AGENDA
Planning Commission Special Meeting
6:30 PM - Thursday, January 31, 2019
City Hall Council Chambers, Sammamish, WA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

1. Minutes
   January 17, 2019 Meeting Minutes

   View Meeting Minutes

PUBLIC COMMENT - NON AGENDA

3 minutes per person / 5 minutes if representing an organization

OLD BUSINESS
Planning Commission Public Hearing on Draft Permanent Development Regulations

2. Planning Commission Public Hearing on Draft Permanent Development Regulations
   View Agenda Item

NEW BUSINESS

PUBLIC COMMENT - AGENDA

7 minutes per person

ADJOURNMENT
Note: This is an opportunity for the public to address the Planning Commission. For non-agenda items, three (3) minutes are granted per person, or five (5) minutes if representing the official position of a recognized community organization. Seven (7) minutes are granted per person for agenda items.

If you are submitting written material, please supply 8 copies (7 for Planning Commission; 1 for the record). If you would like to show a video or PowerPoint, it must be submitted or emailed by 5pm the day of the meeting to Sara Estiri at SEstiri@sammamish.us. Please be aware that Planning Commission meetings are videotaped and available to the public.

The City of Sammamish Planning Commission is appointed and is the advisory board to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Planning Commissioners are selected to represent all areas of the City and as many "walks of life" as possible. The actions of the Planning Commission are not final decisions; they are in the form of recommendations to City Council who must ultimately make the final decision.

THE COMMISSION MAY ADD OR TAKE ACTIONS ON ITEMS NOT LISTED ON THIS AGENDA.

Planning Commission meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request.

Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.
MINUTES
Planning Commission Special Meeting
5:00 PM - January 17, 2019
City Hall Council Chambers, Sammamish, WA

Commissioners Present:
Chair Shanna Collins, Planning Commissioner, Position 3
Vice Chair Larry Crandall, Planning Commissioner, Position 4
Eric Brooks, Planning Commissioner, Position 1
Roisin O'Farrell, Planning Commissioner, Position 2
Mark Baughman, Planning Commissioner, Position 6
Rituja Indapure, Planning Commissioner, Position 7

Commissioners Absent:

Staff Present:
Director of Community Development Jeff Thomas
Deputy Director of Community Development David Pyle
Management Analyst Sara Estiri

CALL TO ORDER
Chair Collins called the Sammamish Planning Commission meeting to order at 5:00 PM.

ROLL CALL
Roll was called.

APPROVAL OF AGENDA
MOTION: Vice Chair Larry Crandall moved to approve the January 17, 2019 meeting agenda as distributed. Mark Baughman seconded. Motion carried unanimously 5-0 with Eric Brooks absent.

APPROVAL OF THE MINUTES
January 3, 2019 Meeting Minutes
MOTION: Rituja Indapure moved to approve the minutes as distributed. Vice Chair Larry Crandall seconded. Motion carried unanimously 5-0 with Eric Brooks absent.

PUBLIC COMMENT - NON AGENDA
Mary Wictor – 408 208th Ave NE
Topic: Planning Commission meeting recommendations
OLD BUSINESS

Development Regulations Update Workshop #4

Jeff Thomas, Director of Community Development, and David Pyle, Deputy Director of Community Development, presented an overview of the draft development code language to the Planning Commission and answered questions regarding this subject.

PUBLIC COMMENT - AGENDA

Mary Wictor – 408 208th Ave NE
Topic: Interim Development Regulations

Gina Clark, Master Builder Assoc. – 335 116 Ave NE, Bellevue
Topic: Interim Development Regulations

ADJOURNMENT

MOTION: Vice Chair Larry Crandall moved to adjourn. Roisin O'Farrell seconded. Motion carried unanimously 6-0.

The meeting adjourned at 7:21 PM
**Agenda Bill**  
**Planning Commission Special Meeting**  
**January 31, 2019**

<table>
<thead>
<tr>
<th>SUBJECT:</th>
<th>Planning Commission Public Hearing on Draft Permanent Development Regulations</th>
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<tbody>
<tr>
<td>DATE SUBMITTED:</td>
<td>January 23, 2019</td>
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<tr>
<td>DEPARTMENT:</td>
<td>Community Development</td>
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<td>NEEDED FROM COMMISSION:</td>
<td>☑ Action ☐ Direction ☐ Informational</td>
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<td>RECOMMENDATION:</td>
<td>Review final changes made to draft permanent development regulations, hold public hearing, deliberate on draft regulations, and vote on a recommendation to the City Council.</td>
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<td>EXHIBITS:</td>
<td>Exhibit 1 – Draft Proposed Permanent Development Regulations</td>
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<td>☐ Transportation</td>
<td>☐ Community Safety</td>
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<td>☐ Communication &amp; Engagement</td>
<td>☑ Community Livability</td>
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<td>☐ High Performing Government</td>
<td>☐ Culture &amp; Recreation</td>
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<td>☑ Environmental Health &amp; Protection</td>
<td>☐ Financial Sustainability</td>
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**NEEDED FROM COMMISSION:**
At the January 31, 2019 Planning Commission meeting the Commission will be asked to review final changes made to draft permanent development regulations as requested at the January 17, 2019 meeting, hold a required public hearing, deliberate on the proposed permanent draft regulations, and vote on a recommendation to the City Council. The City Council is then scheduled to hold a meeting on February 4, 2019 to discuss this subject and the Planning Commission recommendation.

**KEY FACTS AND INFORMATION SUMMARY:**
Summary Statement
Four workshops have been held by the Planning Commission on proposed changes to the City’s development regulations. The Commission has discussed alternatives, selected options to be included for consideration, and directed staff to draft code language. On January 17, 2019 the Commission concluded review of the draft code language presented by staff, identified items to be included in future code updates (such as the concepts of daylight plane and building segments), and asked for final adjustments to be made to the draft code in preparation for the January 31, 2019 public hearing.

Background
For additional background information, please see Planning Commission Meeting Agendas for October 4, 2018; December 13, 2018; January 3, 2019; and January 17, 2019.

“Mass Grading” means the movement or redistribution of large quantities of earth over large areas.

SMC 16.15.050 Clearing and grading permit required – Exceptions.

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

(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 five feet after the completion of such structure;

(2) Maintenance of existing driveways or private access roads 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 tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH;

(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 five 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.

... 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) No mass grading shall be allowed and alterations to existing grade shall be minimized. Excavation shall not exceed ten feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; engineered fill may be approved in exceptional circumstances by the Director to exceed five feet. In no instance shall fill exceed a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized undulations or variations in existing topography. The excavation and fill limitations of this part shall not apply to road construction or necessary underground infrastructure and structures that do not change the surface elevation (e.g. vaults, utility trenches, foundations, basements, etc.).

(b) Garages on sites sloping uphill shall be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street.

(c) 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.
(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

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

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

(m) 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.

(n) 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.

(o) 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.

(p) Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m.

... Chapter 21A.15

TECHNICAL TERMS AND LAND USE DEFINITIONS

... 21A.15.350 Dwelling unit, attached accessory.

“Dwelling unit, attached accessory” means a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling.

...
21A.15.351 Dwelling unit, detached accessory.

“Dwelling unit, detached accessory” means a separate, complete dwelling unit contained within a separate structure that is accessory to the primary dwelling unit on the premises.

...

21A.15.428 Existing grade.

“Existing grade” means the existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the Director, be determined by a topographic survey or soil sampling.

...

21A.15.726 Lot coverage.

“Lot coverage” is the amount of a lot that a building footprint may cover. Lot coverage is expressed as a percent of the total lot area that a building or buildings may cover; for example, a 45 percent lot coverage standard indicates that 45 percent of the area of a lot may be covered by a building or combination of buildings.

...

21A.15.726.1 Lot Line, front yard.

“Lot Line, front yard” means the property boundary or property line abutting a street right-of-way. For property that does not abut a street right-of-way and abuts an access easement or private street the front yard is that property boundary or property line from which the lot gains primary access.

...

21A.15.727 Lot line, rear yard.

“Lot line, rear yard” means the property boundary or property line opposite the front yard lot line. Provided, lots with more than one front yard, or triangular shaped lots with three sides, shall have no rear yard lot line.

...

21A.15.728 Lot line, side yard.

“Lot line, side yard” means the property boundary or property line that delineate the property boundaries along the side portion of the property.
... 21A.15.1070 Setback.

“Setback” means the minimum required distance between a structure or a building and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures or buildings. (Ord. O2013-350 § 1 (Att. A); Ord. O2003-132 § 10)

...

21A.15.1071 Setback, structure.

“Setback, structure” means the minimum required distance between a structure and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures or buildings.

...

21A.15.1072 Setback, single detached dwelling unit

“Setback, single detached dwelling unit” means the minimum required distance between a single detached dwelling unit and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures.

...

21A.15.1073 Setback, detached accessory dwelling unit

“Setback, detached accessory dwelling unit” means the minimum required distance between a detached accessory dwelling unit and a specified line such as a property line, lot line, access easement line, or buffer line that is required to remain free of structures.

...

A. Residential Zones.

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#### 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 Title 19A SMC 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 SMC 21A.25.030(A) with no individual lot having a street frontage or front yard abutting the street of less than 20 ft.

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 (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 façade 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.

21. Reduction of minimum rear yard and/or side yard setbacks shall be granted when agreement with the adjoining affected property owner(s) of a parcel under separate ownership has been reached resulting in an executed agreement including an approved site plan consenting to a reduction of setback. The agreement shall be recorded prior to permit issuance with King County Records. The agreement shall reference the parcel number 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 non-conformance with adopted Construction Codes.

22. Applies to all structures and buildings unless modified for Primary Single Detached Dwelling Units or Detached Accessory Dwelling Units.
23. 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 SF
   Front Setback - Not less than 15 ft (20 ft minimum for garages)
   Side Setback - An average of 7 ft but at no point less than 5 ft
   Rear Setback - An average of 15 ft but at no point less than 8 ft

b. For single family homes between 2,500 SF and 4,000 SF
   Front Setback - Not less than 20 ft
   Side Setback - An average of 9 ft but at no point less than 8 ft
   Rear Setback - An average of 20 ft but at no point less than 12 ft

b. For single family homes greater than 4,000 SF
   Front Setback - Not less than 25 ft
   Side Setback - An average of 12 ft but at no point less than 10 ft
   Rear Setback - An average of 25 ft but at no point less than 15 ft

24. 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 SF
   Front Setback - Not less than 15 ft (20 ft minimum for garages)
   Side Setback - An average of 7 ft but at no point less than 5 ft
   Rear Setback - An average of 15 ft but at no point less than 8 ft

b. For single family homes between 2,500 SF and 4,000 SF
   Front Setback - Not less than 15 ft (20 ft minimum for garages)
   Side Setback - An average of 9 ft but at no point less than 8 ft
   Rear Setback - An average of 20 ft but at no point less than 12 ft

c. For single family homes greater than 4,000 SF
   Front Setback - Not less than 20 ft
   Side Setback - An average of 12 ft but at no point less than 10 ft
   Rear Setback - An average of 25 ft but at no point less than 15 ft

25. The front yard setback along any Arterial Streets shall be 30 feet.

26. Side yard setbacks shall be a minimum of 10 feet when the abutting property is zoned R-1, R-4, or R-6.
27. 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.

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**21A.25.040 Densities and dimensions – Commercial zones.**

A. Commercial Zones.

<table>
<thead>
<tr>
<th>ZONES</th>
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<td>COMMUNITY BUSINESS</td>
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<td>CB</td>
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<tr>
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<td>Maximum Structure Height (7)</td>
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<td>45 ft</td>
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B. Development Conditions.

1. These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

2. Gas station pump islands shall be placed no closer than 25 feet to street front lines.

3. This maximum structure height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

4. Required on property lines adjoining residential zones.

5. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.

6. The floor/lot ratio for mixed use developments shall conform to Chapter 21A.30 SMC.

7. Height limits may be increased when portions of the structure or building which exceed the maximum structure height limit provide one additional foot of front, rear, and side yard setback for each foot above the maximum structure height limit, provided the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving.
ranges are exempt from this additional setback requirement; provided, that the maximum height shall not exceed 75 feet.

8. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

9. Subject to the increase in maximum height permitted pursuant to SMC 21A.30.020, preferred low impact development incentives.

...  

21A.25.050 Measurement methods.

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

(1) Front yard setbacks shall be measured from the property line or lot line of an existing edge of a street right-of-way or temporary turnaround, except as provided by SMC 21A.25.170;

(2) Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement shall not be included within the circle;

(3) Structure height shall be measured from the average existing grade of land prior to any cuts and fills or other disturbances associated with the proposed project to the highest point of the structure or roof. The average existing grade shall be determined by first delineating the smallest square or rectangle that can enclose the structure or building and then averaging the existing grade elevations taken at the midpoint of each side of the square or rectangle.

(4) Lot area shall be the total horizontal land area contained within the boundaries of a lot; and

(5) Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, surface water flow control, or water quality treatment facilities.

...

21A.25.070 Calculations – Allowable dwelling units, lots or floor area, lot coverage.

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

(1) The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in SMC 21A.25.080 by the applicable residential base density number;

(2) The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by Chapter 21A.80 SMC to the base units computed under subsection (1) of this section;
(3) The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in SMC 21A.25.080; and

(4) The allowed lot coverage shall be computed by dividing the total building footprint area by the total lot area. The total building footprint area is computed by adding the horizontal land area covered by a building or combination of buildings on the subject lot. The total building footprint does not include building eaves of up to 18 inches; for eaves and overhangs greater than 18 inches, that portion of the eaves and overhangs that extends beyond 18 inches shall count toward the building footprint.

(5) When calculations other than density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(a) Fractions of 0.51 or above shall be rounded up; and

(b) Fractions of .50 or below shall be rounded down; and

(c) For the purpose of the application of this part, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 2.50823 is truncated to 2.50.

(6) When density calculations result in a fraction:

(a) For multi-family and attached dwelling projects located in the R-8, R-12, R-18, NB, CB, or O zones with density calculations resulting in a fraction, the fraction shall be rounded to the nearest whole number as follows:

i. Fractions of 0.51 or above shall be rounded up; and

ii. Fractions of 0.50 or below shall be rounded down.

(b) For subdivision proposals with density calculations resulting in 10 or more whole units of density before rounding fractions, the fraction shall be rounded to the nearest whole number as follows:

i. Calculations resulting in fractions of whole units equaling .51 or greater shall round up. For example, a subdivision proposal with a density calculation resulting 11.52 would result in 12 units. A subdivision proposal with a density calculation resulting 11.50 would result in 11 units. A subdivision proposal resulting in a density calculation of less than 10 units of density before rounding fractions (e.g. 9.56) is not eligible for rounding under this section. See Item c below.

ii. Calculations resulting in fractions of whole units equaling .50 or less shall round down. For example, a subdivision proposal with a density calculation resulting 11.52 would result in 12 units. A subdivision proposal with a density calculation resulting 11.50

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would result in 11 units. A subdivision proposal resulting in a density calculation of less than 10 units of density before rounding fractions (e.g. 9.56) is not eligible for rounding under this section. See Item c below.

(c) For subdivision proposals with density calculations resulting in 9 or fewer whole units of density before rounding fractions, the fraction shall be rounded to the nearest whole number as follows:

i. Calculations resulting in fractions of whole units equaling .71 or greater shall round up. For example, a subdivision proposal with a density calculation resulting 4.71 would result in 5 units. A subdivision proposal with a density calculation resulting 4.69 would result in 4 units.

ii. Calculations resulting in fractions of whole units equaling .70 or less shall round down. For example, a subdivision proposal with a density calculation resulting 4.71 would result in 5 units. A subdivision proposal with a density calculation resulting 4.69 would result in 4 units.

(d) For subdivision proposals with density calculations resulting in fractions and where the project design utilizes townhomes or duplexes for at least 25% of the total project units, the fraction shall be rounded to the nearest whole number as follows:

i. Fractions of 0.21 or above shall be rounded up; and

ii. Fractions of 0.20 or below shall be rounded down.

(e) For the purpose of the application of this part, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 2.50823 is truncated to 2.50.

21A.25.100 Adjustment of setbacks.

The purpose and intent of setback adjustments is to provide the flexibility to modify setbacks in all zoning districts for projects associated with a Type II, III, or IV action. Provided, that such modification shall not affect setbacks or other requirements established elsewhere in this title. Approval shall be based on a determination that the adjustment is consistent with the purpose and intent of this title.

(1) Process. Requests for adjustment of setbacks shall only be accepted for projects associated with a Type II, III, or IV action and shall be reviewed and approved concurrent with the related development application. The director may approve an adjustment with a Type II action or recommend approval to the hearing examiner on a request for adjustment of setbacks associated with a Type III or Type IV action based upon the factors listed in subsection (3) of this section and as provided in subsection (4) of this section.
(2) Review. The applicant shall have the burden of demonstrating that the requested adjustment of setbacks is warranted, that the adjustment is consistent with the purpose and intent of this title and shall provide such documentation to support the request as may be required by the director.

(3) Criteria. In issuing an approval or recommendation on a request for adjustment of setbacks, the director shall consider the following:

(a) Any site-specific characteristics or constraints affecting the subject property that may warrant the adjustment;

(b) The consistency of the requested adjustment with other regulatory requirements governing the development application;

(c) The consistency of the requested adjustment with the policy direction provided by the Sammamish Comprehensive Plan or other adopted policy documents;

(d) Whether the adjustment of setbacks is compatible in scale and character with existing neighboring land uses;

(e) Whether the adjustment of setbacks is consistent with the intent and character of the zoning district involved;

(f) Impacts upon:

(i) Adjacent Property Owner(s). The adjustment of setbacks shall not negatively impact the adjacent property owners through incompatible height, bulk, design, color or other features;

(ii) Environmentally Critical Areas. The adjustment shall be consistent with the purpose and intent of the environmentally critical area regulations, and shall not negatively impact environmentally critical areas;

(iii) Public Services. The adjustment of setbacks shall not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements;

(g) The required impervious surface area for the property shall not be exceeded;

(h) Whether the adjustment allows for the placement of a building to be made on the lot to allow for the retention of an existing significant tree or trees. Significant trees retained through this provision shall be considered protected trees and shall not be removed without replacement;

(i) The reductions shall accomplish one or more of the following goals:
(i) Allows buildings to be sited in a manner which maximizes solar access;

(ii) Allows zero lot line, semidetached (common wall construction) or other types of cluster development when allowed and in conformance with the provisions of this code;

(iii) Coordinates development with adjacent land uses and the physical features of the site;

(iv) Allows the development proposal to comply with later adopted setback provisions; or

(v) Allows development consistent with the scale and character of the existing neighborhood.

(4) Requests for residential and commercial setback adjustments pursuant to this chapter shall be limited to 30 percent of the required setback dimension.

(5) Public notification of requests for residential and commercial setback adjustments shall be included in the project public notice as required by SMC 20.05.060 and SMC 20.05.090.

... 21A.25.120 Measurement of setbacks.

(1) Side Yard Setback. The side yard setback is the setback between a structure and any lot line to which neither the street nor rear yard setback applies. The side yard setback is measured from a side yard lot line to a line parallel to and measured perpendicularly from the side yard lot line at the depth prescribed for each zone. Four-sided corner lots abutting streets on two sides shall have two side setbacks and no rear setback.

(2) Front Yard Setback. The front yard setback is measured between a structure and the front yard lot line. The front yard setback is measured from a front yard lot line to a line parallel to (offset to) and measured perpendicularly from the front yard lot line at the depth prescribed for each zone. In lots adjoining two or more front yards, including corner lots, the minimum front yard setback shall apply to all such street frontages.

(3) Rear Yard Setback. The rear yard setback is the setback measurement between a structure and the rear yard lot line. Four-sided lots adjoining more than one street shall have no rear yard setback. In triangular lots with one street frontage, the rear setback shall be measured from the shorter of the lot lines not adjoining the street.

...
21A.25.140 Setbacks – Livestock buildings and manure storage areas.

(1) The minimum setback for any building used to house, confine or feed swine shall be 90 feet. If a greater dimension is specified within this code the greater dimension shall apply.

(2) The minimum setback for any building used to house, confine or feed any other livestock shall be 25 feet. If a greater dimension is specified within this code the greater dimension shall apply.

(3) The minimum setback for any manure storage area shall be 35 feet. If a greater dimension is specified within this code the greater dimension shall apply.

...

21A.25.150 Setbacks – Modifications

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and

(2) When a lot is located between lots having nonconforming front yard setbacks, the required front yard setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required front yard setback, whichever results in the greater front yard setback.

...

21A.25.190 Setbacks – Projections and structures allowed.

Provided, that the required setbacks from regional utility corridors of SMC 21A.25.160, as allowed in the environmentally critical areas of SMC 21A.50.210, the adjoining half-street or designated arterial setbacks of SMC 21A.25.180 and the sight distance requirements of SMC 21A.25.220 are maintained, structures may extend into or be located in required setbacks, as follows:

(1) Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a rear yard or front yard setback and 18 inches into a side yard setback, provided such projections are:

   (a) Limited to two per facade; and

   (b) Not wider than 10 feet.

(2) Uncovered porches and decks that exceed 18 inches above the finished grade may project five feet into the front yard setback.
(3) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the street property line.

(4) Eaves may not project more than:

(a) Twenty-four inches into a rear yard or front yard setback; or

(b) Eighteen inches across a lot line in a zero lot line development, provided there are appropriate easements, and that any neighboring building and its associated eaves are 10 feet from the lot line; or

(c) Eighteen inches into a side yard setback.

(5) Fences with a height of six feet or less may be located in the rear and side yard setbacks except that fences up to eight feet in height and not exceeding 32 linear feet for the segment exceeding six feet along any side or rear yard line may be located in the rear and side yard setbacks. Fences exceeding six feet within the rear or side yard setback shall only be allowed when located along a side or rear yard line shared with a property under separate ownership and when an agreement with the adjoining affected property owner(s) has been reached resulting in an executed agreement including an approved site plan and maintenance agreement consenting to a fence of up to eight feet recorded prior to building permit issuance with King County Records. Agreements shall reference the parcel number of all affected properties and conform to a format specified by the Director. Provided, no fence shall exceed eight feet. Further provided that fence height granted under this part shall not cause for a violation or non-conformance with adopted Construction Codes. Fences are limited to four feet in height in the front yard setback and shall be consistent with the sight distance requirements of SMC 21A.25.220. For corner or a-typical shaped lots with more than one front yard a fence of six feet or less may be located within the front setback along the street frontage that does not provide access to the property when located outside of the vision clearance triangle.

(6) Rockeries, retaining walls and curbs may project into or be located in any setback provided these structures:

(a) Do not exceed a height of six feet in the R-1 through R-18 zones;

(b) Do not exceed the building height for the zone in commercial zones, measured in accordance with the standards established in the International Building Code, SMC Title 16; and

(c) Are in accordance with the requirements in Chapter 21A.50 SMC, Environmentally Critical Areas.

(7) Fences located on top of rockeries, retaining walls or berms are subject to the requirements of SMC 21A.30.190;
(8) Telephone poles and lines; power poles and lines; cable TV and Internet lines; light and flagpoles; trellises not exceeding eight feet in height, not wider than 10 feet; culverts; underground water facilities; underground sewer facilities; and accessory facilities for the provision of utilities, such as drains, but excluding electrical and cellular equipment cabinets, and similar utility boxes and vaults;

(9) The following may project into or be located within a setback, but may only project into or be located within a rear yard or side yard setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County department of records and elections prior to the installment or construction of the structure:

   a) Sprinkler systems, heat pumps, air conditioning units, electrical and cellular equipment cabinets and other similar utility boxes and vaults;

   b) Security system access controls;

   c) Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in SMC 21A.00.140 and 21A.30.160 such as benches, picnic tables and drinking fountains; and

   d) Surface water management facilities as required by Chapter 9.04 KCC as adopted by SMC Title 13.

(10) Mailboxes and newspaper boxes may project into or be located within front yard setbacks;

(11) Fire hydrants and associated appendages;

(12) Metro bus shelters may be located within front yard setbacks;

(13) Unless otherwise allowed in SMC 21A.45.060(1), freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet may project into or be located within front yard setbacks; and

(14) Storm water vaults, structures, and conveyance systems, both above and below ground, provided such projections are:

   a) Consistent with setback, easement and access requirements specified in the current Surface Water Design Manual; or

   b) In the absence of said specifications, not within 10 feet of the property line for storm water vaults and structures, and not within five feet of the property line for conveyance systems.
Chapter 21A.30
DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS

21A.30.020 Lot segregations – Zero lot line development.

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

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

   (a) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;

   (b) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure’s exterior;

   (c) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block,
textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

(d) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

(2) If a building is proposed to be located within a normally required rear yard or side yard setback in an R zone:

(a) The residential development must qualify for the attached housing incentive provided in SMC 21A.85.040;

(b) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;

(c) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure’s exterior;

(d) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

(e) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

... 21A.30.190 Fences.

Fences are permitted as follows:

(1) Fences with a height of six feet or less may be located in the rear and side yard setbacks except that fences up to eight feet in height and not exceeding 32 linear feet in length for the segment exceeding six feet along any side or rear yard line may be located in the rear and side yard setbacks. Fences exceeding six feet within the rear or side yard setback shall only be allowed when located along a side or rear yard line shared with a property under separate ownership and when an agreement with the adjoining affected property owner(s) has been reached resulting in an executed agreement including an approved site plan and maintenance agreement consenting to a fence of up to eight feet recorded prior to building permit issuance with King County Records. Agreements shall reference the parcel number of all affected properties and conform to a format specified by the Director. Provided, no fence shall exceed eight feet. Further provided that fence height granted under this part shall not cause for a violation or non-conformance with adopted
Exhibit 1 - Draft Proposed Permanent Development Code Amendments
Planning Commission Public Hearing
January 31, 2019

Construction Codes. Fences are limited to four feet in height in the front yard setback and shall be consistent with the sight distance requirements of SMC 21A.25.220. For corner or a-typical shaped lots with more than one front yard a fence of six feet or less may be located within the front setback along the street frontage that does not provide access to the property when located outside of the vision clearance triangle and sight distance requirements of SMC 21A.25.220.

(2) Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

(a) In R-1 through R-18 zones:

(i) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. The maximum height of 10 feet may be increased to 12 feet in accordance with section (1) above. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

(ii) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet. The maximum height of six feet may be increased to eight feet in accordance with section (1) above.

(b) In the R-18 and commercial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

(c) Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection (1)(a)(i) of this section), shall be an open-work fence. The height of the solid-work style fence may be increased to 10 feet in accordance with section (1) above.
(3) Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone.

(4) Electric fences shall:

(a) Be permitted in all zones; provided, that when placed within R-4 through R-18 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;

(b) Comply with the following requirements:

   (i) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

   (ii) An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;

   (iii) All electric fences in the R-4 through R-18 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and
(iv) Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency.

(5) Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-18 zone.

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Chapter 21A.35
DEVELOPMENT STANDARDS – LANDSCAPING AND IRRIGATION

…

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. O99-29 § 1)

…
Chapter 21A.40
DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

21A.40.055 Parking for new lots created under Title 19A SMC.

All new single-family residential lots, created pursuant to the provisions of Title 19A SMC and located within the R-4 and R-6 zones, shall provide one on-street parking space along the street frontage of each lot within the project’s public or private streets. If, through demonstration of design alternatives considered by the applicant on-street parking is proven infeasible, required parking may be permitted in alternative locations in the following order of preference: within a common shared space to be managed by the HOA; or within the driveway that services each new lot.