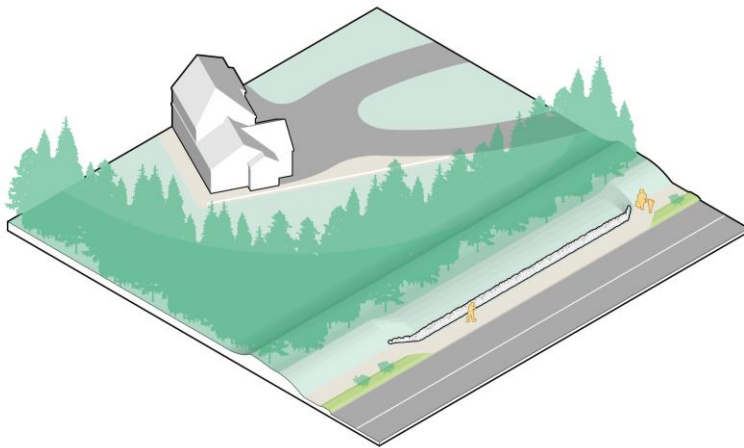
Arterial frontage standards apply to all development in the R- Districts. The following arterial frontage types are permitted along designated arterial streets shown in the map above including major arterials, minor arterials, and collectors. All applicable development must incorporate one or more of the permitted frontage types on designated arterial streets. Designated arterial frontages apply for a minimum of 100' from the edge of the arterial street public right-of-way. The 100' distance may be reduced on projects less than 5 acres where application of the standards would reduce the project density as determined by the City based on information submitted by the applicant.

If the frontage area is provided in a separate open space tract, the land is counted towards the net developable area and overall project density in SMC 21A.25.080. If the 100' distance needs to be expanded to accommodate the frontage type and it meets the intent of this section, the additional land also counts toward the net density and project density.

For existing parcels along arterial streets that do not have enough land to create a buffer the Front arterial frontage type must be used but may also incorporate the Retaining Wall frontage to accommodate sloped sites, in accordance with the standards below.

A. FOREST

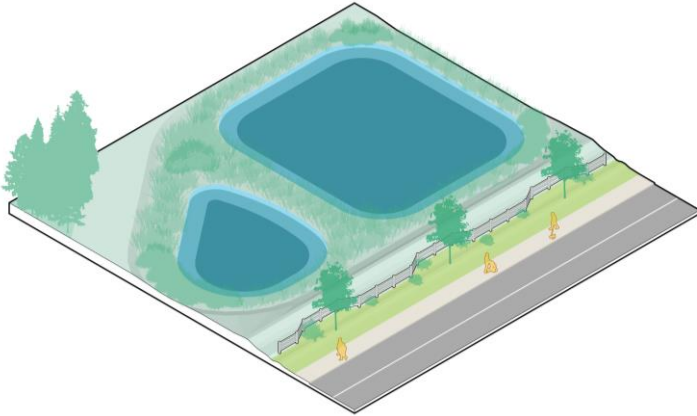
Forest is the default frontage type on sites that have mature trees and native vegetation that can be preserved. If the arterial frontage is deforested, then reforestation is also an option consistent with the City of Sammamish's Urban Forest Management Plan. Applicants must submit a reforestation plan by a certified arborist or other qualified expert for review and approval by the City.



B. STORMWATER/GREEN INFRASTRUCTURE

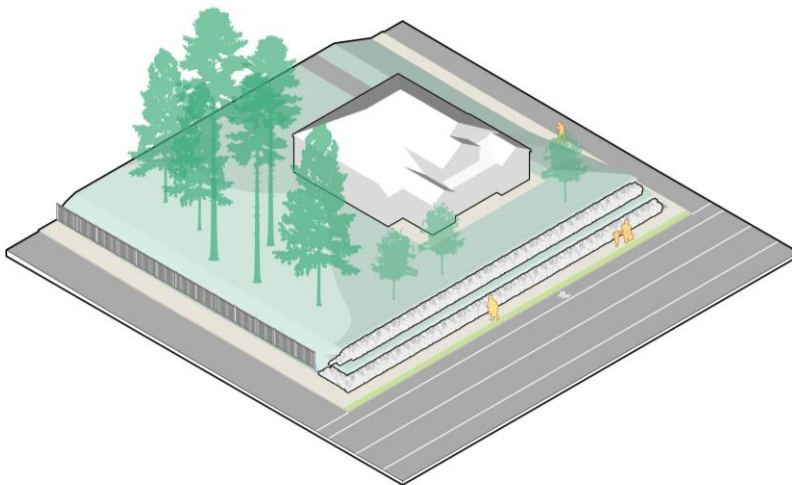
The stormwater/green infrastructure frontage type must be designed for both stormwater functions and as an open space amenity through the use of native vegetation and the incorporation of natural habitat features.

The diagram below shows a stormwater pond fronting on an arterial street with street trees, natural fencing, and native vegetation which serves as a visual and physical amenity.



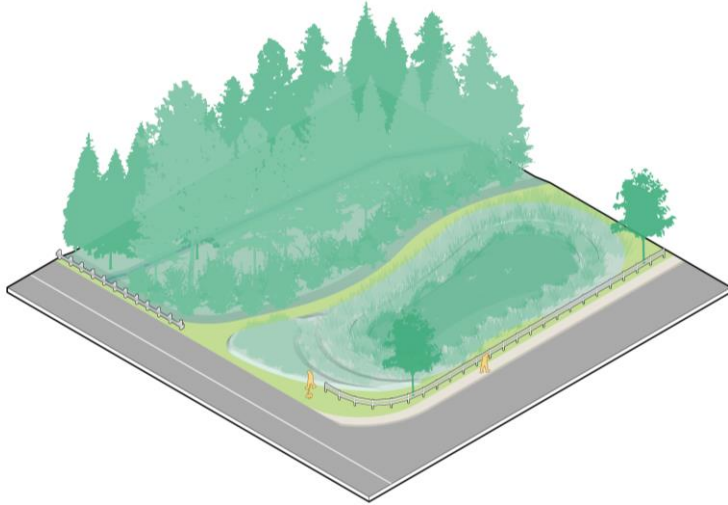
C. FRONT-FACING

For single-family homes on parcels or sites existing prior to December 31, 2021, the only permitted arterial frontage type is Front. Vehicle access must be from a non-arterial street unless determined infeasible by the City. The rear or side of a home is not permitted within 100' from the edge of the arterial street public right-of-way.



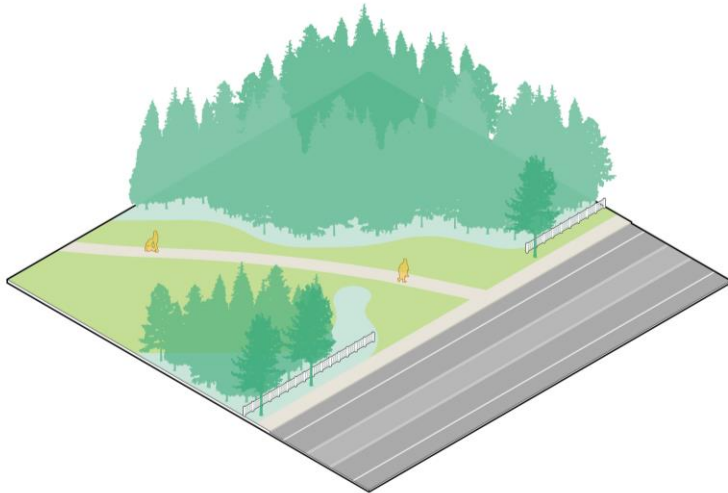
D. LANDSCAPE

The landscape arterial frontage type is appropriate on sites that do not have existing mature trees and native vegetation. The landscape arterial frontage must screen the development on the remainder of the site within the first three years by using native vegetation. Landscape arterial frontage plans must be prepared by a licensed landscape architect in the State of Washington.



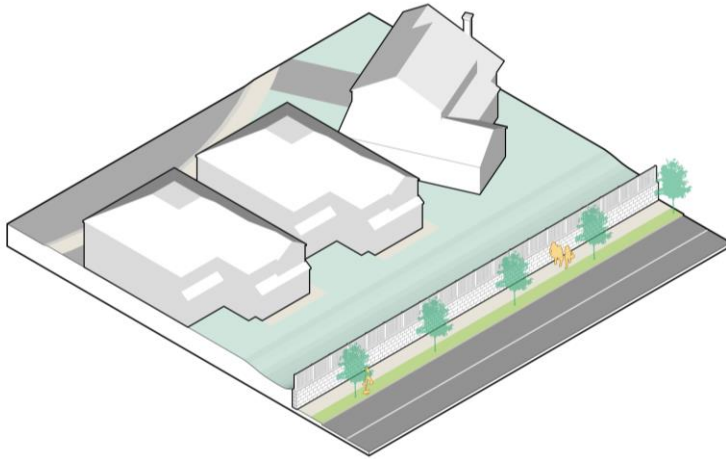
e. Open Space

Open space with natural landscape features can provide for a variety of functions including for wildlife habitat, active and passive recreation, trails, and can be integrated with stormwater and green infrastructure. The Open Space arterial frontage may be used to satisfy the requirements for on-site recreation requirements in SMC 21A.30.170 or be dedicated to the City for parks or open space at the City's discretion.



F. RETAINING WALL

On parcels and sites existing prior to December 31, 2021, the use a retaining wall may be an appropriate design on sloped sites. Retaining walls are limited to four feet in height, and the front of the house or unit must face the arterial street. Vehicle access must be taken from a non-arterial street unless determined to be infeasible by the City.



21.30.300.G Sustainable Site Planning

1. Compliance with Related Standards

a. All neighborhood design projects must demonstrate compliance with the 2016 King County Surface Water Manual (KCSWM), SMC Title 13 Surface Water Management, and the City's Public Works Standards.

2. Design Intent

Sustainable site planning techniques maximize the use of natural systems and functions of the land, minimizing the need for stormwater infrastructure. Stormwater is addressed primarily through low-impact development techniques that rely primarily on evapotranspiration and infiltration.

3. Design Standards

a. Neighborhoods must be designed to maximize opportunities for low-impact development through sustainable site planning techniques including the preservation of natural features, restoration of native vegetation, and low-impact development for stormwater management.

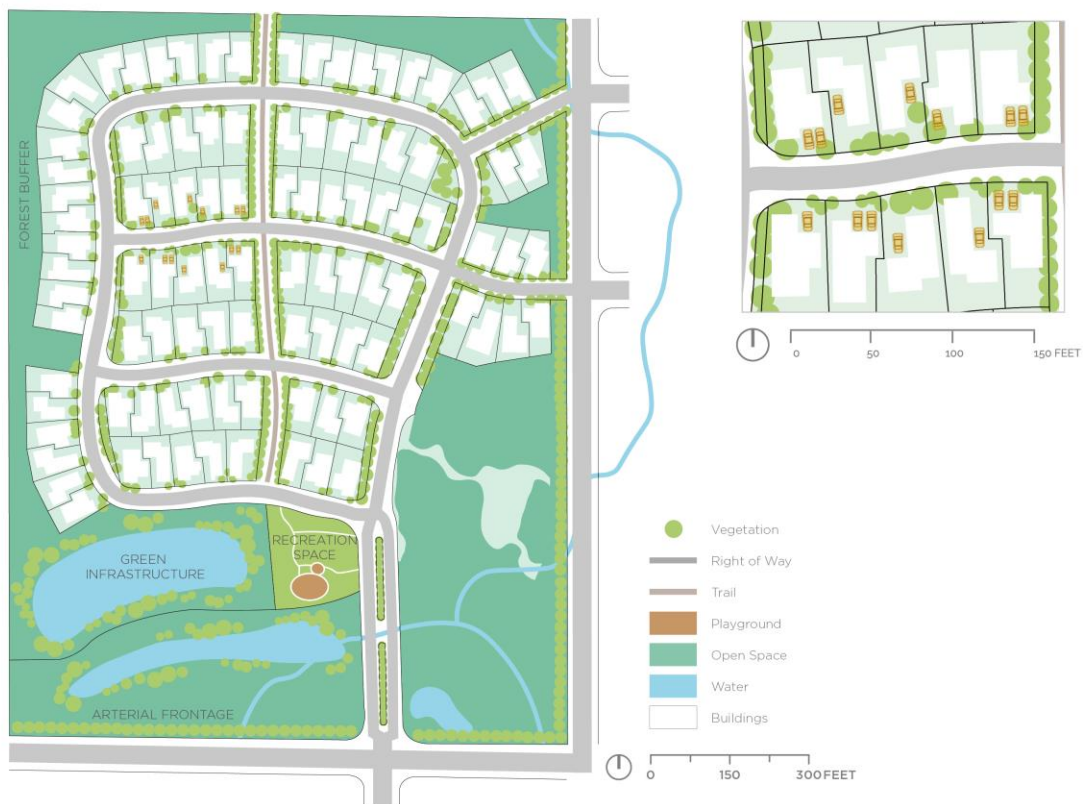
b. Neighborhoods must be designed so that all individual parcels greater than 6,000 square feet retain and infiltrate all stormwater runoff on-site, unless determined to be infeasible due to soils or other factors based on information submitted by a qualified professional. Driveways may be exempt in cases where topography would prohibit retaining all runoff on-site. Techniques may include the use of natural drainage patterns, cisterns, rain gardens, infiltration swales, retaining natural vegetation,

French drains, and similar measures. A registered Landscape Architect in the State of Washington shall develop the sustainable site plan for the application that addresses compliance with these standards.

21.30.400 Planned Unit Developments (NEW)

21.30.400.A Purpose

Planned unit developments (PUD) are intended to provide flexibility in design to meet the goals of the City's Comprehensive Plan such as increasing housing diversity, furthering the desired character of Sammamish, and protecting and enhancing natural features to promote sustainability.



21.30.400.B Applicability

PUDs are allowed as a permitted use in the R-1 through R-8 zones subject to meeting the design criteria.

21.30.400.C Modifications to Development Regulations

The following development regulations may be modified during the PUD review process if design criteria are satisfied.



1. Dimensional Standards except building height

2. Street Design

3. Parking Requirements

4. Density

5. Regulations not subject to modification

- a. Neighborhood design standards
- b. Critical area regulations
- c. Building codes
- d. Clearing and grading
- e. Land Uses (except as described below)
- f. Tree Standards
- g. Adequacy of Public Facilities and Services

21.30.400.D Residential Uses and Density

1. Residential density may exceed the number of units allowed in the underlying zoning district if the design criteria for PUDs are met and the total Floor to Area Ratio (FAR) for all lands included in net density calculations is not exceeded, unless bonus density through affordable housing is achieved. Residential unit types must be consistent with the permitted uses in the underlying R-zone.

Density Calculation: 10 acres of land included in density. 10×0.5 (FAR) = 217,800 of building square footage. The 217,800 square feet can be allocated to residential units and are not limited by the residential density limits in the underlying district if the planned development criteria are met.

2. Detached single-family dwellings may not exceed 85% of the total residential units provided. Accessory dwelling units may qualify for the 15% of required non-single-family units (exclusive of the principal dwelling) if constructed with a single-family home.

3. Affordable Housing Floor to Area Ratio Bonus. The square footage of each perpetually affordable unit shall be exempt from the FAR limits and provide an FAR bonus equal to the square footage of the affordable unit. The FAR bonus shall be limited to 20% of the base FAR.

21.30.400.F Neighborhood Service Uses

Up to 10,000 sq ft of neighborhood serving retail, daycare, or restaurant/café space may be approved as part of planned development if other criteria are met.

21.30.400.E Planned Development Review

1. Planned developments are a Type III application with a review and recommendation from the director to the Hearing Examiner who makes the final decision.



2. A neighborhood meeting in accordance with SMC 20.05.030

3. Conceptual review. Conceptual review is required prior to final approval. Concept plans are reviewed initially by the director and submitted with the final application to the Hearing Examiner. Applicants must submit all the required application materials for conceptual review in the submittal requirements maintained by the City. The City maintains a list of application materials and may require additional materials as necessary to verify conformance with the planned development review criteria. Conceptual review must include at a minimum the following materials:

- a. A context map showing existing conditions for the project site including parcel(s), any development, trees and vegetation, topography, adjacent development, streets and connections, critical areas, and other natural and manmade features;
- b. An illustrated site plan that shows the general layout of streets, parcels, buildings, open space, any critical areas and buffers, the presence of natural features, and any other built features of the proposed development;
- c. A narrative explaining how the proposal satisfies or exceeds the review criteria for planned unit developments. It is expected that the proposal represents a superior design than the underlying development standards with enhanced public benefits;
- d. A summary of all proposed uses and residential unit types with a calculation showing the proposal is in conformance the requirements of 21.30.400.D;
- e. Conceptual architectural building elevations or 3d models showing proposed massing, style(s), and materials;
- f. A summary of all requested modifications to development regulations and a description of how the modifications are consistent with the purposes of the planned development criteria; and
- g. A conceptual phasing plan, if applicable

4. An open house in accordance with SMC 20.05.037

5. Final Review. Final review of planned development applications shall follow the Type III process for plats including all application materials required for a preliminary plat. The final decision shall include findings of fact detailing whether the project meets the decision criteria for approval.

6. Modifications to Planned Developments. Minor amendments may be approved administratively by the director and major amendments shall be reviewed as a new application. Applications are considered minor if they meet the following criteria:

- a. Does not increase the number of units or land uses;
- b. Does not increase the intensity of land uses (i.e. single-family to townhouse);
- c. Does not decrease the amount of open space provided;
- d. Does not increase the size of block sizes;



- e. Does not reduce street or non-motorized connections;
- f. Does not include a request for further modifications to development regulations; and
- g. Does not significantly alter the overall design of the Planned Development.

21.30.400.F Decision Criteria

Planned developments must meet the following criteria for approval:

1. The planned development is a superior design compared to the regulations for the underlying zone and furthers the goals of the City's Comprehensive Plan.
2. The planned development provides clear public benefits that exceed a standard development proposal such as:
 - a. The planned development preserves and/or restores natural features and ecological functions on the site including mature forest, steep slopes, native vegetation, and other features.
 - b. The design of streets, parcels, and buildings is superior compared to the underlying development standards in the zone. The design furthers goals for neighborhood connections for vehicles and non-motorized travel, transitions to adjacent properties and developments that minimize impacts, and furthers the desired character of Sammamish.
 - c. The project provides publicly accessible open space such as parks, trails, natural areas, or other types of open space.
 - d. A range of housing types including detached single-family, accessory dwelling units, duplexes, and townhouses are included.
3. The Planned Development provides an appropriate transition to adjacent properties that minimizes any potential adverse impacts through techniques such as buffers, forest preservation, restoration of natural features, integration of open space and trails, and landscaping.



Title 16

16.15.050 Clearing and grading permit required – Exceptions.

All clearing and grading activities must be associated with an approved land use and exceptions do not apply to properties that are undeveloped and do not have an approved land use. No clearing and grading activities may occur on undeveloped properties without a permit associated with an approved land use. On sites without an approved land use the removal or hazardous trees, invasive species, and noxious weed is allowed with issuance of a clearing and grading permit. For parcels in the R- zones clearing and grading may not occur until a building permit has been issued. Regardless of the exceptions any clearing and grading activity involving more than 1,000 square feet of land disturbance and/or 5 cubic yards of material shall require a permit and drainage review. Land disturbance includes the removal of forest understory and native vegetation. In critical drainage areas the threshold for a permit shall be 200 square feet of land disturbance or the additional or removal of 2 cubic yards of material.

For development or clearing and grading activity located within critical areas and associated regulatory buffers as defined by Chapter 21A.50 SMC, no person shall do any clearing or grading without first having obtained a clearing and grading permit, unless exempted below. For development or clearing and grading activity located outside of critical areas and associated regulatory buffers as defined by Chapter 21A.50 SMC, no person shall do any clearing or grading without first having obtained a clearing and grading permit except for the following, if associated with an approved land use:

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



(b) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;

(c) Normal and routine maintenance of existing public park properties and private and public golf courses;

(d) Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities;

(8) The cutting and removal of any coniferous trees of less than eight inches DBH or any deciduous trees of less than 12 inches DBH on sites with an approved land use unless required to be protected by a previous permit approval;

(9) The pruning, limbing, and general maintenance of trees outside of environmentally critical areas and buffers, consistent with the requirements of Chapter 21A.37 SMC;

(10) An excavation that is less than two feet in depth or does not create a cut slope greater than four feet in height and steeper than one unit vertical in two units horizontal (66.7 percent slope), that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;

(11) A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20 percent slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course;

(12) Normal routine maintenance of existing single-family drainage systems, including but not limited to excavation to replace existing pipes, catch basins and infiltration trenches, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course; and

(13) Installation of sanitary septic systems with King County health district approval and inspection. (Ord. O2019-482 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2005-193 § 2, 2005; Ord. O2005-175 § 1; Ord. O2004-149 § 2; Ord. O2003-132 § 2)

(14) The following exemptions apply in critical areas and buffers that are already developed and publicly owned such as existing streets, pedestrian paths, and trails. All non-exempt activities including any new development requires a clearing and grading permit.

(a) Roadside ditch cleaning on publicly owned roads, provided the ditch does not contain salmonids;

(b) Pavement maintenance within a publicly owned right-of-way;

(c) Normal grading of gravel shoulders within a developed and publicly owned right-of-way;

(d) Maintenance of publicly owned culverts;

(e) Maintenance of flood control or other approved surface water management facilities;

(f) Routine clearing within a public road right-of-way;

(g) Normal maintenance in a publicly owned park

16.15.070 Permit requirements.

Except as exempted in SMC 16.15.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

(1) Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the permit process and procedures chapter of SMC Title 20. In addition to the requirements of SMC 20.05.040 every application shall:



- (a) Identify and describe the work to be covered by the permit for which application is made;
- (b) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed site;
- (c) Identify and describe those critical areas as defined in Chapter 21A.50 SMC on or adjacent to the site;
- (d) Indicate the estimated quantities of work involved;
- (e) Identify any clearing restrictions contained in SMC 16.15.120, wildlife habitat corridors pursuant to Chapter 21A.30 SMC, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC 21A.50.225;
- (f) Be accompanied by plans and specifications as required in subsections (2) and (3) of this section;
- (g) Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
 - (i) The name of the agency or public or private utility is shown on the application as the applicant;
 - (ii) The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
 - (iii) The form designating the applicant is submitted to the department prior to permit issuance; and
 - (iv) Reference to the approved land use permit or related land use permit application. Clearing and grading of sites without an approved land use permit is prohibited.
- (h) File a critical areas affidavit regarding the presence or absence of critical areas on the site. Based on the response on the critical areas affidavit the Director may require a critical areas letter or report to be submitted by a qualified professional regarding whether there are critical areas and/or buffers on the site. A critical areas letter may be appropriate for sites in the R- zones that are less than 1-acre in size whereas a critical areas report is appropriate for larger sites and more intense clearing and grading activities.
- (i) Give such other information as may be required by the director.

(2) Plans and Specifications. When required by the director, each application for a grading permit shall be accompanied by six sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, the director may require additional studies prepared by a qualified soils specialist. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

(3) Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the plans will conform to the provisions of this chapter and all other relevant laws, rules, regulations, and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the name of the person by whom the plans were prepared. The plans shall include the following minimum information:

- (a) General vicinity of the proposed site;
- (b) Property limits and accurate contours of existing ground and details of terrain and area drainage;
- (c) Limiting dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels, and related construction;



- (d) Location of all proposed cleared areas;
- (e) Location of any open space tracts or conservation easements if required pursuant to:
 - (i) SMC 16.15.120;
 - (ii) Chapter 21A.30 SMC;
 - (iii) Critical drainage area; or
 - (iv) Property-specific development standards pursuant to Chapter 21A.85 SMC;
- (f) Calculations of the total proposed area cleared on site as a percentage of the total site area;
- (g) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
- (h) A determination of whether drainage review applies to the project pursuant to Chapter 9.04 KCC as adopted by SMC Title 13, and, if applicable, all drainage plans and documentation consistent with King County surface water design manual requirements;
- (i) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 50 feet of the property or that may be affected by the proposed grading operations;
- (j) The location of all critical areas and buffers on the site;
- (k) Other information as may be required by the director; and
- (l) If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in Chapter 21A.50 SMC, provide information as required by that chapter.

(4) Granting of Permits.

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



chapter in the execution of the work nor from any other penalties prescribed thereon. (Ord. O2009-249 § 1; Ord. O2003-132 § 2)

16.15.090 Operating conditions and standards of performance.

(1) Any activity that will clear, grade, or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources, and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the City's erosion and sediment control standards.

(2) Cuts and fills shall conform to the following provisions unless otherwise approved by the director:

(a) Grading.

(i) Excavation. Excavation shall not exceed 10 feet.

(ii) Fill. Fill shall not exceed five feet.

(iii) Deviations. Deviation from excavation and fill limits shall be allowed as part of the review of a Type 1, Type 2 or Type 3 permit application to accommodate instances where driveway access would exceed 15 percent slope if additional fill is not permitted; where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized undulations or variations in existing topography; where necessary to achieve a balance of excavation and fill associated with a project; or where a building foundation, access grade, drainage, or other necessary component of a proposed structure or infrastructure is determined infeasible. Deviations from the excavation and fill limits shall be subject to the following limitations:

(A) The proposed deviation is the minimum necessary to resolve the design conflict or allow a balance of excavation and fill as demonstrated through written engineering analysis prepared by a qualified consultant and verified by the City;

(B) The proposed deviation will not result in impact to the root zone and tree protection areas required for retained significant trees under SMC 21A.37.270;

(C) All excavation or fill deviations shall be located outside of required structure setbacks; and

(D) All fill in excess of four feet shall be engineered.

(E) Subdivisions shall be designed to minimize the need for excavation and fill beyond the limits on individual parcels. For parcels created after December 31, 2021 applicants must demonstrate that the need for additional excavation and fill cannot be alleviated by increasing the parcel size, shifting the locations of buildings and improvements, altering the building design, or other similar measures.

(iv) Exceptions. The excavation and fill limitations of this subsection shall not apply to road construction, necessary underground infrastructure, and structures that do not change the surface elevation (e.g., vaults, utility trenches, foundations, basements, etc.).

(b) Permit Approval. On sites where development is proposed or anticipated, land clearing shall not take place until a construction permit is approved, addressing all land use requirements and presenting final engineering design consistent with applicable development standards and adopted Public Works Standards.

(c) Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

(d) Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (1) of this section.



(e) Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush, and car bodies.

(f) Fill Material. Except in an approved sanitary landfill, only earth materials that have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used.

(g) Drainage. Provisions shall be made to:

(i) Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

(ii) Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the City engineer.

(h) Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

(i) Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud, and traffic circulation.

(j) Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the director.

(k) Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

(l) Fencing. Fencing, where required by the director, to protect life, limb, and property, shall be installed with lockable gates that must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(m) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

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

Slopes and setbacks shall be determined by the director.

(n) Excavations to Water-Producing Depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(i) The depth of the excavations must not be less than two feet measured below the low water mark.

(ii) All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

(iii) All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least 25 feet.

(iv) In no event shall the term “water-producing depth” as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

(v) The intent of this provision is to allow reclamation of the land that will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.



(o) Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m. (Ord. O2019-482 § 1 (Att. A); Ord. O2003-132 § 2)

16.20.222 Pre-Construction Meeting

A pre-construction meeting is required prior to the issuance of any building permit that is related to a land use permit or development code review through the Community Development Department unless waived by the Director. The purpose of the pre-construction meeting is to ensure consistency between land use and building permits, to review the applicant’s construction management plan, to review permit conditions, and ongoing communication with the surrounding neighborhood during construction to address any potential impacts.

16.20.240 Suspension or revocation.

The building official or designee is authorized to suspend or revoke a permit issued under the provisions of this code and Chapter 16.05 SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC, or if the permitted structure is being constructed in violation of the permit, permit conditions,- or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC. Applicants shall immediately cease all work if the permit is suspended via issuance of a stop work order. The City may enforce violations of the permit and permit conditions even after the permit has expired if it is determined that work was completed that was not in conformance with the approved permit. Compliance may require the submittal of a new permit application to remedy all violations and work may not restart until the stop work order is revoked. (Ord. O2017-440 § 1 (Att. A); Ord. O2016-409 § 1 (Att. B); Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.365 Financial Guarantee. Projects that include the following components must provide a financial guarantee in the amounts listed below. Any violation related to a financial guarantee shall forfeit the guarantee in addition to any fines. The financial guarantee is released to the applicant following approval of a final inspection.

(a) Erosion Control: \$2,500 for projects under 1 acre; \$10,000 for projects between 1-5 acres; and \$20,000 for projects over five acres.

(b) Tree Protection: \$5,000 per tree

(c) Clearing Limits related to a clearing and grading permit: \$10,000 per acre;

16.20.300 Design professionals ~~in responsible charge~~ and construction monitoring.

When it is required that documents be prepared by a qualified, registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional or team of professionals such as architects, engineers, landscape architects, surveyors, planners, stormwater engineers and other design specializations who shall act as the registered design professional ~~in responsible charge~~ to verify that construction was done in accordance with the approved plans. In the case of a team of professionals the applicant shall designate the design professional lead and primary point of contact. The department may require submittal of reports at any time during construction from the design professionals to verify compliance with approved plans. If the circumstances require, the owner shall designate a substitute registered design professional ~~in responsible charge~~ who shall perform the duties required of the original registered design professional ~~in responsible charge~~. The building official shall be notified in writing by the owner if any of the registered design professionals ~~in responsible charge is changed~~ change or is unable to continue to perform the duties. The ~~registered~~ design professional lead in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Chapter 17 of the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 IBC). (Ord. O2017-440 § 1 (Att. A); Ord. O2016-409 § 1 (Att. B); Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

23.100.010 Assessment schedule.

Code Enforcement Penalties:



Infraction	up to \$500 <u>up to \$5001,000</u>
Stop Work Order	up to \$500 <u>up to \$5001,000</u>
Noncompliance:	
1 – 15 days	\$100 up to \$250 per day
16 – 31 days	\$250 up to \$500 per day
31+ days	\$500 up to \$1,000 per day (up to \$50,000 maximum)
<u>Violation of an approved permit and/or permit condition: \$1,000</u>	
Environmental Damage/Critical Areas Violations:	
Up to \$25,000 plus the cost of restoration	
Unlawful Tree Removal or Damage:	
\$1,500 per inch of diameter at breast height of tree removed or damaged	
\$25 fee per sign illegally placed on public property or in the City's right-of-way.	

(1) Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each type of violation identified in a notice and order, VCA, stop work order, or infraction pursuant to this chapter.

(2) The penalties assessed pursuant to this chapter for failure to comply with the terms of a VCA are based on the number of days of noncompliance, dating back to the date of the initial violation.

(3) Penalties based on violation of a stop work order shall be assessed, according to this chapter, for each day the director determines that work or activity was done in violation of the stop work order.

(4) Infractions shall be subject to a one-time civil penalty as set forth in this chapter.

(5) Payment of a monetary penalty does not relieve the person responsible to whom the notice was issued of the duty to correct the violation.

(6) In addition to the other penalties provided for in this chapter, any person responsible for a violation of Chapter 21A.50 SMC may be jointly and severally liable for site restoration for the redress of ecological, recreation, and economic values lost or damaged and shall pay a civil penalty up to \$25,000 plus restoration, based upon the severity of the violation as documented in the City's file.

For the purposes of this subsection, a violation of the critical areas ordinance means: the violation of any provision of Chapter 21A.50 SMC; or the failure to obtain a permit required for work in a critical area; or the failure to comply with the conditions of any permit, approval, terms, and conditions of any critical area tract or setback area, easement or other covenant, plat restriction, or binding assurance or any notice and order, stop work order, mitigation plan, contract or other agreement.

(7) Any person responsible for damage to or removal of a tree in violation of Chapter 21A.37 SMC shall be jointly and severally liable for mitigation as described in SMC 23.100.015 and shall pay a civil penalty of \$1,500 per inch of diameter at breast height of tree removed or damaged.

(8) The civil penalties in this chapter are in addition to, and not in lieu of, any other penalties, sanctions, restitution, or fines provided for in any other provisions of law. (Ord. O2017-436 (Att. A); Ord. O2016-408 § 1 (Att. A); Ord. O2015-395 § 4 (Att. B); Ord. O2011-302 §2 (Att. A))



23.100.015 Mitigation for unlawful tree removal.

(1) In addition to the monetary penalty outlined in SMC 23.100.010, any tree damaged or removed in violation of Chapter 21A.37 SMC shall be subject to replacement. For the purpose of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump. Mitigation measures must comply with the standards specified in SMC 21A.37.280, Tree replacement standards, except that the number of replacement trees for significant trees removed or damaged shall be as follows:

- (a) Removed or damaged coniferous trees with a DBH equal to or greater than eight inches up to 12 inches shall be replaced by four trees;
- (b) Removed or damaged trees with a DBH equal to or greater than 12 inches up to 16 inches shall be replaced by six trees; and
- (c) Removed or damaged trees with a DBH of 16 inches or more shall be replaced by eight trees. (Ord. O2015-395 § 4 (Att. B))



Title 20

20.05.020 Classifications of land use decision processes.

(1) Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

(a) Type 1 decisions are made by the director (director) of the department of community development (department). Type 1 decisions are non-appealable administrative decisions that require the exercise of little or no administrative discretion. For Type 1 decisions for which the department has issued a SEPA threshold determination, the issuance of any subsequent permits shall not occur until any allowed administrative appeal of the SEPA threshold determination is decided.

(b) Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions that are subject to administrative appeal in accordance with applicable provisions of law or ordinance.

(c) Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to superior court.

(d) Type 4 decisions are quasi-judicial decisions made by the hearing examiner. Type 4 decisions may be appealed to the State Shoreline Hearings Board.

(2) Except as provided in SMC 20.15.130(1)(f) or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.

(3) Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

(4) Land use permits that are categorically exempt from review under the State Environmental Policy Act (SEPA) will not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures codified in Chapter 20.15 SMC are supplemental to the procedures set forth in this chapter.

Exhibit A

LAND USE DECISION TYPE

Type 1	Decision by director, no administrative appeal	Building; clearing and grading; boundary line adjustment; temporary use; TDR sending site certification; [MAJOR – second story]accessory structures over 200 sq ft or with electricity and plumbing; right-of-way; road variance except those rendered in conjunction with a subdivision or short plat decision ¹ ; variance from the requirements of Chapter 9.04 KCC as adopted by SMC Title 13; shoreline exemption; approval of a conversion harvest plan; temporary homeless encampment permit ²
Type 2	Decision by director appealable to hearing examiner, no further administrative appeal	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; procedural and substantive SEPA decision; site development permit; approval of residential density incentives; new or reuse of public or private schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary determinations under SMC 20.05.030(3); critical areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan; unified-zone development plan under Chapter 21B.95-SMC ³



Type 3	Recommendation by director, hearing and decision by hearing examiner appealable to superior court	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; zone reclassifications ⁴ ; urban-planned-development <u>Unified Zone Development Plan under Chapter 21B.95 SMC</u> ; special use
Type 4	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline substantial development permits (SSDPs); shoreline conditional use permits

¹ The road variance process is administered by the City engineer pursuant to the City’s street standards as set forth in the public works standards.

² Subject to the notice requirements of SMC 21A.70.195(4).

³ Subject also to the procedural requirements of SMC 20.05.037 and Chapter 21B.95 SMC.

⁴ Approvals that are consistent with the interim comprehensive plan may be considered by the examiner at any time. Zone reclassifications that are not consistent with the interim comprehensive plan require a site-specific land use map amendment and the City council’s hearing and consideration will be scheduled with the amendment to the interim comprehensive plan pursuant to SMC 24.25.040 and 24.25.050.

(Ord. O2016-410 § 1 (Att. A); Ord. O2014-372 § 1; Ord. O2011-297 § 1 (Att. A); Ord. O2010-293 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2004-150 §§ 1 – 4; Ord. O2000-63 §§ 1, 2, 3; Ord. O99-29 § 1)

20.05.035 Neighborhood meetings.

(1) The applicant for a subdivision, short subdivision, planned unit development or conditional use permit shall conduct and attend a neighborhood meeting within the City limits to discuss the proposed development after the preapplication conference but prior to submission of the development proposal to the City, at a date and time which shall not be unreasonable. The purpose of the meeting shall be to receive neighborhood input and suggestions prior to submission of the application, and an opportunity for the applicant to amend the proposal to address neighborhood feedback as appropriate. Such a public meeting is not a mediation, and any party who participates in such a meeting may still request mediation in accordance with SMC 20.20.060 and the provisions of the City land use mediation program. For the purposes of this subsection, “applicant” means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in SMC 19A.04.030.

21B.05.110 Administration and review authority.

(1) The director shall have authority to make decisions regarding Town Center development proposals. Unified zone development plans shall be classified as a Type ~~2-3~~ land use application in accordance with SMC Title 20 and Chapter 21B.95 SMC. All other applications shall be processed in accordance with their applicable SMC Title 20 classification.

(2) The director shall have the authority to grant, condition or deny applications for variances and conditional use permits, unless a public hearing is required as set forth in Chapter 20.05 SMC, in which case this authority shall be exercised by the hearing examiner.

(3) The director shall have the authority to issue a written code interpretation in accordance with the review procedures contained within this chapter and Chapter 21A.100 SMC. The director shall issue such interpretations as he or she deems necessary, or upon the request of any person, in cases of any ambiguity, difference of meaning, unclear procedural requirements, or other unclear regulatory requirements of the SMC.

(4) An interpretation related to a development proposal must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates.

(5) The department shall have authority to grant, condition, or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in SMC Titles 20 and 21A and this title.

(6) Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations of this title, pursuant to Chapter 2.55 SMC. (Ord. O2010-293 § 1 (Att. A § 21B.05.090))



20.05.060 Notice of application.

(1) A notice of application shall be provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions ~~subject to SEPA pursuant to this section~~ that meet the thresholds in 20.05.030(2).

(2) Notice of the application shall be provided by the department within 14 days following the department's determination that the application is complete. A public comment period of at least 21 days shall be provided, except as otherwise provided in Chapter 90.58 RCW.

(3) If the director has made a determination of significance (DS) under Chapter 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

(4) All required notices of application shall contain the following information:

- (a) The file number;
- (b) The name of the applicant;
- (c) The date of application, the date of the notice of completeness and the date of the notice of application;
- (d) A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
- (e) A site plan on eight-and-one-half-by-14-inch paper, if applicable;
- (f) The procedures and deadline for filing comments, requesting notice of any required hearings, and any appeal procedure;
- (g) The date, time, place, and type of hearing, if applicable and scheduled at the time of notice;
- (h) The identification of other permits not included in the application to the extent known;
- (i) The identification of existing environmental documents that evaluate the proposed project;
- (j) A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable City plans and regulations.

(5) Notice shall be provided in the following manner:

- (a) Posted at the project site as provided in subsections (6) and (9) of this section;
- (b) Mailed by first class mail as provided in subsection (7) of this section; and
- (c) Published as provided in subsection (8) of this section.

(6) Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within 14 days following the department's determination of completeness as follows:

- (a) A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
 - (i) At the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
 - (ii) Five feet inside the street property line except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the department;
 - (iii) So that the top of the notice board is between seven to nine feet above grade; and



- (iv) Where it is completely visible to pedestrians.
- (b) Additional notice boards may be required when:
 - (i) The site does not abut a public road;
 - (ii) A large site abuts more than one public road; or
 - (iii) The department determines that additional notice boards are necessary to provide adequate public notice.
- (c) Notice boards shall be:
 - (i) Maintained in good condition by the applicant during the notice period through the time of the final City decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;
 - (ii) In place at least 28 days prior to the date of any required hearing for a Type 3 or 4 decision, or at least 14 days following the department's determination of completeness for any Type 2 decision; and
 - (iii) Removed within 14 days after the end of the notice period.
- (d) Removal of the notice board prior to the end of the notice period may be cause for discontinuance of City review until the notice board is replaced and remains in place for the specified time period.
- (e) An affidavit of posting shall be submitted to the department by the applicant within 14 days following the department's determination of completeness to allow continued processing of the application by the department.
- (f) Notice boards shall be constructed and installed in accordance with this subsection, and any additional specifications promulgated by the department pursuant to Chapter 2.55 SMC, Rules of City Departments. The director shall maintain specifications and design templates for notice boards which may differ by application type. Notice boards should be scaled appropriately to the site and project including smaller notice boards for Type I applications including new single-family dwellings.
- (7) Mailed notice for a proposal shall be sent by the department within 14 days after the department's determination of completeness:
 - (a) By first class mail to owners of record of property in an area within 1,000 feet of the site and, if the site lies within an erosion hazards near sensitive water bodies overlay, to owners of record of property within a 2,000-foot-wide column centered at the site and extending directionally with the natural drainage of the basin to the perimeter of the overlay or to the Lake Sammamish shoreline, as determined by the director; provided, that such area shall be expanded as necessary to send mailed notices to at least 20 different property owners;
 - (b) To any utility that is intended to serve the site;
 - (c) To the State Department of Transportation, if the site adjoins a state highway;
 - (d) To the affected tribes;
 - (e) To any agency or community group that the department may identify as having an interest in the proposal;
 - (f) Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and
 - (g) For preliminary plats only, to all cities within one mile of the proposed preliminary plat.
- (8) Notice of a proposed action shall be published by the department within 14 days after the department's determination of completeness on the City's official website. ~~in the official City newspaper.~~



(9) Posted Notice for Approved Formal Subdivision Engineering Plan, Clearing or Grading Permits Subject to SEPA, or Building Permits Subject to SEPA. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA, or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, prior to construction as follows:

(a) Notice boards shall comport with the size and placement provisions identified for construction signs in SMC 21A.45.070(3);

(b) Notice boards shall include the following information:

(i) Permit number and description of the project;

(ii) Projected completion date of the project;

(iii) A contact name and phone number for both the department and the applicant; and

(iv) Hours of construction, if limited as a condition of the permit;

(v) Information on how to receive regular projects updates such as a website, email list, or other online platform. The City may provide a platform for use by applicants to provide regular updates to applicants during site development and construction. Applicants must provide updates at least weekly.

(c) Notice boards shall be maintained in the same manner as identified in subsection (6) of this section;

(d) Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval. (Ord. O2016-415 § 4 (Att. C); Ord. O2016-413 § 6 (Att. E); Ord. O99-29 § 1)



20.05.030 ~~Feasibility conference~~Project Guidance – Preapplication conference.

(1) Prior to the filing of a land use application, applicants shall contact the department for a ~~feasibility conference~~project guidance and shall subsequently request a preapplication conference with the department as provided by subsections (2) and (3) of this section.

(a) ~~Feasibility Conference~~Project Guidance Submittal. All application types must complete the project guidance form and required attachments before scheduling the preapplication conference unless below the development thresholds identified in subsection (2) of this section. The purpose of ~~the feasibility conference~~ project guidance is to provide general information and next steps prior to the ~~discuss the general scope of the proposed project prior to the~~ preapplication conference. The feasibility conference may be an informal conversation between the department and the applicant.

(b) Preapplication Conference. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner within 30 days from the date of the applicant’s request. The director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application. Except as provided in subsection (5) of this section, nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within 30 days following the applicant’s request. The provisions of subsections (2) through (5) of this section apply only to the preapplication conference and not to the feasibility conference.

(2) The applicant shall contact the department to schedule a preapplication conference prior to filing a permit application for a Type 1 decision involving any of the following:

- (a) Property that will have 5,000 square feet or greater of development and/or right-of-way improvements; or
- (b) Property in a critical drainage area; or
- (c) Property that has a wetland, steep slope, landslide hazard, or erosion hazard;~~or~~
- (d) Single-family residences and accessory buildings directly impacting critical areas and/or their buffers;~~;~~
- (e) All new single-family homes or residential dwellings on lots created prior to December 31, 2020; or
- (f) All projects subject to SEPA review

provided, that the provisions of this subsection shall not apply to structures where all work is in an existing building and no parking is required or added.

(3) Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference that shall be held prior to filing the application, except as provided in subsection (1)(b) of this section.

(4) For the purposes of this section, “applicant” means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in SMC 19A.04.030.

(5) Information presented at or required as a result of the preapplication conference shall be valid for a period of 180 days following the preapplication conference. An applicant wishing to submit a permit application more than 180 days following the preapplication conference for that permit must schedule and participate in another preapplication conference prior to submitting the permit application; however, the director may waive this requirement for de minimus deviations or if it is determined to be unnecessary for review of an application.

(6) At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable City policies or regulatory enactments. In that event, the



applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in SMC 20.05.060(7) and (8). (Ord. O2016-415 § 2 (Att. A); Ord. O2016-413 § 4 (Att. C))

20.05.040 Application requirements and permit fees.

(1) The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. The director shall maintain a policy in the fee schedule resolution the process and standard on permit fee refunds that is available to the public. Applications for land use permits requiring Type 1, 2, 3, or 4 decisions shall be considered complete as of the date ~~of submittal upon determination by the department that the materials submitted meet the requirements of this section~~ deems it complete. The director shall also maintain a list of application materials by project type that may be required to verify compliance. Except as provided in subsection (2) of this section, all land use permit applications described in SMC 20.05.020, Exhibit A, shall include the following

- (a) An application form provided by the department;
- (b) Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
 - (i) The name of the agency or private or public utility is shown on the application as the applicant;
 - (ii) The agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
 - (iii) The form designating who the applicant is is submitted to the department prior to permit approval;
- (c) A certificate of sewer availability from the Sammamish Plateau Sewer and Water District or site percolation data with preliminary approval by the Seattle-King County department of public health;
- (d) A current certificate of water availability, as required by Chapter 21A.60 SMC;
- (e) A site plan, prepared in a form prescribed by the director;
- (f) Proof that the lot or lots are recognized as separate lots pursuant to the provisions of Chapter 19A.04 SMC;
- (g) A sensitive areas affidavit if required by Chapter 21A.50 SMC;
- (h) A completed environmental checklist, if required by Chapter 20.15 SMC, State Environmental Policy Act Procedures;
- (i) Payment of any development permit review fees, excluding impact fees, as set forth by resolution;
- (j) A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the City or any other governmental entity;
- (k) Approved certificate of concurrency from the director or designee, if required by Chapter 14A.10 SMC;
- (l) Certificate of future connection from the appropriate purveyor for lots located within the City that are proposed to be served by on-site or community sewage system and/or group B water systems or private well;
- (m) A determination if drainage review applies to the project pursuant to SMC Title 13, and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted by reference in SMC Title 13;



- (n) Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;
- (o) Legal description of the site;
- (p) Variances obtained or required under SMC Title 21A to the extent known at the date of application;
- (q) Verification that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has a right to develop the site and that the application has been submitted with the consent of all owners of the affected property; provided, that compliance with subsection (2)(d) of this section shall satisfy the requirements of this subsection (1)(q);
- (r) For commercial site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years; and
- (s) For any applicant organized as a single-member or multiple-member limited liability company, the designation required by subsection (1)(b) of this section must include the names and addresses of all the applicant's members, including all individuals who hold transferable interests in the applicant or its members.

(t) For Type 2, Type 3 and Type 4 applications a statement from the applicant about how the project furthers the goals of the City's Comprehensive Plan. The statement should reference specific statements from the Comprehensive Plan.

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

(2) Additional complete application requirements apply for the following land use permits:

- (a) Clearing and grading permit, as set forth in SMC 16.15.070;
- (b) Construction permits as set forth in SMC 16.20.215;
- (c) Mobile home permits as set forth in SMC 21A.70.170;
- (d) For all applications for land use permits requiring Type 2, 3, or 4 decisions, a title report from a reputable title company indicating that the applicant has either sole marketable title to the development site or has a publicly recorded right to develop the site (such as an easement); if the title report does not clearly indicate that the applicant has such rights, then the applicant shall include the written consent of the record holder(s) of the development site.

(3) The director may specify the requirements of the site plan required to be submitted for various permits.

(4) The applicant shall attest by written oath to the accuracy of all information submitted for an application.

(5) Applications shall be accompanied by the payment of the applicable filing fees, if any, as set forth by resolution.

(6) The Director may waive applicable fees for projects where the fee may be a barrier to activities that have a clear public benefit such as the removal of invasive species, the restoration of critical areas, landscape maintenance, and other similar activities. (Ord. O2020-523 § 1 (Exh. A); Ord. O2020-513 § 1 (Exh. A); Ord. O2020-503 § 2; Ord. O2018-466 § 1 (Att. A); Ord. O2016-415 § 3 (Att. B); Ord. O99-29 § 1)

20.05.050 Notice of complete application to applicant.

(1) Within 28 days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice



shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional, or federal governments that may have jurisdiction over some aspects of the development proposal.

(2) An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the 28-day period as provided herein.

(3) If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within 14 days whether the application is complete or what additional information specified by the department as provided in subsection (1) of this section is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the 14-day period that the application is incomplete.

(4) The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application as provided in subsections (1) or (3) of this section, or the failure of the department to provide such a notice as provided in subsections (2) or (3) of this section, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

(5) The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within 90 days following notification from the department that the application is incomplete. (Ord. O99-29 § 1)



20.05.080 Applications – Modifications to proposal.

(1) Modifications required by the City to a pending application shall not be deemed a new application.

(2) An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application when such modification would result in a substantial change in a project’s review requirements, as determined by the department.

(3) Any of the following shall constitute a substantial change and require a new application unless waived by the Director:

- (a) Any increase in the number of dwelling units
- (b) An increase in building square footage for non-residential projects
- (c) Changes to building setbacks
- (d) Increase in building height
- (e) Additional encroachment into critical areas or buffers
- (f) An increase of 2 or more parking stalls
- (g) Any proposal requesting a variance or wavier from development standards
- (h) Modifications to the amount of proposed open space
- (i) Changes to the layout of streets, trails, and bike connections
- (j) An increase of 500 or more square feet of impervious surface
- (k) Change to the primary site access location
- (l) Any reduction in the size of any lots
- (l) Other changes determined by the director to constitute a substantial change

(Ord. O99-29 § 1)



Title 21A

21A.15.507 Floor to Area Ratio

“Floor to Area Ratio” is the ratio of the gross building square footage to the parcel size. Gross square footage for the purpose of calculating floor to area ratio includes all gross square footage that is above grade including garages. Any visible wall height of more than 3’ shall count towards the gross building square footage.

21A.25.030 ~~Densities and dimensions~~Site Planning Standards – Residential zones.

A. Residential Zones.

Z O N E S	RESIDENTIAL					
	URBAN RESIDENTIAL					
STANDARDS	R-1 ⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
Maximum Density DU/Acre (11)	1 du/ac	4 du/ac (5)	6 du/ac	8 du/ac	12 du/ac	18 du/ac
Minimum Density (2)				85% (14)	80% (14)	75% (14)
<u>Maximum Residential Floor to Area Ratio (FAR) – Detached alley accessed garages are exempt</u>	<u>Single-Family: 0.5</u> <u>ADU: Exempt</u> <u>Multi-unit: 0.65</u>	<u>Single-Family: 0.5</u> <u>ADU: Exempt</u> <u>Multi-unit: 0.65</u>	<u>Single-Family: 0.5</u> <u>ADU: Exempt</u> <u>Multi-unit: 0.65</u>	<u>Single-Family: 0.5</u> <u>ADU: Exempt</u> <u>Multi-unit: 0.65</u>		
Minimum Lot Width	35 ft (6)	30 ft (6)	30 ft (6)	30 ft	30 ft	30 ft
<u>Driveway Width (Measured at the edge of the street right-of-way) (not applicable for driveways from alleys)</u>	<u>Maximum: 30% of driveway width or 20', whichever is less.</u> <u>Minimum: 12'</u>	<u>Maximum: 30% of driveway width or 20', whichever is less.</u> <u>Minimum: 12'</u>	<u>Maximum: 30% of driveway width or 20', whichever is less.</u> <u>Minimum: 12'</u>	<u>Maximum: 30% of driveway width or 20', whichever is less.</u> <u>Minimum: 12'</u>		
<u>Front Yard Parking Setback</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>		
Minimum Front Yard Structure Setback (7)(22)	20 ft (25)	15 ft (16) (25)	15 ft (16) (25)	10 ft	10 ft	10 ft
Minimum Rear Yard Structure Setback (8)(21)(22)	10 ft	10 ft	10 ft	10 ft	5 ft	5 ft
Minimum Side Yard Structure Setback (2)(8)(12)(21)(22)	10 ft	10 ft	10 ft	10 ft	5 ft	5 ft
Minimum Front Yard Single Detached Dwelling Setback (7)(12)	20 ft (6) (25)	15 ft (6) (16) (23) (25)	15 ft (6) (16) (24) (25)	10 ft	10 ft	10 ft
Minimum Side Yard Single Detached Dwelling Setback (2)(8)(12)(21)	25 ft	5 ft (23)	5 ft (24)	5 ft (26)	5 ft	5 ft
Minimum Rear Yard Single Detached Dwelling Setback (8)(21)	30 ft	12 ft (23)	12 ft (24)	20 ft	20 ft	20 ft
Minimum Side Yard Detached Accessory Dwelling Setback (17)(27)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Minimum Rear Yard Detached Accessory Dwelling Setback (17)(27)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Maximum Structure Height (3)(15)(29)	35 ft (20)	35 ft (20)	35 ft (20)	35 ft (20)	60 ft	60 ft 80 ft (10)



	Z O N E S	RESIDENTIAL					
		URBAN RESIDENTIAL					
STANDARDS		R-1⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
Maximum Detached Accessory Dwelling Structure Height (28)		18 ft	18 ft	18 ft	18 ft	18 ft	18 ft
Maximum Impervious Surface: Percentage (4)(30)		30% (9)			75%	85%	85%
Minimum Yard Area (18)(30)			45%	35%			
Maximum Lot Coverage (19)(30)			40%	50%			

B. Development Conditions.

1. Also see SMC 21A.25.060.
2. These standards may be modified under the provisions for zero lot line and townhouse developments.
3. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the structure height requirements; provided, that the maximum height shall not exceed 75 feet.
4. Applies to each individual lot. Impervious surface area standards for:
 - a. Regional uses shall be established at the time of permit review;
 - b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;
 - c. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
5. Mobile home parks shall be allowed a base density of six dwelling units per acre.
6. All lots located within the R-1, R-4, and R-6 zoning districts created under SMC Title 19A must abut a public or private street and shall be orientated so that the average street frontage or average front yard width of each lot created equals the minimum lot width requirements pursuant to subsection (A) of this section with no individual lot having a street frontage or front yard abutting the street of less than 20 feet.
7. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.
8. For townhouse and apartment development, the setback shall be a minimum of 20 feet along any property line abutting R-1 through R-8.
9. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the impervious surface area allowed shall be 10,000 square feet or 30 percent of the property, whichever is greater. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SMC 21A.70.170(1)(b). Public projects shall be subject to the applicable impervious surface provisions of the R-4 zone.



10. The 80-foot maximum structure height is to be used only for projects in the R-18 zone using residential density incentives and transfer of density credits pursuant to this title.

11. Density applies only to dwelling units and not to sleeping units.

12. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 30 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

13. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet the provisions of SMC 21A.30.030.

14. See SMC 21A.25.090.

15. Subject to the increase in maximum structure height permitted pursuant to Chapter 21A.85 SMC, low impact development incentives, and SMC 21A.30.020.

16. Thirty percent of the area contained within the front yard setback shall be landscaped. This part of the front yard setback area may be used to comply with the minimum yard area percentage.

17. When constructed in accordance with SMC 21A.20.030(B)(5).

18. For the purposes of this section, “yard” is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, and artificial turf, but do not include areas covered by pervious concrete or other similar materials.

19. The maximum lot coverage may be increased by five percentile points once, if a covered outdoor living space or an accessory dwelling unit is built on site. For the purposes of this section, a covered outdoor living space includes any structure with a roof that is not fully enclosed by walls.

~~20. For new single family residential homes and additions in single family land use districts, the maximum height of any individual building facade is 40 feet. Facades taller than 40 feet may be permitted when architectural modulation is provided that includes:~~

~~a. An upper story balcony, porch, deck, exterior stairway, or other functional architectural feature; and~~

~~b. A floor line projection (e.g., skirt roof), roof ledger, window fenestrations, pillars, columns, or similar architectural design features (such as bay windows, window seats, or awnings) to provide articulation and reduce massing effects.~~

~~20.21.~~ Reduction of minimum rear yard and/or side yard setbacks shall be granted when bundled and submitted with a Type I permit application and when agreement with the adjoining property owner(s) of a parcel under separate ownership has been reached resulting in an executed agreement that includes an approved site plan consenting to a reduction of setback. The agreement shall provide that it runs with the land and must be recorded with King County Records prior to permit issuance. The agreement shall reference the parcel number and legal description of all affected properties and conform to a format specified by the director. Provided, no side or rear setback may be reduced to less than five feet. Further provided, that setback reductions granted under this part shall not cause for a violation or nonconformance with existing site restrictions (e.g., easements) or adopted construction codes, Chapter 16.05 SMC. The setback reduction granted under this part shall not be available for or applicable to lots created through the subdivision process that remain vested under RCW 58.17.170.

~~2221.~~ Applies to all structures and buildings unless modified for primary single detached dwelling units or detached accessory dwelling units.



~~2322~~. R-4 setbacks for primary single detached dwelling units are dynamic. The minimum dimension listed in the table is modified as follows in response to home size:

- a. For single-family homes less than 2,500 square feet:
 - Front setback: not less than 15 feet (20 feet minimum for garages);
 - Side setback: not less than five feet;
 - Rear setback: an average of 15 feet but at no point less than 12 feet.
- b. For single-family homes between 2,500 square feet and 4,000 square feet:
 - Front setback: not less than 20 feet;
 - Side setback: an average of 10 feet but at no point less than eight feet;
 - Rear setback: an average of 20 feet but at no point less than 15 feet.
- c. For single-family homes greater than 4,000 square feet:
 - Front setback: not less than 25 feet;
 - Side setback: an average of 12 feet but at no point less than 10 feet;
 - Rear setback: an average of 25 feet but at no point less than 20 feet.

~~243~~. R-6 setbacks for primary single detached dwelling units are dynamic. The minimum dimension listed in the table is modified as follows in response to home size:

- a. For single-family homes less than 2,500 square feet:
 - Front setback: not less than 15 feet (20 feet minimum for garages);
 - Side setback: not less than five feet;
 - Rear setback: an average of 15 feet but at no point less than 12 feet.
- b. For single-family homes between 2,500 square feet and 4,000 square feet:
 - Front setback: not less than 15 feet (20 feet minimum for garages);
 - Side setback: an average of 10 feet but at no point less than eight feet;
 - Rear setback: an average of 20 feet but at no point less than 15 feet.
- c. For single-family homes greater than 4,000 square feet:
 - Front setback: not less than 20 feet;
 - Side setback: an average of 12 feet but at no point less than 10 feet;
 - Rear setback: an average of 25 feet but at no point less than 20 feet.

~~2524~~. The front yard setback along any arterial streets shall be 30 feet.

~~2625~~. Side yard setbacks shall be a minimum of 10 feet when the abutting property is zoned R-1, R-4, or R-6.

~~2726~~. Only applies to stand-alone detached accessory dwelling units. Does not apply to detached accessory dwelling units that are combined with other structures or improvements such as pool houses, outdoor kitchens,



detached garages, covered patios, etc. Standard minimum structure setbacks apply to detached accessory dwelling units that are combined with other structures and improvements.

2827. Does not apply to detached accessory dwelling units that conform to minimum structure setbacks.

2928. For school and government uses, structure height may exceed the maximum structure height by one foot for every one foot the front, side, and rear yard setbacks are increased above the minimum setbacks; provided, however, the maximum structure height may not exceed 75 feet.

3029. For school and government uses, maximum impervious surface limitations, minimum yard area requirements, and maximum lot coverage restrictions may be increased as part of the review of a Type 1, Type 2, or Type 3 permit application to accommodate instances where they render a necessary component of a project infeasible. Deviation from the maximum impervious surface limitations, minimum yard area requirements, and maximum lot coverage restrictions shall be granted if the following are satisfied: (a) the proposed increase is the minimum necessary to resolve the design conflict as demonstrated through written engineering analysis prepared by a qualified consultant and verified by the City; (b) the proposed increase will not result in impact to the root zone and tree protection areas required for retained significant trees under SMC 21A.37.270; and (c) the project is compliant with applicable stormwater regulations. (Ord. O2019-482 § 1 (Att. A); Ord. O2016-429 § 3 (Att. C); Ord. O2016-407 § 1 (Att. A); Ord. O2010-279 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2008-236 § 1; Ord. O2004-143 § 1; Ord. O2003-132 § 12)

30. In all Districts the front door shall face the primary street frontage with a clearly defined walkway from the street to the front door/entrance.

31. A minimum of one large native deciduous or coniferous tree is required for each 50-foot portion of lot frontage in the R zoning districts, for a minimum ratio of 1:50. Trees must be planted within 15 feet of the front property line. Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and coniferous and broadleaf evergreens shall be at least 10 feet in height;

21A.25.100 BUILDING HEIGHT MEASUREMENT

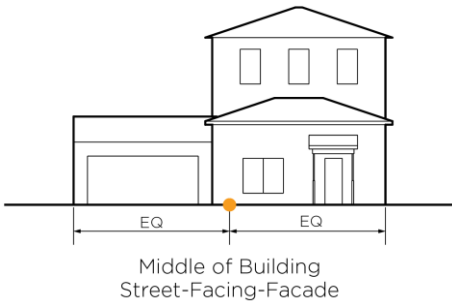
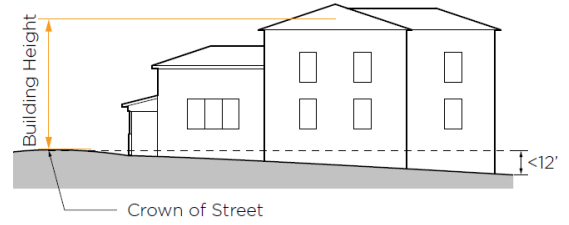
(1) General.

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

(2) Measurement of Height.

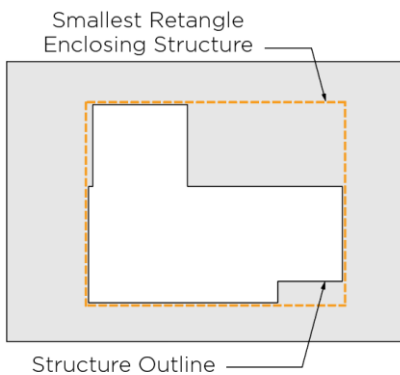
a. On any lot where existing grade slopes up or down less than 12 feet from the front building line to the rear of the structure, the starting point for the calculation of structure height is the elevation measured at the middle of the building facade facing the street, perpendicular to the street, from either:

- i. The top of the existing curb; or
- ii. Where no existing curb exists, the crown of the street.

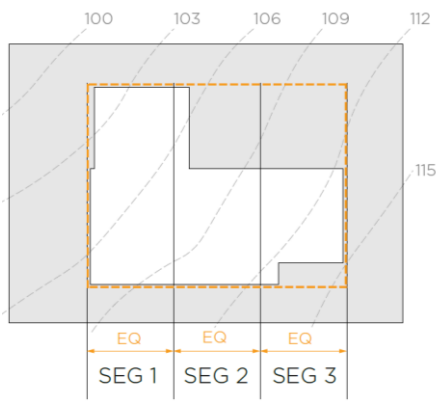


b. On any lot where existing grade slopes up or down at least 12 feet from the front building line to the rear of the structure, the starting point for the measurement of height must be calculated as follows:

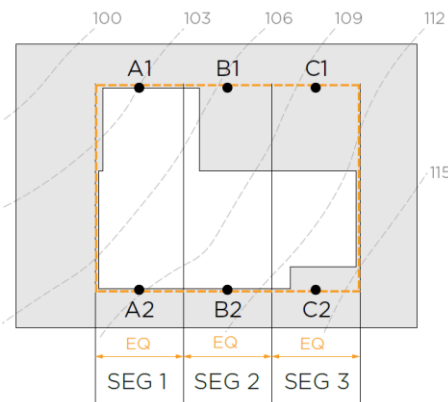
i. Draw the smallest rectangle that encloses the entire principal structure. This measurement applies only where the slope from the front of the rectangle is greater than 12 feet to the back of the rectangle. Changes in original grade that exceed 12 feet from the point of measurement are allowed within the building footprint, and height is measured as in a. above.



iii. Divide the side of the rectangle into equal segments measuring at least 15 feet in length. The lines must be extended across the rectangle perpendicular to the side of the rectangle to create the segment. B.



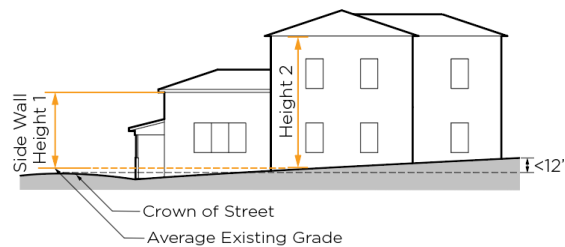
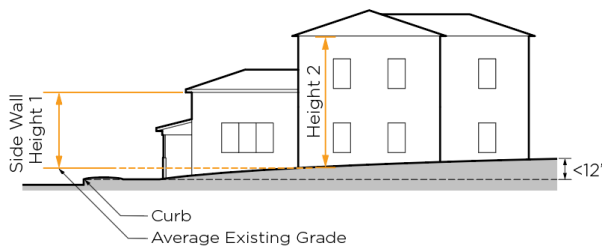
iv. The maximum height for each segment of the structure is measured from the average grade for each segment along the structure. The average grade is calculated by adding the elevation of original grade at the midpoint of the two opposing exterior walls of each segment and dividing by two.



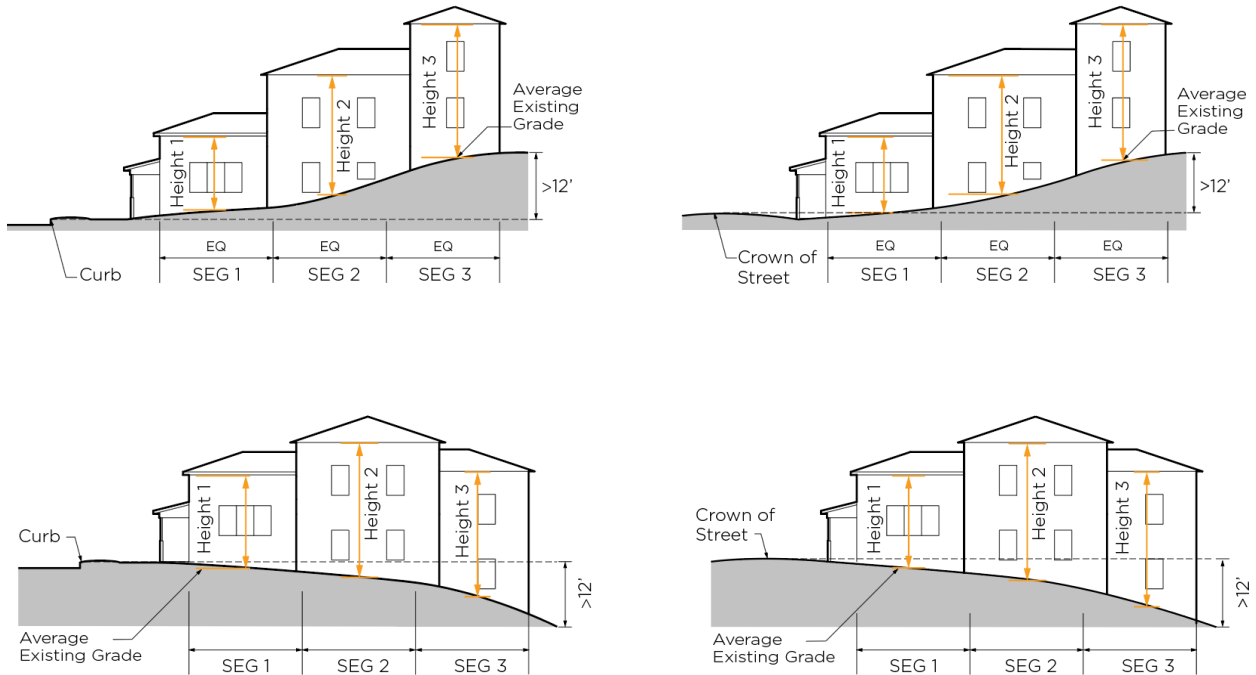
(3) Maximum Side Wall Height.

The maximum side wall height of any building must not exceed 24 feet. This height is measured from either:

a. Average original grade at the midpoint of a building for buildings eligible for option a. above; or



b. The average grade calculated for each segment for buildings subject to option b. above.



Chapter 21A.35

DEVELOPMENT STANDARDS – LANDSCAPING AND IRRIGATION

21A.35.010 Purpose.

The purpose of this chapter is to preserve the aesthetic character of communities, to improve the aesthetic quality of the built environment, to promote retention and protection of existing vegetation; to promote water efficiency, to promote native wildlife, to reduce the impacts of development on drainage systems and natural habitats, and to increase privacy for residential zones by:

- (1) Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
- (2) Providing physical separation between residential and nonresidential areas;
- (3) Providing visual screens and barriers as a transition between differing land uses;
- (4) Retaining existing vegetation and significant trees by incorporating them into the site design;
- (5) Providing increased areas of permeable surfaces to allow for:
 - (a) Infiltration of surface water into groundwater resources;
 - (b) Reduction in the quantity of storm water discharge; and



- (c) Improvement in the quality of storm water discharge;
- (6) Encouraging-Require the use of native plant species by their retention or use in the landscape design;
- (7) Requiring water use efficiency through water budgeting and efficient irrigation design standards;
- (8) Encouraging the use of a diversity of plant species that promote native wildlife habitat.

(9) To avoid conflicts between landscaping, tree and vegetation protection, and underground and above ground utilities. Landscaping should be designed to avoid utility conflicts and utility corridors should be located to avoid tree and vegetation removal where feasible. (Ord. O99-29 § 1)

21A.35.020 Application.

Except for communication facilities regulated pursuant to Chapter 21A.55 SMC, all new development shall be subject to the landscaping provisions of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a conditional use permit or a special use permit shall be determined during the applicable review process. (Ord. O99-29 § 1)

21A.35.030 Landscaping – Screen types and description.

The three types of landscaping screens are described and applied as follows:

(1) Type I Landscaping Screen.

(a) Type I landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas;

(b) Type I landscaping shall minimally consist of:

- (i) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
- (ii) Between 70 and 90 percent evergreen trees;
- (iii) Trees provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 20 feet apart on center;
- (iv) Evergreen shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
- (v) Groundcover pursuant to SMC 21A.35.080; and
- (vi) Subject to director’s review for consistency with subsection (1)(a) of this section;

(2) Type II Landscaping Screen.

(a) Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between commercial and industrial uses, between differing types of residential development, and to screen industrial uses from the street;

(b) Type II landscaping shall minimally consist of:

- (i) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
- (ii) At least 50 percent deciduous trees and at least 30 percent evergreen trees;
- (iii) Trees provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;



(iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(v) Groundcover pursuant to SMC 21A.35.080;

(3) Type III Landscaping Screen.

(a) Type III landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;

(b) Type III landscaping shall minimally consist of:

(i) A mix of evergreen and deciduous trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;

(ii) At least 70 percent deciduous trees;

(iii) Trees provided at the rate of one per linear 25 feet of landscape strip and spaced no more than 30 feet apart on center;

(iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(v) Groundcover pursuant to SMC 21A.35.080. (Ord. O2005-175 § 1; Ord. O99-29 § 1)

21A.35.040 Landscaping – Street frontages.

The required width of perimeter landscaping along street frontages shall be provided as follows:

(1) Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;

(2) Ten feet of Type II landscaping shall be provided for an industrial development;

(3) Ten feet of Type II landscaping shall be provided for an above-ground utility facility development, excluding distribution and transmission corridors, located outside a public right-of-way;

(4) Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and

(5) For single-family subdivisions:

(a) Street trees shall be planted per the public works standards. (Ord. O2009-249 § 1; Ord. O2005-175 § 1; Ord. O99-29 § 1)

21A.35.050 Landscaping – Side and rear lot lines.

The required width of perimeter landscaping along the side and rear yard lot lines shall be provided as follows:

(1) Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;

(2) Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned R(1-8), the requirement shall be 10 feet of Type II landscaping;

(3) Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and

(4) Ten feet of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an above-ground utility facility development, excluding distribution or transmission corridors, when located outside a public right-of-way. (Ord. O2019-482 § 1 (Att. A); Ord. O99-29 § 1)



21A.35.055 Landscaping – Drainage facilities.

The landscaping requirements established for detention facilities in the Sammamish Addendum to the King County Surface Water Design Manual are hereby adopted by reference and shall be mandatory for all drainage facilities not located entirely underground. The department shall review and approve proposed landscaping plans subject to the following:

- (1) Revisions to plans or additional landscaping requirements may be required to ensure that the proposed landscaping provides an effective screen and an enhancement to the overall appearance of the facility.
- (2) Trails or walkways shall be incorporated into the landscaping plan.
- (3) Ten feet of Type I landscaping consisting of 100 percent evergreen trees and shrubs shall be required for that portion of the perimeter of detention facilities where the slope of the detention facility exceeds 3H:1V. (Ord. O2016-429 § 5 (Att. E); Ord. O2005-175 § 1; Ord. O2004-155 § 1)

21A.35.060 Landscaping – Surface parking areas.

Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of providing shade and diminishing the visual impacts of large paved areas as follows:

- (1) Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;
- (2) Commercial, industrial, or institutional developments shall provide landscaping at a rate of:
 - (a) Twenty square feet per parking stall when 10 to 30 parking stalls are provided; and
 - (b) Twenty-five square feet per parking stall when 31 or more parking stalls are provided;
- (3) Trees shall be provided and distributed throughout the parking area at a rate of:
 - (a) One tree for every five parking stalls for a commercial or industrial development; and
 - (b) One tree for every 10 parking stalls for residential or institutional development;
- (4) The maximum distance between any parking stall and landscaping shall be no more than 100 feet;
- (5) Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang; and
- (6) Parking area landscaping shall consist of:
 - (a) Bioretention shall be evaluated in accordance with the Surface Water Design Manual to the maximum extent feasible. Vegetated areas within parking area landscaping that function as bioretention for the treatment of storm water runoff shall consist of the following:
 - (i) Trees, shrubs, perennials and groundcovers tolerant of summer drought, ponding fluctuations and saturated soil conditions for prolonged lengths of time anticipated by the facility design and hydrologic conditions.
 - (ii) Plants should be tolerant of typical pollutants from surrounding surfaces, such as petroleum hydrocarbons, dissolved metals, and fertilizers.
 - (iii) Plantings should consist of native plant types; at least 15 percent of the plant palette shall be evergreen. Planting and grading for drainage features should be designed to be integrated aesthetically with the surrounding landscape and urban design elements.
 - (iv) Visual buffering, sight distances and setbacks should be considered for landscaping adjacent to roadways.



(v) The planting and bioretention soil media shall consist of a bioretention soil mix in accordance with the January 2009 WSU Pierce County Extension “Bioretention Soil Mix Review and Recommendations for Western Washington,” or equivalent.

(vi) No plants that are included on the King County noxious weed list.

(b) Other parking area landscaping not devoted to storm water management shall consist of the following:

(i) Canopy-type deciduous trees, evergreen trees, evergreen shrubs and groundcovers planted in islands or strips;

(ii) Shrubs that do not exceed a maintained height of 42 inches;

(iii) Groundcover pursuant to SMC 21A.35.080; and

(iv) At least 50 percent of trees are coniferous.

(c) Plantings contained in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of no less than five feet. (Ord. O2016-429 § 5 (Att. E); Ord. O99-29 § 1)

21A.35.070 Landscaping – General standards for all landscape areas.

All new landscape areas proposed for a development shall be subject to the following provisions:

(1) Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

(2) All new turf areas, except all-weather, sand-based athletic fields, shall:

(a) Be augmented with a two-inch layer of stabilized compost material or a four-inch layer of organic material with a minimum of eight percent organic material cultivated a minimum of six inches deep; or

(b) Have an existing organic content of eight percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:

(i) Determination of soil texture, indicating percentage of organic matter;

(ii) An approximated soil infiltration rate (either measured or derived from soil/texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate; and

(iii) Measure pH value.

(3) Landscape areas, except turf or areas of established groundcover, shall be covered with at least two inches of City-approved mulch to minimize evaporation.

(4) Plants having similar water use characteristics shall be grouped together in distinct hydrozones.

(5) Plant selection shall ~~consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation meeting the requirements of this chapter is required where feasible. use exclusively native plants from the appropriate planting lists provide by the Washington Native Plant Society for the sites geography and climate.~~ (Ord. O2016-429 § 5 (Att. E); Ord. O2009-249 § 1; Ord. O99-29 § 1)

21A.35.080 Landscaping – Additional standards for required landscape areas.

In addition to the general standards of SMC 21A.35.070, landscape areas required pursuant to SMC 21A.35.040 through 21A.35.060 shall conform to the following standards:

(1) All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.



(2) Single-stemmed trees required pursuant to this chapter shall at the time of planting conform to the following standards:

(a) In parking area landscaping and in street rights-of-way:

- (i) Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and
- (ii) Coniferous and broadleaf evergreens shall be at least five feet in height;

(b) In all other required landscape areas:

- (i) Deciduous trees shall have a minimum caliper of 1.5 inches and a height of 10 feet; and
- (ii) Coniferous and broadleaf evergreen trees shall be at least five feet in height.

(3) Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are:

- (a) At least six feet in height; and
- (b) Not allowed within street rights-of-way.

(4) When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.

(5) Shrubs shall be:

- (a) At least an AAN container Class No. 2 size at time of planting in Type II, III and parking area landscaping;
- (b) At least 24 inches in height at the time of planting for Type I landscaping; and
- (c) Maintained at a height not exceeding 42 inches when located in Type III or parking area landscaping.

(6) Groundcovers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.

(7) All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage.

(8) Required street landscaping may be placed within City of Sammamish street rights-of-way subject to the City of Sammamish public works standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

(9) Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.

(10) New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species. (Ord. O99-29 § 1)

21A.35.090 Landscaping – Alternative options.

The following alternative landscape options may be allowed, subject to City approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures, or utilities, would render application of this chapter ineffective or result in scenic view obstruction:

(1) The amount of required landscape area may be reduced to ensure that the total area for required landscaping, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the site. For the purpose of this subsection, the net developable area of the site shall not include areas deemed unbuildable due to their location within sensitive areas and any associated buffers;



- (2) The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
- (a) Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or
 - (b) The landscape materials are incorporated elsewhere on-site;
- (3) In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;
- (4) Landscaping standards for uses located in a rural town or rural business centers designated by the comprehensive plan may be waived or modified by the director if deemed necessary to maintain the historic character of the area. Where a local or subarea plan with design guidelines has been adopted, the director shall base the landscaping modifications on the policies and guidelines of such plan;
- (5) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;
- (6) Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than one and one-half inches;
- (7) The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent, subject to approval by the director, when a development retains existing significant trees within required landscaping areas consistent with the provisions of SMC 21A.35.210, Tree retention requirements;
- (8) The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent when a development uses landscaping materials consisting of species typically associated with the Puget Sound basin in the following proportions:
- (a) Seventy-five percent of groundcover and shrubs; and
 - (b) Fifty percent of trees; and
- (9) The department shall, pursuant to Chapter 2.55 SMC, develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas. (Ord. O2005-175 § 1; Ord. O99-29 § 1)

21A.35.100 Landscaping – Plan design, design review, and installation.

- (1) The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:
- (a) Total landscape area and separate hydrozones;
 - (b) Landscape materials botanical/common name and applicable size;
 - (c) Property lines;
 - (d) Impervious surfaces;
 - (e) Natural or manmade water features or bodies;
 - (f) Existing or proposed structures, fences, and retaining walls;
 - (g) Natural features or vegetation left in natural state; and
 - (h) Designated recreational open space areas.



(2) The proposed landscape plan shall be certified by a Washington State registered landscape architect, ~~Washington State certified nurseryman, or Washington State certified landscaper.~~

(3) An affidavit signed by an individual specified in subsection (2) of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan, shall be submitted to the department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the department.

(4) The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy.

(5) A tree retention plan shall be prepared and submitted separately from the proposed landscape plan; provided, that retained trees counted towards site landscaping may be identified on the landscape plan. The tree retention plan shall:

- (a) Be reviewed by a certified professional to ensure selection of healthy trees pursuant to SMC 21A.35.210(5), Tree retention requirements; and
- (b) Identify trees scheduled for future removal and/or removed within the past year, to the maximum extent feasible. (Ord. O2005-175 § 1; Ord. O99-29 § 1)

21A.35.110 Maintenance.

(1) All landscaping shall be maintained for the life of the project, including water conservation practices for turf grass such as annual aeration and dethatching, top dressing and overseeding;

(2) All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;

(3) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

(4) Landscape areas shall be kept free of trash.

~~(5) All landscaping in a public or private right-of-way along the property frontage shall be maintained by the property owner or owner's association in accordance with the public works standards.~~ (Ord. O99-29 § 1)

21A.35.120 Financial guarantees.

Financial guarantees shall be required consistent with the provisions of SMC Title 27A. This time period may be extended to one year by the director, if necessary to cover a planting and growing season. (Ord. O99-29 § 1)

21A.37.270 Tree protection standards.

(5) Protection Measures. To ensure long-term viability of trees identified for protection, permit plans and construction activities shall comply with the following minimum required tree protection:

- (a) All minimum required tree protection measures shall be shown on the tree protection and replacement plan.
- (b) Tree protection barriers shall be installed five feet beyond the drip line of significant trees to be protected prior to any land disturbance.
- (c) Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or other material, subject to approval by the director. On large or multiple-project sites, the director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
- (d) Where tree protection areas are remote from areas of land disturbance, and where approved by the director, alternative forms of tree protection may be used in lieu of tree protection barriers, provided that protected trees



are completely surrounded with continuous rope or flagging and are accompanied by “Tree Save Area – Keep Out” signs.

(e) Native understory trees, shrubs and other vegetation shall be protected within the designated tree protection area.

(6) Preventative Measures. In addition to the above minimum protection measures, the applicant shall provide a plan from a certified arborist to the City to support the protection measures by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree with the permit application for all protected trees within 50’ of planned construction activities. For best management practices that require action they shall be implemented at least 3 months prior to the start of construction:

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

(7) Alternative Methods. The director may approve the use of alternative tree protection and/or preventative techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above. (Ord. O2015-395 § 3 (Att. A))

21A.50.070 Exceptions.

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

(1) Public Agency and Utility Exception. If the application of this chapter would prohibit an activity or a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this section:

- (a) The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
- (b) The director may approve alterations to critical areas, buffers and critical area setbacks by an agency or utility not otherwise allowed by this chapter when the following criteria are met:
 - (i) There is no other reasonable alternative to the activity or proposed development with less impact on the critical area; and
 - (ii) The activity or development proposal is designed to avoid, minimize, and mitigate the impact on environmentally critical areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and, if applicable:
 - (iii) The proposed development or activity is of a linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.
- (c) The department shall process exceptions, provide public notice, provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of Chapter 20.05 SMC.



(2) Reasonable Use Exception. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

(a) The director may approve alterations to critical areas, critical area buffers and setbacks to allow a reasonable use not otherwise allowed by this chapter when the following criteria are met:

(i) The application of this chapter would deny all reasonable use of the property;

(ii) There is no other reasonable economic use with less impact on the critical area;

(iii) The proposed development does not pose an unreasonable threat to the environment or public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

(iv) Any alterations permitted to the critical area or buffer shall be the minimum necessary to allow for reasonable use of the property and the project design must follow mitigation sequencing as outlined in SMC 21A.50.135 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. (Ord. O2016-410 § 1 (Att. A); Ord. O2013-350 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)

(v) The lack of a reasonable economic use alternative is not the result of actions taken by the applicant after December 31, 2021.

(b) The following must be submitted with a request for a reasonable use exception:

(i) A critical area report from a qualified professional detailing how the project has been designed to avoid and minimize impacts to the critical area and buffer. The report shall detail the anticipated impact on the critical area and buffer along with specific mitigation measures that may include restoration of previously impacted critical area.

(ii) A site plan showing the critical area, buffer, natural features, topography, and proposed development area.

(iii) A proposed monitoring plan for a minimum of five years including submittal of an annual report the City outlining how proposed mitigation measures are functioning such as plantings.

(iv) The applicant shall submit a detailed review of the permitted uses allowed in the underlying zoning district with supporting information explaining why all other permitted uses that may have less impact on the critical area and buffer are not feasible.

(c) Development Limitations in R- zones.

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

21A.50.132 Recording Residential Site Plans and Notices on Title

For 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 in the King County land 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.



In addition to recording the site plan and supporting information a notice of title must be filed with King County noting the presence of critical areas and/or buffers for future property owners. Applicants must provide proof to the City of Sammamish that the Notice of Title has been recorded to be documented in City records.

21A.50.220 Erosion hazard areas – Development standards and permitted alterations.

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

(a) 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:

(i) The minimum requirements from the adopted surface water design manual and SMC Title 13, Surface Water Management:

(A) Provisions to store site construction runoff and treat runoff sufficiently to meet water quality standards prior to discharge;

(B) Daily and post-storm inspections of temporary erosion and sediment control best management practices;

(C) Establishment of a manager, who is a Certified Erosion and Sediment Control Lead (CESCL) in the state of Washington, and will be available on call to respond to temporary erosion and sediment control noncompliance;

(D) A water-quality monitoring plan for site discharges, where the applicant is responsible for measuring turbidity of storm water released from the site and maintaining records of monitoring data that shall be available upon request by the City or Ecology. Monitoring protocols shall conform to the monitoring requirements of the construction storm water general permit;

(E) A contingency plan incorporated into the temporary erosion and sediment control plan that identifies corrective actions and BMPs that will be implemented if monitoring shows discharge water quality exceeds water quality standards, and that specifies materials to be stockpiled on site for use in an erosion and sediment control response;

(F) A seasonal suspension plan for suspending work until the end of the rainy season if temporary erosion and sediment control measures are found to be inadequate;

(ii) Pre-design site inspection by a licensed engineer or geologist to identify erosion hazard areas, no-disturbance areas, other environmentally critical areas, and resources downstream of the site that are to be protected;

(iii) Construction storm water systems and temporary erosion and sediment control best management practices are to be sized for a minimum of a 10-year storm interval;

(iv) The owner must provide a financial guarantee in accordance with Chapter 27A.15 SMC, and in an amount sufficient to cover all costs of implementing the approved temporary erosion and sediment control plan, monitoring site discharges, permanently stabilizing the site, and restoring any off-site impacts, including materials, labor, and City costs, and include a mechanism allowing the City to use the financial guarantee if the development is stalled or not completed;

(v) Preparation and implementation of site grading, stabilization, and restoration plans by a licensed engineer, with certification by a geotechnical engineer that these plans are sufficient to prevent erosion and sedimentation of susceptible soils; and



- (vi) Preparation of a vegetation management plan by a qualified professional for establishment of permanent vegetation on the site following completion of clearing and grading work.
 - (b) In addition to the requirements of subsection (1)(a) of this section, the director may require additional studies of the site hydrology, soils and storm water retention, and may also require grading, structural improvements, erosion control measures, restoration plans, and/or an indemnification/release agreement.
 - (c) Timber harvest may be allowed pursuant to an approved forest practice Type II and III permit issued by the Washington Department of Natural Resources.
 - (d) Construction activity associated with subdivisions, short subdivisions, and similar projects that drain to Lake Sammamish during the wet season shall provide water quality monitoring reports to the City consistent with SMC 21A.50.225(5)(g), and shall include monitoring of water temperature.
 - (e) The director may halt wet season construction as necessary to protect the hazard area and/or to prevent downstream impacts.
- (2) All development proposals on sites containing erosion hazard areas shall include a temporary erosion and sediment control plan as specified in subsection (1)(a) of this section consistent with this section and other laws and regulations prior to receiving approval. Specific requirements for such plans shall be set forth in the adopted surface water design manual and SMC Title 13, Surface Water Management, or as otherwise specified by the department.
- (3) All subdivisions, short subdivisions, or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
- (a) ~~Except as provided in this section, e~~Existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
 - (b) If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to the department for review and approval. Following approval, the applicant shall be required to implement the plan;
 - (c) ~~Clearing of vegetation on lots will not be allowed unless the City determines that:~~
 - (i) ~~Such clearing is a necessary part of a large scale grading plan;~~
 - (ii) ~~It is not a reasonable alternative to perform such grading on an individual lot basis; and~~
 - (iii) ~~Drainage from the graded area will meet water quality standards to be established by the adopted surface water design manual and SMC Title 13, Surface Water Management.~~
- (4) Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site as required by the adopted surface water design manual and City of Sammamish addendum. If the project does not meet the applicable provisions of the adopted water quality standards as established by law, the City may suspend further development work on the site until such standards are met.
- (5) The use of hazardous substances, pesticides, and fertilizers in erosion hazard areas may be prohibited by the City. (Ord. O2016-410 § 1 (Att. A); Ord. O2013-350 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O99-29 § 1)



Chapter 21A.60

DEVELOPMENT STANDARDS – ADEQUACY OF PUBLIC FACILITIES AND SERVICES

21A.60.010 Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

- (1) Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
- (2) Allocating the cost of those facilities and services fairly; and
- (3) Providing a general framework for relating development standards and other requirements of this code to:
 - (a) Adopted service level standards for public facilities and services;
 - (b) Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
 - (c) The review of development permit applications. (Ord. O99-29 § 1)

21A.60.020 General requirements.

(1) All new development proposals including any use, activity, or structure allowed by Chapter 21A.20 SMC that requires City approval shall be adequately served by the following facilities and services prior to the time of occupancy, recording, or other land use approval, as further specified in this chapter:

- (a) Sewage disposal;
- (b) Water supply;
- (c) Surface water management;
- (d) Streets and access;
- (e) Fire protection service; and
- (f) Schools.

(2) All new development proposals and those that exceed 50% of the assessed value of improvements for building permits, plats, short plats, and lot line adjustments, ~~which will be served by a sewer or water district,~~ shall include a certificate of water availability and/or certificate of sewer availability to demonstrate compliance with this chapter and other provisions of the SMC, the City of Sammamish interim comprehensive plan, and the Growth Management Act. If water or sewer is not available from a water or sewer district the applicant shall provide verification from a water and sewer district along with information on when availability is expected in the future. Alternatives to public water and sewer service will be considered only if service from a water and sewer district is not available as defined in WAC 246-272A-0025.

(3) Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal. (Ord. O99-29 § 1)

(4) All plats, short plats, and binding site plans must be connected to public sewer and water.



(5) On-site sewage systems are prohibited in geological hazard areas including landslide and erosion hazard areas.

(6) Development of parcels in the Tamarack and Inglewood plats shall comply with all provisions of this section and ensure adequate facilities both during and following construction. All facilities shall be maintained to their built condition for the life of the project. Applicants must demonstrate to the satisfaction of the City that there is adequate vehicle and pedestrian access, adequate access for fire and life safety, connecting to sewer where feasible, when a septic system is required planning for the design early in the project, adequacy of construction access and staging, and the adequacy of stormwater facilities to minimize erosion during and following construction.

21A.60.030 Adequate sewage disposal.

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

(1) A public sewage disposal system is adequate for a development proposal provided that:

(a) For the issuance of a building permit, preliminary plat or short plat approval, or other land use approval, the site of the proposed development is or can be served by an existing disposal system consistent with the adopted sewer system plans of the Plateau water and sewer district and the Northeast Sammamish water and sewer district, and the disposal system has been approved by the department as being consistent with applicable state and local design and operating guidelines;

(b) For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection (1)(a) of this section is installed to serve each building or lot;

(c) For recording a final plat, final short plat, or binding site plan, the approved public sewage disposal system set forth in subsection (1)(a) of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the City of Sammamish for the future installation of an adequate sewage disposal system. The bond may be assigned to a purveyor to assure the construction of such facilities within two years of recording;

(d) For a zone reclassification, the timing of installation of required sewerage improvements shall be contained in the approving ordinance; and

(2) A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the King County department of public health as to lot size, soils, and system design prior to issuance of a certificate of occupancy for a building or change of use permit. (Ord. O99-29 § 1)

21A.60.050 Surface water management.

All new development shall be served by an adequate surface water management system that is properly maintained as follows:

(1) The proposed system is adequate if the development proposal site is served by a surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the King County surface water design manual and KCC Title 9 as adopted by SMC Title 13;

(2) For a subdivision or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the City of Sammamish; and

(3) A variance request from the requirements of the King County surface water design manual and KCC Title 9 as adopted by SMC Title 13 shall be reviewed as set forth in KCC 9.04.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 21A.25 through 21A.65 SMC. (Ord. O99-29 § 1)

(4) All surface water management facilities shall be adequately maintained to the built condition and in accordance with all approved permits for the life of the development.



21A.50.160 Vegetation management plan.

(1) For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with an alteration. The plan shall address vegetation preservation both during and after construction is complete. All critical areas and buffers shall be maintained in perpetuity and failure to maintain critical areas and buffers in their natural state is considered a violation and subject to enforcement by the City.

(2) The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a critical area or its buffer is proposed to be disturbed.

(3) Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices that demonstrates how all critical areas will be protected in accordance with the provisions of this chapter.

(4) Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.

(5) The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.

(6) Submittal requirements for vegetation management plans shall be set forth by the department. (Ord. O2016-410 § 1 (Att. A); Ord. O2013-350 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O99-29 § 1)

21A.50.170 Critical area markers, signs and fencing.

(1) Markers. Permanent survey stakes delineating the boundary between adjoining property and critical area tracts shall be set, using markers capable of being magnetically located and as established by current survey standards.

(2) Signs. Development proposals approved by the City shall require that the boundary between a critical area buffer and contiguous land shall be identified with permanent signs. Permanent signs shall be a City-approved type designed for high durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner or homeowners' association in perpetuity. The wording, number and placement of the signs may be modified by the director based on specific site conditions.

(3) Fencing. Permanent fencing shall be required at the outer edge of the critical area buffer under the following circumstances:

(a) As part of any development proposal for:

(i) Plats;

(ii) Short plats;

(iii) Parks;

(iv) Other development proposals, including but not limited to multifamily, mixed use, and commercial development where the director determines that such fencing is necessary to protect the functions of the critical area;

(b) When buffer reductions are employed as part of a development proposal;

(c) When buffer averaging is employed as part of a development proposal; and

(d) At the director's discretion to protect the values and functions of a critical area.

Fencing installed in accordance with this section shall be designed to not interfere with fish and wildlife migration and shall be constructed in a manner that minimizes critical areas impacts. (Ord. O2016-410 § 1 (Att. A); Ord. O2013-350 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O99-29 § 1)



21A.67 Development Standards – Civic Uses

21A.67.010 Purpose.

The purpose of this section is to establish standards for the development of civic uses such as schools, churches, community centers, and other similar uses in the R- zones to ensure compatibility with residential development. Civic uses should be designed to minimize impacts on residential neighborhoods from noise, light, visual impacts, and vehicle traffic.

21A.67.020 Design Standards

- (1) **Setbacks and Buffers.** A buffer is required along side and rear property lines that are adjacent to existing or future residential development. The buffer shall include the preservation of mature trees where present. If mature trees are not present the buffer shall be landscaped to provide a year-round visual barrier between the school and adjacent residential development. Unless mature forest is used for the buffer it must meet the requirements for Type I landscaping as outlined in 21A.35.030.
- (2) **Lighting.** All lighting shall be designed to minimize light glare on adjacent properties. Parking lots shall not be located within 100’ of side and rear lot lines where there is existing or potential for future residential development.
- (3) **Noise.** Civic uses shall be designed to minimize noise impacts on adjacent residential properties including locating activities that are likely to produce more noise away from adjacent properties, the use of mature trees, landscaping and other features to minimize noise transfer across properties and using existing topography to minimize sound travel. The City may require a noise impact study by a qualified professional to understand potential impacts and mitigation.
- (4) **Vehicle Access.** Access to civic uses shall be from the principal street or arterial unless and shall only be from local residential streets when other options are not available. Access shall be located and designed to minimize the concentration of vehicle traffic on local residential streets.
- (5) **Non-Motorized Connections.** Civic uses shall be designed for multiple non-motorized connections to adjacent streets and neighborhoods where feasible. The purpose of the connections is to provide easy access for people walking, biking, or rolling.

21A.70.010 Purpose.

The purposes of this chapter are to:

- (1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;
- (2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use;
- (3) Provide a permitting process and standards for homeless encampments for homeless persons, consistent with state laws; and
- (4) Encourage the adaptive re-use of existing public facilities that will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
 - (a) Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;
 - (b) Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or



(c) Permanent re-use of historic structures listed on the National Register or designated as county landmarks. (Ord. O2014-372 § 3; Ord. O99-29 § 1)

21A.70.020 Nonconformance – Applicability.

(1) All nonconformances except nonconforming uses and improvements related to the provisions of Chapter 21A.50 SMC shall be subject to the provisions of this chapter.

(2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:

(a) The requirements of the Uniform Building and Fire Codes; or

(b) The provisions of this code beyond the specific nonconformance addressed by this chapter. (Ord. O2013-350 § 1 (Att. A); Ord. O99-29 § 1)

21A.70.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.

Once created pursuant to SMC 21A.15.800, a nonconformance may be continued in a manner consistent with the provisions of this chapter. However, nonconformance status is forfeited if the nonconformance is discontinued beyond the provisions of SMC 21A.70.050 unless the structure is a historic landmark or resource and is being restored or reconstructed. Once nonconformance status is forfeited, the nonconformance shall not be re-established. (Ord. O99-29 § 1)

21A.70.040 Nonconformance – Abatement of illegal use, structure or development.

Any use, structure or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of SMC Title 23. (Ord. O99-29 § 1)

21A.70.050 Nonconformance – Re-establishment of ~~discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.~~

A nonconforming ~~use that has been discontinued or a nonconforming~~ structure or site improvement that has been damaged or destroyed may be re-established or reconstructed if:

(1) The ~~damage to the nonconforming structure is less than 50% of the current market value from a professional appraisal and the nonconformity~~ nonconforming use, structure, or site improvement that previously existed is not expanded; All expansions of nonconforming structures must meet the current code requirements, including setbacks, unless a variance is obtained.

(2) A new nonconformance is not created; and

(3) A nonconforming structure that is damaged or destroyed such that it exceeds 50% of the value of the structure may only be reconstructed if the reconstruction complies with all code requirements. Single-family homes are exempt from this restriction and may be reconstructed if the nonconformity is not expanded.

~~(3) The use has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a complete permit application submitted to the department within 12 months of the occurrence of damage or destruction.~~ (Ord. O99-29 § 1)

21A.70.060 Nonconformance – Modifications, expansions, and alterations ~~to nonconforming use, structure, or site improvement.~~

Modifications to a ~~nonconforming use, structure, or site improvement~~ nonconformity may be reviewed and approved by the department with appeals to the Hearing Examiner pursuant to the code compliance review process of SMC 21A.100.010 provided that:

(1) The modification or expansion complies with all code requirements and does not expand any existing nonconformance or the degree of nonconformity; and

(2) The modification or alternations does not create a new type of nonconformance.

(3) The alternation constitutes normal and routine maintenance or is intended to correct a nonconformity



-(Ord. O99-29 § 1)

21A.70.070 Nonconforming Uses.

- (1) Nonconforming uses may not be changed to another nonconforming use. When all or part of a nonconforming use is changed to a permitted use it may not be changed back to a nonconforming use.
- (2) If a structure containing a nonconforming use is damaged or destroyed, and the cause was not due to actions by the owner, it may be reestablished by obtaining a building permit and commencing construction within 12 months from the date the damage occurred. The reestablished nonconforming use may not exceed the existing building square footage or create a new nonconformity. If the nonconforming use is a nonconforming structure, then the reconstruction must comply with 21A.70.050.
- (3) A nonconforming use that has been discontinued for more than 12 months in whole or part may not be reestablished. Active listing of a vacant space with a nonconforming use qualifies for maintain the nonconforming use.
- (4) A nonconforming use may be expanded up to 10% or 500 square feet, whichever is less if all the following are met:
 - (a) The expansion complies with all code requirement except the nonconforming use expansion.
 - (b) The director determines the expansion is necessary for continued operation of the nonconforming use such as fire, building, or public health codes.

~~**21A.70.070 Nonconformance—Expansions of nonconforming uses, structures, or site improvements.**~~

~~A nonconforming use, structure, or site improvement may be expanded as follows:~~

~~(1) The department may review and approve, pursuant to the code compliance process of SMC 21A.100.010, an expansion of a nonconformance provided that:~~

~~(a) The expansion shall conform to all other provisions of this title, except that the extent of the project wide nonconformance in each of the following may be increased up to 10 percent:~~

- ~~(i) Building square footage;~~
- ~~(ii) Impervious surface;~~
- ~~(iii) Parking; or~~
- ~~(iv) Building height.~~

~~(b) No subsequent expansion of the same nonconformance shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (1)(a) of this section.~~

~~(2) A special use permit shall be required for expansions of a nonconformance within a development authorized by an existing special use or unclassified use permit if the expansions are not consistent with the provisions of subsection (1) of this section.~~

~~(3) A conditional use permit shall be required for expansions of a nonconformance:~~

- ~~(a) Within a development authorized by an existing planned unit development approval; or~~
- ~~(b) Not consistent with the provisions of subsections (1) and (2) of this section. (Ord. O99-29 § 1)~~



~~**21A.70.080 Nonconformance – Required findings.**~~

~~Modifications or expansions approved by the department shall be based on written findings that the proposed modification or expansion of a nonconformance located within a development governed by an existing conditional use permit, special use permit, unclassified use permit, or planned unit development shall provide the same level of protection for and compatibility with adjacent land uses as the original land use permit approval. (Ord. 099-29 § 1)~~

~~**21A.70.090 Nonconformance – Residences.**~~

~~Any residence nonconforming relative to use may be expanded, after review and approval through the code compliance process set forth in SMC 21A.100.010, subject to all other applicable codes besides those set forth in this chapter for nonconformances. (Ord. 099-29 § 1)~~

21A.100.150 Modifications and expansions – Uses or development authorized by existing conditional use, special use, or unclassified use permits including conditional uses that have not been subject to full conditional use review.

(1) The department may review and approve, pursuant to the code compliance process of SMC 21A.100.010, an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit provided that:

(a) The expansion shall conform to all provisions of this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to 10 percent. Expansions beyond 10% of any of the following shall require full conditional use review for conditional uses:

- (i) Building square footage;
- (ii) Impervious surface;
- (iii) Parking; or
- (iv) Building height.

(b) No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (1)(a) of this section.

(2) A conditional use permit shall be required for expansions within a use or development authorized by an existing conditional use permit if the expansions are not consistent with the provisions of subsection (1) of this section.

(3) A special use permit shall be required for expansions within a use or development authorized by an existing special use or unclassified use permit, if the expansions to either permit are not consistent with the provisions of subsection (1) of this section.

(4) This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in SMC 21A.55.130 or to modifications or expansions of nonconformances, the provisions for which are set forth in SMC 21A.70.070. (Ord. 099-29 § 1)