



AGENDA

City Council Special Meeting

6:30 PM - Thursday, March 14, 2019

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	CALL TO ORDER	6:30 pm
	ROLL CALL	
	PLEDGE OF ALLEGIANCE	
	APPROVAL OF AGENDA	
	PUBLIC HEARINGS	6:35 pm
3 - 51	1. Ordinance: Relating To Development Regulations Regarding The Design And Construction Of Short Plats And Subdivisions; Amending And Repealing Certain Sections And Subsections Of Sammamish Municipal Code Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35 And 21A.40; Terminating Interim Development Regulations; Providing For Severability; And Establishing An Effective Date View Agenda Item	
52 - 88	2. Ordinance: Extending Interim Development Regulations Regarding The Design And Construction Of Short Plats And Subdivisions Authorized By The Growth Management Act As Adopted In Ordinance No. 02018-468 And As Amended By Ordinance No. 02018-471 For A Period Of Six Months; Providing For Severability; And Establishing An Effective Date View Agenda Item	
	COUNCIL REPORTS/ COUNCIL COMMITTEE REPORTS	
	CITY MANAGER REPORT	

ADJOURNMENT

10:00 pm

EXECUTIVE SESSION – IF NECESSARY

City Council 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.

Agenda Bill
 City Council Special Meeting
 March 14, 2019



SUBJECT:	A Public Hearing to consider an Ordinance adopting permanent updates to Development Regulations.		
DATE SUBMITTED:	March 06, 2019		
DEPARTMENT:	Community Development		
NEEDED FROM COUNCIL:	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Direction <input type="checkbox"/> Informational		
RECOMMENDATION:	Complete Public Hearing.		
EXHIBITS:	1. Exhibit 1 - Planning Commission Recommendation Letter 2. Exhibit 2 - City Council Presentation Summary of Code Change Evolution 3. Exhibit 3 - Ordinance 4. Exhibit 3a - Ordinance Attachment A 5. Exhibit 4 - City Council Proposed Code Amendment Tracker Matrix		
BUDGET:			
Total dollar amount			<input type="checkbox"/> Approved in budget
Fund(s)			<input type="checkbox"/> Budget reallocation required
			<input type="checkbox"/> No budgetary impact
WORK PLAN FOCUS AREAS:			
<input type="checkbox"/> Transportation	<input type="checkbox"/> Community Safety		
<input checked="" type="checkbox"/> Communication & Engagement	<input checked="" type="checkbox"/> Community Livability		
<input checked="" type="checkbox"/> High Performing Government	<input type="checkbox"/> Culture & Recreation		
<input checked="" type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability		

NEEDED FROM COUNCIL:
 A Public Hearing to consider an Ordinance adopting permanent updates to Development Regulations.

KEY FACTS AND INFORMATION SUMMARY:
Summary Statement:
 On September 18, 2018, the City Council adopted Ordinance O2018-468 amending the Sammamish Municipal Code (SMC) Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35 and 21A.40 for a six-month

period related to Interim Development Regulations for setbacks, clearing and grading, street frontage, building height measurement, density rounding, fence height and off-street parking. After completion of the required Public Hearing on November 6, 2018, the City Council adopted Ordinance O2018-471 containing subsequent amendments to the Interim Development Regulations effective until the end of the six-month period allowed by emergency ordinance and directed staff to begin the formal legislative review process to consider permanent updates to Development Regulations.

The Interim Development Regulations implemented by Ordinance O2018-468 and Ordinance O2018-471 will expire on March 17, 2019 if no action is taken prior to this date to (1) adopt permanent Development Regulations or (2) extend the Interim Development Regulations.

After the adoption of the Interim Development Regulations, the Planning Commission completed its first study session. Commencing the formal legislative review process, the Planning Commission completed a total three study sessions and a Public Hearing on considering permanent updates to Development Regulations. The Planning Commission has discussed alternatives, selected options to be included for consideration, and on January 17, 2019 directed staff to finalize code language for Public Hearing. On January 31, 2019 the Planning Commission held a Public Hearing on the proposed permanent updates to Development Regulations and voted 6-0 to forward a recommendation to City Council for the adoption of such. A written signed summary of this Planning Commission recommendation is included as **Exhibit 1**.

On February 4, 2019 City Council completed a study session to receive the Planning Commission recommendations on permanent updates to Development Regulations. A written summary of the presentation from this study session is included as **Exhibit 2**. The Ordinance for consideration at the City Council Public Hearing on March 14, 2019 is included as **Exhibit 3** with Attachment A – the permanent updates to Development Regulations as recommended by the Planning Commission included as **Exhibit 3a**. Finally, any further amendments to Exhibit 3a the City Council may wish to consider will be tracked in the matrix included as **Exhibit 4**.

Summary of Proposed Permanent Updates to Development Regulations:

Changes proposed are generally organized by topic (e.g. density rounding, setbacks, fences, building height, etc...). The primary focus is on operative language used, the secondary focus is on dimensional settings (these can be adjusted as needed). Ancillary associated changes were also made where needed that did not change code operation or outcome (e.g. changing word “street setback” to “front yard setback”). Proposed changes are generalized as follows. Specific proposed permanent Development Regulations as recommended by the Planning Commission is included as **Exhibit 3a**.

1. Chapter 16.15 – Clearing and Grading

- a. Added prohibition on work in critical areas, when allowed, without first obtaining a permit.
- b. Added prohibition on mass grading.
- c. Added restrictions on excavation and fill to qualify what is considered mass grading and to clarify what is allowed:
 - i. Fill is limited to five feet and may be allowed up to eight feet in exceptional circumstances.
 - ii. Exceptional circumstances are defined.
 - iii. Excavation is limited to ten feet.

- iv. Exceptions were added for road construction or necessary underground infrastructure and structures that do not change the surface elevation.
 - d. Added design standard for garages on sloped sites.
 - e. Added restriction prohibiting speculative clearing before construction permits are issued.
2. Chapter 21A.15 – Technical Terms and Land Use Definitions
 - a. Updated definitions for consistency and clarity.
 3. Chapter 21A.25 – Building Height
 - a. Changed method of building height measurement to average existing grade.
 - b. Limited façade height to 40 feet with specific exceptions.
 - c. Added 18-foot height restriction for standalone detached accessory dwelling units.
 4. Chapter 21A.25 – Setbacks
 - a. Changed designation of setbacks from “street” and “interior” to “front”, “side”, and “rear”.
 - b. Created three categories for setbacks – see SMC 21A.25.030(A) and (B):
 - i. General setback for all structures
 - ii. Unique setback for primary detached dwellings (e.g. homes)
 - iii. Unique setback for detached accessory dwelling units (aka dadu’s)
 - c. Added method to reduce side and rear setbacks with neighbor agreement when adjacent parcel under different ownership.
 5. Chapter 21A.25 – Density
 - a. Clarified that decimals are truncated at two numbers past the decimal point.
 - b. Added a system of graduated rounding.
 - i. ≥ 10 units before rounding fractions round up at $\geq .51$
 1. Example: 11.65 = 12
 2. Example: 11.41 = 11
 - ii. ≤ 9 units before rounding fractions round up at $\geq .71$
 1. Example: 4.85 = 5
 2. Example: 4.69 = 4
 - iii. $\geq 25\%$ units townhomes or duplexes round up when fraction $\geq .21$
 1. Example: 8 lot short-subdivision with one 2-unit townhomes rounds up when fraction $\geq .21$ (e.g. base calculation of 7.22 = 8 units when project includes at least one 2-unit townhome)
 2. Example: 40 lot long-subdivision with five 2-unit townhomes rounds up when fraction $\geq .21$ (e.g. base calculation of 19.22 = 20 units when project includes at least five 2-unit townhomes)
 6. Chapter SMC 21A.25 – Street Frontage
 - a. Added requirement that all new lots created through subdivision process in R-1, R-4, and R-6 zones be designed to include 30 feet of street frontage on a public or private street.
 - b. Added flexibility allowing averaging of street frontage across project with a minimum of 20 feet and cumulative average of 30 feet.
 7. Chapters SMC 21A.25 and 21A.30 – Fence Heights
 - a. Added allowance for fences up to eight feet.
 - i. Limited to 32 feet in length along any setback line.
 - ii. Requires agreement with affected neighbor.

- iii. Requires building permit.
 - iv. May not cause inconsistency with other adopted codes or standards.
8. Chapter SMC 21A.40 – Parking
- a. Added requirement that one additional parking space be provided for each new lot created through subdivision process in R-4 and R-6 zones.
 - b. Added clarifying language regarding where the parking must be located with priority hierarchy.

OTHER ALTERNATIVES CONSIDERED:

There are 3 options for action available to the City Council on March 14 or beyond:

Option 1. Adopt the Ordinance presented in Exhibit 3 for permanent Development Regulations as detailed in Exhibit 3a.

This option would adopt permanent Development Regulations as recommended by the Planning Commission.

Option 2. Adopt the Ordinance presented in Exhibit 3 for permanent Development Regulations as detailed in Exhibit 3a and amended further by City Council with the items listed in Exhibit 4.

This option would adopt permanent Development Regulations as recommended by the Planning Commission and amended further by City Council.

Option 3. Deny the Ordinance presented in Exhibit 3 for permanent Development Regulations as detailed in Exhibit 3a.

This option would deny permanent Development Regulations as recommended by the Planning Commission. The net result is the City would revert to Development Regulations in effect prior to Ordinance No. O2018-468 on September 18, 2018 when the Interim Development Regulations expire.

Date: January 31, 2019

To: City Council

From: Shanna Collins, Former Planning Commission Chair
Larry Crandall, Planning Commission Vice Chair

Re: Planning Commission Recommendation on Permanent Development Regulations

Background

On September 18, 2018, the City Council adopted Ordinance O2018-468 amending the Sammamish Municipal Code, Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35 and 21A.40 for a six-month period related to development regulations for setbacks, clearing and grading, street frontage, building height measurement, density rounding, fence height and off-street parking.

After completion of a Public Hearing on November 6, 2018 the City Council adopted amendments to the Interim Development Regulations (Ordinance O2018-471) effective until the end of the six-month period allowed by emergency ordinance. The Interim Development Regulations implemented by Ordinance O2018-468 and Ordinance O2018-471 will expire on March 17, 2019 if no action is taken to adopt permanent changes to the City's Development Regulations by that time.

Interim Development Regulations:

The adopted Interim Development Regulations included the following changes to the City's Development Regulations (See O2018-468 and O2018-471):

1. **Density Rounding:** This code change requires rounding down to the nearest whole number when permitted number of units (density calculation) result in a fraction. (SMC 21A.25.070)
2. **Setback:** Setbacks designations were changed to include designation of a side and rear setback. Minimum setbacks were increased to provide greater separation between homes. (SMC 21A.030)
3. **Building Height and Facade:** The method of measurement of building height was changed to use the existing grade of the site instead of the finished grade. A restriction on the height of a facade wall was also added to limit the size/height of an exterior wall. (SMC 21A.030)
4. **Limiting Mass Grading:** This code change directs project designers to limit grade changes with minimal alterations to the landscape. (SMC 16.15.090)
5. **Fence Heights:** This change increases the height allowance for rear and side yard fences for building permit approved fences above six (6) feet and up to eight (8) feet. Fence height allowances are also reduced in the front yard within the street setback area to improve line-of-sight safety and connections between neighbors. (SMC 21A.25.190)

6. **Parking:** A requirement that new development (subdivision and short subdivision) provide the equivalent of one (1) on-street parking space for each home being built in the development. (SMC 21A.40.055)
7. **Street Frontage:** This requires that all new lots created through subdivision and short subdivision be designed to include a minimum of thirty (30) feet of street frontage. (SMC 21A.030)

Project Scope

November 6, 2018, with the passing of Ordinance O2018-471, the City Council amended the interim development regulations passed under Ordinance O2018-468 and directed staff to consider other potential amendments to the development regulations through the formal legislative review process. The City Council also asked that the following items be added to the list of potential items being brought forward as proposed permanent development regulation changes:

1. **Density Rounding** - Round up for short plats, and round down for long plats.
2. **Adjustment of setbacks** - Require neighbor notification if setbacks are being adjusted.
3. **Work in Critical Areas** - Require a permit for any construction in defined Critical Areas.
4. **Additional changes that could benefit the City** - To be identified by the Planning Commission or staff.

City Council November 6, 2018 Direction to Planning Commission

The City Council direction to the Planning Commission was to evaluate changes made to the City's development regulations as interim development regulations, identify adjustments needed, and consider additional desired changes.

Project History

Staff and the Planning Commission met six times on this issue starting in the fall of 2018 concluding with a public hearing on January 31, 2019. A summary of public meetings and Commission engagement is as follows:

1. On October 5, 2018, staff presented the interim development regulations for the first time to the Planning Commission.
2. On October 11 and 25, 2018, staff held two informational meetings to gather feedback from stakeholders and citizens.
3. On November 6, 2018, after completing a public hearing pursuant to RCW 35A.070.390, the City Council adopted Ordinance O2018-471, which contained amendments to the interim development regulations (Ordinance O2018-468) effective from September 18, 2018 until March 17, 2019. In addition, the City Council asked the Planning Commission to consider additional items to be included in the proposed draft permanent development regulations.
4. On December 6, 2018, staff organized and hosted a focus group to help better understand issues and impacts associated with potential permanent development regulation changes.

5. On December 13, 2018, the formal legislative process began with Planning Commission reviewing interim development regulations and discussing options for potential permanent changes.
6. On January 3, 2019 staff presented proposed draft permanent development regulation changes for Planning Commission input.
7. On January 17, 2019, the Planning Commission reviewed draft permanent development regulations and provided direction to staff in preparation for the public hearing.
8. On January 31, 2019, the Planning Commission held a public hearing on the proposed draft permanent development regulations and voted unanimously on a recommendation that the City Council adopt the proposed draft development regulations as permanent regulations and consider other items with future code amendment work.

Proposed Permanent Development Regulation Changes

The following changes are recommended by the Planning Commission for adoption by the City Council (see **Exhibit 1** for complete proposed text changes):

1. Density Rounding - SMC 21A.25.070

- a. Units are rounded based on the two numbers truncated past the decimal point.
 - i. Example: 6.2365 = 6.23
- b. ≥ 10 units before rounding fractions round up at $\geq .51$
 - i. Example: 11.65 = 12
 - ii. Example: 11.41 = 11
- c. ≤ 9 units before rounding fractions round up at $\geq .71$
 - i. Example: 4.85 = 5
 - ii. Example: 4.69 = 4
- d. $\geq 25\%$ units townhomes or duplexes round up when fraction $\geq .21^*$
 - i. Example: 8 lot short-subdivision with one 2-unit townhomes rounds up when fraction $\geq .21$ (e.g. base calculation of 7.22 = 8 units when project includes at least one 2-unit townhome)
 - ii. Example: 40 lot long-subdivision with five 2-unit townhomes rounds up when fraction $\geq .21$ (e.g. base calculation of 19.22 = 20 units when project includes at least five 2-unit townhomes)

*Separate from other density incentives for duplex units in SMC 21A.20.030.B(17)

2. Setbacks – SMC 21A.25.030

- a. Changed designation of setbacks from “street” and “interior” to “front”, “side”, and “rear”.
- b. Created three categories for setbacks – see SMC 21A.25.030(A) and (B):
 - i. General setback for all structures
 - ii. Unique setback for primary detached dwellings (e.g. homes)
 - iii. Unique setback for detached accessory dwelling units (aka ADU’s)
 - iv. Added method to reduce side and rear setbacks with neighbor agreement when adjacent parcel under different ownership.

- 3. Building Height – SMC 21A.25.030/21A.25.050**
 - a. Changed method of building height measurement to average existing grade.
 - b. Limited façade height to 40 feet with specific exceptions.
 - c. Added 18-foot height restriction for stand-alone detached accessory dwelling units.

- 4. Mass Grading – SMC 16.15.020/16.15.090**
 - a. Added prohibition on mass grading.
 - b. Added restrictions on excavation and fill to qualify what is considered mass grading and to clarify what is allowed.
 - c. Fill is limited to five feet and may be allowed up to eight feet in exceptional circumstances.
 - d. Exceptional circumstances are defined.
 - e. Excavation is limited to ten feet.
 - f. Exceptions were added for road construction or necessary underground infrastructure and structures that do not change the surface elevation.
 - g. Added design standard for garages on sloped sites.
 - h. Added restriction prohibiting speculative clearing before construction permits are issued.

- 5. Fence Heights – SMC 21A.25.190/21A.30.190**
 - a. Added allowance for fences up to eight feet.
 - b. Limited to 32 feet in length along any setback line.
 - c. Requires agreement with affected neighbor.
 - d. Requires building permit.
 - e. May not cause inconsistency with other adopted codes or standards.

- 6. Parking – SMC 21A.40.055**
 - a. Added requirement that one additional parking space be provided for each new lot created through subdivision process in R-4 and R-6 zones.
 - b. Added clarifying language regarding where the parking must be located with priority hierarchy.

- 7. Street Frontage – SMC 21A.25.030**
 - a. Added requirement that all new lots created through subdivision process in R-1, R-4, and R-6 zones be designed to include 30 feet of street frontage on a public or private street.
 - b. Added flexibility allowing averaging of street frontage across project with a minimum of 20 feet and cumulative average of 30 feet.

- 8. Critical Areas Work Permit – SMC 16.15.050**
 - a. Added prohibition on work in critical areas, when allowed, without first obtaining a permit.

Planning Commission Recommendation

Following an in-depth review of the proposed Interim Development Regulations, the Planning Commission recommends the City Council adopt amendments to Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35 and 21A.40 of the Sammamish Municipal Code, as outlined above and as presented in **Exhibit 1**. The Commission also recommends the following items to be considered for future code amendment work:

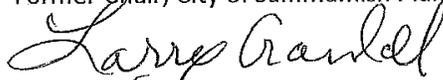
- a. Consider adding a daylight plane restriction on building envelope.
- b. Consider adding a restriction on building height based on building segments.
- c. Consider adding a landscape requirement for setback areas of project sites that front arterial streets.
- d. Consider adding a restriction on grading around the perimeter of a site to better blend the existing grade of an adjacent property into the finished grade of a project site and better protect trees and existing vegetation around the perimeter of a project site.
- e. Consider clean up amendments such as grammar and word choice, as presented through public comment :

Thank you,



Shanna Collins

Former Chair, City of Sammamish Planning Commission



Larry Crandall

Vice Chair, City of Sammamish Planning Commission

Date: 2-7-2019

Date: 2/7/19

Development Regulation Concept Tracking Table

03/14/2019

(For complete changes please see Planning Commission recommended draft development regulations)

Topic	Old Regulations (September 18, 2018)	Interim Regulations (Ord2018-468 & Ord2018-471)	Proposed Regulations (January 31, 2019 PC Recommendation)
Density Rounding (SMC 21A.25.070)	Round up for decimals over .5 Example: 2.51 = 3 Example: 2.41 = 2	Round down for all decimals Example 2.51 = 2 Example 2.41 = 2	Round up for long subdivisions (10 or more units) with decimals of .51 or more. Example: 11.65 = 12 Example: 11.41 = 11 Round up for short subdivisions (9 or fewer units) with decimals of .71 or more. Example: 4.85 = 5 Example: 4.69 = 4 Round up at decimals of .21 for projects using 25% or more duplex or townhouse units.
Setbacks (SMC 21A.25.030)	Setback system used Street Setback and Interior Setback	Setback system changed to use Front, Side, and Rear Setback. Setback dimensions increased.	Setback system changed to use Front, Side, and Rear Setback. Setback dimensions increased. Setback system also changed to use three categories for setbacks – see SMC 21A.25.030(A) and (B): 1) General setback for all structures; 2) Unique setback for primary detached dwellings (e.g. homes); 3) Unique setback for detached accessory dwelling units (aka dadu's).

Development Regulation Concept Tracking Table

03/14/2019

(For complete changes please see Planning Commission recommended draft development regulations)

			Also added method to reduce side and rear setbacks with neighbor agreement when adjacent parcel under different ownership.
Building Height (SMC 21A.25.030/21A.25.050)	Building height measured from average finished grade.	<p>Changed method of building height measurement to average existing grade.</p> <p>Limited façade wall height to 40 feet.</p>	<p>Changed method of building height measurement to average existing grade.</p> <p>Limited façade wall height to 40 feet with specific exceptions.</p> <p>Added 18-foot height restriction for stand-alone detached accessory dwelling units.</p>
Mass Grading (SMC 16.15.020/16.15.090)	No Restriction.	Added prohibition on mass grading.	<p>Added prohibition on mass grading.</p> <p>Added restrictions on excavation and fill to qualify what is considered mass grading and to clarify what is allowed:</p> <ol style="list-style-type: none"> 1) Fill is limited to five feet and may be allowed up to eight feet in exceptional circumstances. Exceptional circumstances are defined. 2) Excavation is limited to ten feet. 3) Exceptions were added for road construction or necessary underground infrastructure and structures that do not change the surface elevation. 4) Added design standard for garages on sloped sites.

Development Regulation Concept Tracking Table

03/14/2019

(For complete changes please see Planning Commission recommended draft development regulations)

			5) Added restriction prohibiting speculative clearing before construction permits are issued.
Fence Heights (SMC 21A.25.190/21A.30.190)	Fences restricted to six feet along property line. Fences exceeding six feet may be allowed when built at the structure setback line.	Added allowance for fences up to eight feet in height along the side or rear property line.	Added allowance for fences up to eight feet in height along the side or rear property line subject to the following requirements: 1) Limited to 32 feet in length along any side or rear property line. 2) Requires agreement with affected neighbor. 3) Requires building permit. 4) May not cause inconsistency with other adopted codes or standards.
Parking (SMC 21A.40.055)	No requirement for a specific number of on-street parking spaces relative to number of lots being created.	Added requirement that one additional parking space along the street frontage of each lot be provided for each new lot created through subdivision process in R-4 and R-6 zones.	Added requirement that one additional parking space be provided for each new lot created through subdivision process in R-4 and R-6 zones. Added clarifying language regarding where the parking must be located with priority hierarchy: 1) On public or private street servicing the newly created lots. 2) Within a common area controlled by the HOA. 3) In the driveways servicing the lots.
Street Frontage (SMC 21A.25.030)	No street frontage requirement.	Added requirement that all new lots created through subdivision process in R-1, R-4, and R-6 zones be designed to	Added requirement that all new lots created through subdivision process in R-1, R-4, and R-6 zones be designed to

Development Regulation Concept Tracking Table

03/14/2019

(For complete changes please see Planning Commission recommended draft development regulations)

		include 30 feet of street frontage on a public street.	include 30 feet of street frontage on a public or private street. Added flexibility allowing averaging of street frontage across project with a minimum of 20 feet and cumulative average of 30 feet.
Critical Areas Work Permit (SMC 16.15.050)	Limited work allowed in critical areas and associated buffers without requiring a permit.	No change.	Added prohibition on work in critical areas, when allowed, without first obtaining a permit.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2019-_____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON
RELATING TO DEVELOPMENT REGULATIONS REGARDING THE
DESIGN AND CONSTRUCTION OF SHORT PLATS AND
SUBDIVISIONS; AMENDING AND REPEALING CERTAIN SECTIONS
AND SUBSECTIONS OF SAMMAMISH MUNICIPAL CODE CHAPTERS
16.15, 21A.15, 21A.25, 21A.30, 21A.35 AND 21A.40; TERMINATING
INTERIM DEVELOPMENT REGULATIONS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on September 18, 2018, the City Council adopted emergency Ordinance No. O2018-468, which adopted interim development regulations regarding the design and construction of short plats and subdivisions as authorized by the Growth Management Act for a six-month period; and

WHEREAS, on November 6, 2018, after completing a public hearing pursuant to RCW 35A.070.390, the City Council adopted Ordinance No. O2018-471, which amended the interim development regulations and were to run from the effective date of Ordinance No. O2018-468 until the end of the established period (March 17, 2019); and

WHEREAS, on December 13, 2018, January 3, 2019, and January 17, 2019, the Planning Commission completed study sessions regarding the interim development regulations adopted in Ordinance O2018-468 and Ordinance No. O2018-471, and options for permanent development regulations; and

WHEREAS, on January 31, 2019, the Planning Commission held a public hearing to consider permanent development regulations; and

WHEREAS, on February 4, 2019, the City Council held a study session to receive the recommendation regarding permanent development regulations from the Planning Commission; and

WHEREAS, on March 14, 2019, the City Council held a public hearing to consider the adoption of permanent development regulations; and

WHEREAS, on January 31, 2019, the City submitted the proposed code amendments to the Washington State Department of Commerce, in accordance with RCW 36.70A.106, and requested a 10-day expedited review, which was granted; and

WHEREAS, environmental review of the proposed code amendments was conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), including review of a complete SEPA checklist; and

WHEREAS, on February 11, 2019, a non-project SEPA threshold determination of non-significance (DNS) was issued for the proposed code amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35 and 21A.40 SMC, Amended. Sammamish Municipal Code Chapters 16.15, Clearing and Grading; 21A.15, Technical Terms and Land Use Definitions; 21A.25, Development Standards – Density and Dimensions; 21A.30, Development Standards – Design Requirements; 21A.35, Development Standards – Landscaping and Irrigation; and 21A.40, Development Standards – Parking and Circulation, are hereby amended or repealed as set forth in Attachment A. Sections and subsections of the aforementioned Chapters not set forth in Attachment A shall remain in full force and effect as currently adopted.

Section 2. Interim Regulation Expiration. The interim development regulations adopted in City of Sammamish Ordinance No. O2018-468 and amended in Ordinance No. O2018-471 shall expire upon the effective date of this Ordinance, or March 17, 2019, whichever is sooner.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF MARCH, 2019.

CITY OF SAMMAMISH

Mayor Christie Malchow

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk:

First Reading:

Passed by the City Council:

Date of Publication:

Effective Date:

**Development Code Update
Draft Code Amendments - January 31, 2019**

**Chapter 16.15
CLEARING AND GRADING**

...

SMC 16.15.020(16)(a) Mass Grading.

(16) "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.

(a) "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, ~~provided this does not include clearing or grading that expands further into a critical area or buffer;~~

(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; ~~provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter [21A.50 SMC](#);~~
- ~~(6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter [21A.50 SMC](#);~~
- ~~(7)~~ 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;
- ~~(8)~~ 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 ~~subject to the limitations in critical areas and their buffers as set out in Chapter [21A.50 SMC](#);~~
 - ~~(b)~~ ~~Emergency tree removal to prevent imminent danger or hazard to persons or property;~~
 - ~~(c)~~ 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;
 - ~~(d)~~ Normal and routine maintenance of existing public park properties and private and public golf courses. ~~This does not include clearing or grading in order to develop or expand such activities in critical areas;~~
 - ~~(e)~~ ~~Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on such removal and the use of pesticides in critical areas as set out in Chapter [21A.50 SMC](#);~~
 - ~~(f)~~ Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities; ~~provided, that the clearing is consistent with the electric,~~

~~natural gas, cable communication and telephone utility exemption in critical areas as regulated in Chapter 21A.50 SMC;~~

~~(98)~~ The cutting and removal of any coniferous tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH;

~~(409)~~ The pruning, limbing, and general maintenance of trees outside of environmentally critical areas and buffers, consistent with the requirements of Chapter 21A.3537 SMC;

~~(11) The pruning, limbing, and general maintenance of trees in buffers or that are otherwise required to be retained pursuant to Chapter 21A.50 SMC;~~

~~(4210)~~ 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, ~~excluding work in critical areas and their buffers;~~

~~(4311)~~ 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, ~~excluding work in critical areas and their buffers;~~

~~(4412)~~ 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, ~~excluding work in critical areas and their buffers;~~ and

~~(4513)~~ 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.

(ad) 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.

(be) 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.

(ef) 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.

(dg) 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.

(eh) 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.

(fi) 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.

(gj) 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.

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

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

(jm) 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.

(kn) 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.

(lo) 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.

(mp) 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.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. (Ord. O2003-132 § 12)~~

...

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, ~~or contained within a separate structure that is accessory to the primary dwelling unit on the premises.~~

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.15.7267 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, lot, access easement, or buffer line that is required to remain free of structures or buildings.

...

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.

...

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**Chapter 21A.25
DEVELOPMENT STANDARDS – DENSITY AND DIMENSIONS**

...

21A.25.030 Densities and dimensions – 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)
Minimum Lot Width	35 ft (7 6)	30 ft (6)	30 ft (6)	30 ft	30 ft	30 ft
<u>Minimum Front Yard Structure Setback (7)(22)</u>	<u>20 ft (25)</u>	<u>15 ft (16)(25)</u>	<u>15 ft (16)(25)</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>
<u>Minimum Rear Yard Structure Setback (8)(21)(22)</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Minimum Side Yard Structure Setback (2)(8)(12)(21)(22)</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Minimum Front Yard Single Detached Dwelling Setback (7)(12)</u>	<u>20 ft (6)(25)</u>	<u>15 ft (6)(16)(23) (25)</u>	<u>15 ft (6)(16) (24)(25)</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>
<u>Minimum Side Yard Single Detached Dwelling Setback (2)(8)(12)(21)</u>	<u>25 ft</u>	<u>8 ft (23)</u>	<u>8 ft (24)</u>	<u>5 ft (26)</u>	<u>5 ft</u>	<u>5 ft</u>

Z O N E S	RESIDENTIAL					
	URBAN RESIDENTIAL					
STANDARDS	R-1 ⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
<u>Minimum Rear Yard Single Detached Dwelling Setback (8)(21)</u>	<u>30 ft</u>	<u>15 ft</u> (23)	<u>15 ft</u> (24)	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>
<u>Minimum Side Yard Detached Accessory Dwelling Setback (17)(27)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Minimum Rear Yard Detached Accessory Dwelling Setback (17)(27)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Maximum Structure Base Height (3)(15)</u>	<u>35 ft</u> (20)	<u>35 ft</u> (20)	<u>35 ft</u> 45 ft (4020)	<u>35 ft</u> 45 ft (4020)	60 ft	60 ft 80 ft (10)
<u>Maximum Detached Accessory Dwelling Structure Height</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>	<u>18 ft</u>
Maximum Impervious Surface: Percentage (4)	30% (9)			75%	85%	85%
Minimum Yard Area (18)		45%	35%			

Z O N E S	RESIDENTIAL					
	URBAN RESIDENTIAL					
STANDARDS	R-1⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
<u>Maximum</u> Lot Coverage (19)		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. ~~Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet.~~ 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. ~~The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area. 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. ~~a. For developments consisting of three or more single detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.~~

~~b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.~~

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 base height to be used only for projects as follows:~~

~~a. In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and~~

~~b. In the R-18 zone using residential density incentives and transfer of density credits pursuant to this title. 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 2630 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), lots with three or more interior lot lines shall provide a combination of five foot, seven foot, and 15 foot interior setbacks. Lots with two interior lot lines shall provide a combination of two interior setback widths. For example, a lot with two interior lot lines could provide a five foot and a seven foot interior setback from interior lot lines.~~

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

c. 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.

	Z O N E S	COMMERCIAL		
		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE
STANDARDS		NB	CB	O
Maximum Density		8 du/ac	18 du/ac	18 du/ac
DU/Acre		(1)	(1)	(1)
Minimum Lot Area				
Maximum Lot Depth/Width Ratio			10 ft	10 ft
<u>Minimum Rear Yard Setback (4)</u>		<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>
		<u>(5)</u>	<u>(5)</u>	<u>(5)</u>

	Z O N E S	COMMERCIAL		
		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE
STANDARDS		NB	CB	O
<u>Minimum Front Yard Setback</u>		<u>10 ft</u> (2)	<u>10 ft</u> (2)	<u>10 ft</u>
<u>Minimum Street Setback</u>		<u>10 ft</u> (2)	<u>10 ft</u> (2)	<u>10 ft</u>
<u>Minimum Interior Setback (4)</u>		<u>20 ft</u> (5)	<u>20 ft</u> (5)	<u>20 ft</u> (5)
<u>Minimum Side Yard Setback (4)</u>		<u>20 ft</u> (5)	<u>20 ft</u> (5)	<u>20 ft</u> (5)
<u>Base Maximum Structure Height (7)</u>		35 ft 45 ft (3)	35 ft 60 ft (3)	45 ft 60 ft (3)
Maximum Floor/Lot Ratio: Square Feet		1/1 (6)	1.5/1 (6)	2.5/1 (6)
Maximum Impervious Surface: Percentage (8)(9)		85%	85%	75%

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 ~~base-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 ~~base-maximum structure~~ height limit provide one additional foot of ~~street and interior set backfront, rear, and side yard setback~~ for each foot above the ~~base-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 ~~the-this~~ additional ~~interior~~ 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) ~~Street setbacks~~ 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) Building Structure height shall be measured from the average ~~finished-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 ~~finished-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; ~~provided, that the measured elevations do not include berms.~~

- (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.75~~ or 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 0.5~~10~~ or above shall be rounded up; ~~and~~
- (b) Fractions ~~below of~~ 0.50 or below shall be rounded down; ~~and~~
- (c) For the purpose of the application of this part, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 2.50823 is truncated to 2.50.
- (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 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 Administrative Adjustment of setbacks.

The purpose and intent of ~~administrative adjustment of setbacks~~ setback adjustments is to provide the flexibility to modify setbacks in all zoning districts ~~at the administrative level, for projects associated with a Type II, III, or IV action. Administrative adjustment of setbacks may modify setbacks established in this chapter;~~ 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 ~~administrative adjustment of setbacks~~ shall only be reviewed and approved ~~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 or recommend an adjustment with a Type II action or recommend approval to the hearing examiner on an administrative a request for~~ adjustment of standards 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 ~~administrative adjustment of setbacks~~ 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) Adjustment of Setbacks.~~

~~(a) Residential and commercial street setbacks established pursuant to this chapter may be reduced by up to 30 percent;~~

~~(b) Residential interior setbacks may be reduced to a minimum of five feet (where not otherwise authorized); eaves and projections may extend 18 inches into setbacks; provided, that projections may not exceed a width of 10 feet and are limited to two per facade.~~

(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) Interior Setback. The interior setback is measured from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.~~

~~(2) Street Setback. The street setback is measured from the street right of way or the edge of a surface improvement which extends beyond a right of way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right of way or the edge of the surface improvement at the depth prescribed for each zone.~~

~~(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 ~~interior~~ 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 ~~interior~~ 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 ~~interior~~ 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~~~~street~~ setback and 18 inches into ~~an interior~~ 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~~street~~ 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 ~~street-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 ~~an interior-a side yard~~ setback;

(5) Fences with a height of six feet or less ~~may project into or be located in any setback 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 ~~an interior-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.30.140 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 ~~street setbacks~~front yard setbacks;

(11) Fire hydrants and associated appendages;

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

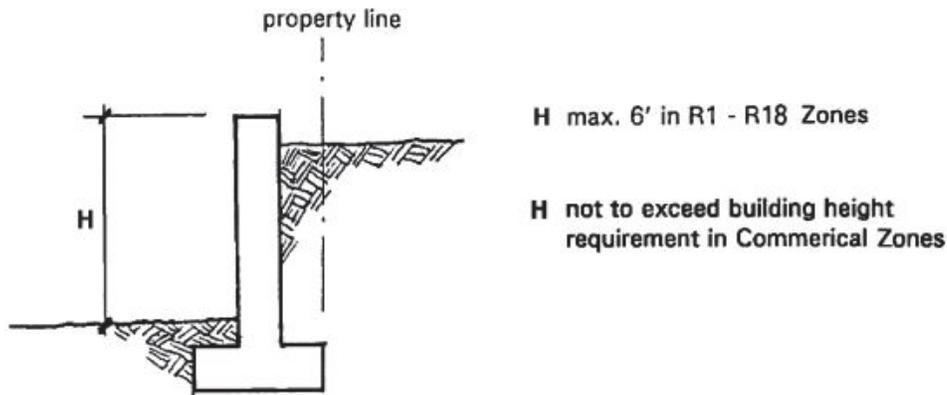
(13) Unless otherwise allowed in SMC 21A.45.060(1), freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet may project into or be located within ~~street setbacks~~front yard setbacks; and

(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.

RETAINING WALL IN SETBACK



...

**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, interior 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 interior 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 ~~interior 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 exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except: fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:~~

~~(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. 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.~~

~~(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.~~

(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 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 ~~outside within a~~ required setback areas ~~shall not exceed the building height for the zone, measured in accordance with the standards established in the Uniform Building Code, SMC Title 16,~~ are permitted subject to the following requirements:

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

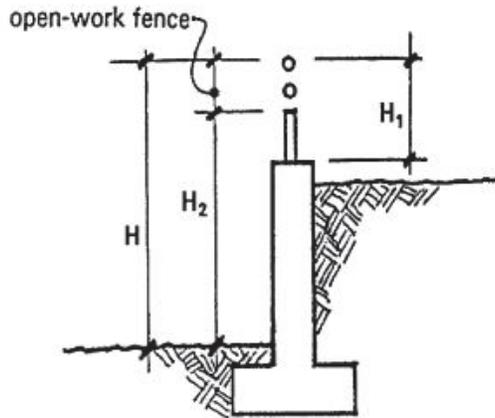
(i) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. The maximum height of 10 feet may be increased to 12 feet in accordance with section (1) above. This height shall be measured from the top of the fence to the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

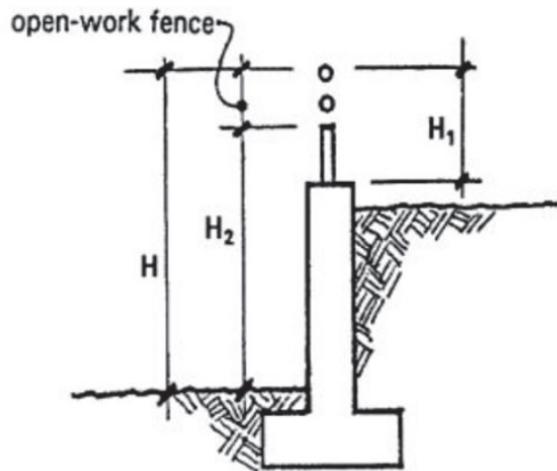
RETAINING WALL WITH FENCE IN SETBACK



H max. 10' in R1 - R18 Zones

H₁ max. 6' in all Zones

H₂ max. 8' for wall & solid-work fence in all Zones

RETAINING WALL WITH FENCE IN SETBACK

H max. 10' in R1 – R18 Zones
(may be increased to 12 feet)

H1 max. 6' in all Zones
(may be increased to 8 feet)

H2 max. 8' for wall & Solid-work fence in all Zones
(may be increased to 10 feet)

(3) Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone.

(34) 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.

(45) 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.

...

**Chapter 21A.35
DEVELOPMENT STANDARDS – LANDSCAPING AND IRRIGATION**

...

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

The required width of perimeter landscaping along interior 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.

...

**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.

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Development Regulations Update
 City Council Proposed Amendments to Planning Commission Recommendation

No.	Page #	Code Section	Source	Description	Proposed Code Language
1.	10 of 32	SMC 21A.25.030(A)	Councilmember Hornish	Add clarification that DADUs meeting standard setbacks may be taller than 18 feet up to the 35 foot height limit for structures and may be combined with other amenities such as detached garages.	To be developed.
2.					
3.					
4.					
5.					
6.					
7.					

Agenda Bill
 City Council Special Meeting
 March 14, 2019



SUBJECT:	A Public Hearing to consider an Ordinance to renew Interim Development Regulations.		
DATE SUBMITTED:	March 06, 2019		
DEPARTMENT:	Community Development		
NEEDED FROM COUNCIL:	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Direction <input type="checkbox"/> Informational		
RECOMMENDATION:	Complete Public Hearing and consider Ordinance.		
EXHIBITS:	1. Exhibit 1 - Ordinance O2018-468 2. Exhibit 2 - Ordinance O2018-471 3. Exhibit 3 - Ordinance Interim Development Regulations Renewal		
BUDGET:			
Total dollar amount			<input type="checkbox"/> Approved in budget
Fund(s)			<input type="checkbox"/> Budget reallocation required
			<input type="checkbox"/> No budgetary impact
WORK PLAN FOCUS AREAS:			
<input type="checkbox"/> Transportation	<input type="checkbox"/> Community Safety		
<input type="checkbox"/> Communication & Engagement	<input checked="" type="checkbox"/> Community Livability		
<input checked="" type="checkbox"/> High Performing Government	<input type="checkbox"/> Culture & Recreation		
<input checked="" type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability		

NEEDED FROM COUNCIL:

A Public Hearing to consider an Ordinance to renew Interim Development Regulations.

KEY FACTS AND INFORMATION SUMMARY:

Summary Statement:

On September 18, 2018 the City Council adopted emergency Ordinance O2018-468 included as **Exhibit 1** providing Interim Development Regulations for a period of six months associated with building setbacks, building height, building facade, mass grading, parking, fences, street frontage, and density. After completing a Public Hearing on November 6, 2018, the City Council adopted Ordinance O2018-471 included as **Exhibit 2** a select set of amendments to the Interim Development Regulations. The Interim Development Regulations are set to expire on March 17, 2019.

The City has been working diligently to draft and consider Permanent Development Regulations. After completing a Public Hearing on January 31, 2019, the Planning Commission voted to make recommendations on Permanent Development Regulations to the City Council. The City Council was scheduled to complete a Public Hearing on the recommendations of the Planning Commission on February 11, 2019, but it was cancelled due to inclement weather. This Public Hearing has been rescheduled for March 14, 2019 on and/or after which time the City Council will deliberate on the recommendations of the Planning Commission and consider an adopting ordinance for Permanent Development Regulations.

Therefore, it is necessary for the City Council to consider the renewal of the Interim Development Regulations to avoid a gap between the expiration of Ordinance O2018-468 and Ordinance O2018-471 and the adoption of Permanent Development Regulations. This Public Hearing to consider the Ordinance included as **Exhibit 3** will accomplish the avoidance of such a gap.

Background:

Through past cycles of development, City Council, Staff, and the Hearing Examiner have received many comments and complaints regarding the form (look and feel) of new development throughout the City and the impact it has on the quality of life for Sammamish Citizens. In 2017 the City Council asked staff to begin the process of analyzing and revising the City's subdivision rules and zoning controls that govern community character and the quality of development. The first phase of that project included an analysis of code deficiencies, research on comparable jurisdiction's regulations, and identified simple solutions. Several of these solutions, responding to common comments and concerns received from citizens, were implemented through the September 18th, 2018 City Council adoption of Interim Development Regulations (Ordinance O2018-468) and subsequent amendments on November 6, 2018 (Ordinance O2018-471). These regulations empower the City, through application of code with project and permit review, to protect Sammamish residents' privacy and preserve neighborhood character as the City grows.

The adopted Interim Development Regulations include:

- **Setback Designations and Dimensions:** Setback designations were changed to include designation of a side and rear setback. Minimum setbacks were increased to provide greater separation between homes to better match the character of existing development, provide a useable yard space, allow for solar access, and help preserve trees. (SMC 21A.030)
- **Building Height and Facade:** The method of measurement of building height was changed to use the existing grade of the site instead of the finished grade. A restriction on the height of a facade wall was also added to limit the size/height of an exterior wall. These changes influence development that better matches the character of and is more appropriately scaled as compared to existing development. (SMC 21A.030)
- **Limiting Mass Grading:** This creates a positive change in retaining the existing character and landscape of the City. This code change directs project designers to limit grade changes with minimal alterations to the landscape better preserving trees and the existing topography of the land. (SMC 16.15.090)

- **Density Rounding:** This code change requires rounding down to the nearest whole number when permitted number of units (density calculation) result in a fraction. This change better reflects actual allowed density (R-Zone) as compared to the past practice of rounding up allowing a higher density than the actual designated R-Zone. (SMC 21A.25.070)
- **Fence Heights:** This change increases the height allowance for rear and side yard fences for building permit approved fences above six (6) feet and up to eight (8) feet to provide more privacy. Fence height allowances are also reduced in the front yard within the street setback area to improve line-of-sight safety and connections between neighbors. (SMC 21A.25.190)
- **Parking:** This change added a requirement that new development (subdivision and short subdivision) provide the equivalent of one (1) on-street parking space for each home being built in the development. This change is intended to ensure that adequate parking supply is provided within new developments. (SMC 21A.40.055)
- **Street Frontage:** This requires that all new lots created through subdivision and short subdivision be designed to include a minimum of thirty (30) feet of street frontage. Lots designed to meet this frontage requirement will better match existing community character and will provide a better connection for each new home to receive services from a public street reducing conflicts with neighbors. (SMC 21A.030)

FINANCIAL IMPACT:

N/A

OTHER ALTERNATIVES CONSIDERED:

There are 2 options for the City Council to consider:

Option 1. Complete the Public Hearing and adopt the Ordinance included as Exhibit 3 to renew the Interim Development Regulations contained in Ordinance O2018-468 and Ordinance O2018-471.

For this option, City Council will renew the existing Interim Development Regulations for a period of not more than 6 months while Permanent Development Regulations are considered thereby avoiding a gap between the expiration of Ordinance O2018-468 and Ordinance O2018-471 and the adoption of Permanent Development Regulations.

OR

Option 2. Complete the Public Hearing and do not adopt the Ordinance included as Exhibit 3 to renew the Interim Development Regulations contained in Ordinance O2018-468 and Ordinance O2018-471.

For this option, City Council will not renew the existing Interim Development Regulations while Permanent Development Regulations are considered thereby creating a gap between the expiration of Ordinance O2018-468 and Ordinance O2018-471 and the adoption of Permanent Development Regulations during which development proposals may be applied for and vest under the Former Development Regulations in effect prior to September 18, 2018.

RELATED CITY GOALS, POLICIES, AND MASTER PLANS:

N/A

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2018-468**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ADOPTING INTERIM DEVELOPMENT
REGULATIONS REGARDING THE DESIGN AND
CONSTRUCTION OF SHORT PLATS AND SUBDIVISIONS AS
AUTHORIZED BY THE GROWTH MANAGEMENT ACT;
PROVIDING FOR SEVERABILITY; AND DECLARING AN
EMERGENCY**

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote public health, safety, aesthetics, and welfare, the City of Sammamish ("City") provides development regulations for the design and construction of new subdivisions and short plats; and

WHEREAS, the City has determined that development regulations for new subdivisions and short plats as currently codified in Sammamish Municipal Code ("SMC") Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35, and 21A.40 are not fully accomplishing the goals set forth in the Sammamish Comprehensive Plan regarding the following: clearing and grading; setbacks; building height measurement; rounding fractions; fence height; and off street parking; and

WHEREAS, the City has determined that amendments to the aforementioned SMC Chapters is necessary, and the City is interested in preventing vesting of additional subdivisions and short plats until such time as these development regulations can be thoroughly reviewed and amended; and

WHEREAS, the City has determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary to allow adequate time for the City to effectively analyze and determine development regulations sufficient to provide for appropriate regulation of the design and construction of subdivisions and short plats within the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

Section 2. Adoption of Interim Zoning Regulations. The City Council hereby adopts the interim development regulations as set forth in Attachment A to this Ordinance amending Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35, and 21A.40 SMC.

Section 3. Effective Duration of Interim Development Regulations. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council will hold a public hearing at the City Council's regular meeting beginning at 6:30 p.m. on November 6, 2018, or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact.

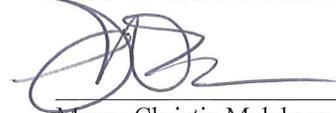
Section 5. Referral to the City Manager. The City Council requests that the City Manager and his staff work diligently with the City Council to formulate and adopt permanent regulations.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 18TH DAY OF SEPTEMBER, 2018.

CITY OF SAMMAMISH



Mayor Christie Malchow

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Michael R. Kenyon, City Attorney

Filed with the City Clerk:	September 18, 2018
First Reading:	September 18, 2018
Passed by the City Council:	September 18, 2018
Date of Publication:	September 21, 2018
Effective Date:	September 18, 2018

Adopted 09/18/2018 as Emergency Interim Regulations
Public Hearing to be held November 6, 2018 during City Council Regular Meeting

Attachment A

**Chapter 16.15
CLEARING AND GRADING**

...

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 10-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.

(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 approval, addressing all land use requirements and presenting final engineering design consistent with the development standards and 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.

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(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.

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(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.15.428 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.15.727 Lot line, rear yard.

“Lot line, rear yard” means the property boundary opposite the street lot line. Except that, four-sided lots adjoining more than one street shall have no rear yard lot line. In triangular lots with one street frontage, the rear lot line shall be the shorter of the lot lines not adjoining the street.

21A.15.728 Lot line,side yard.

“Lot line, side yard” means lot lines that delineate property boundaries along those portions of the property that do not abut the rear yard or the street.

21A.15.730 Lot line, street.

“Lot line, street” means the property boundary abutting a street.

...

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21A.15.1070 Setback.

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

...

**Chapter 21A.25
 DEVELOPMENT STANDARDS – DENSITY AND DIMENSIONS**

...

21A.25.030 Densities and dimensions – 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)
Minimum Lot Width	35 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Rear Yard Setback	30 ft	25 ft	25 ft	25 ft	20 ft	20 ft
Minimum Street Setback	20 ft (6)(7)	20 ft (6) (7) (16)	20 ft (6) (7) (16)	10 ft (7) (8)	10 ft (7)	10 ft (7)
Minimum Side Yard Setback (2)(12)(17)	25 ft	25 ft	25 ft	15 ft	5 ft	5 ft

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	RESIDENTIAL					
	URBAN RESIDENTIAL					
Z O N E S						
STANDARDS	R-1⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
Base Building Height (3)(15)	35 ft (20)	35 ft (20)	35 ft (20)	35 ft (20)	60 ft	60 ft 80 ft (10)
Maximum Impervious Surface: Percentage (4)	30% (9)			75%	85%	85%
Minimum Yard Area (18)		45%	35%			
Lot Coverage (19)		40%	50%			

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 building 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.

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6. All lots located within the R-1, R-4, and R-6 zoning districts created through the subdivision, short subdivision, or binding site plan process must abut a public right-of-way, and shall be orientated so that the street frontage of each lot equals the minimum lot width requirements pursuant to SMC 21A.25.030(A).

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. a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

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 building 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.

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15. Subject to the increase in maximum 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 street setback shall be landscaped. This part of the street setback area may be used to comply with the minimum yard area percentage.

17. Minimum Side Yard Setbacks are as follows:

For R-1: 25 feet for each side yard.

For R-4 and R-6: 10 feet, with a total aggregate dimension of 25 feet required for both side yards. The sum of any two side yard setbacks on lots with three or more side yard lot lines shall be no less than 25 feet.

For R-8: 5 feet, with a total aggregate dimension of 15 feet required for both side yards. The sum of any two side yard setbacks on lots with three or more side yard lot lines shall be no less than 15 feet.

For R-12 and R-18: 5 feet for each side yard.

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 measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof.

21A.25.040 Densities and dimensions – Commercial zones.

A. Commercial Zones.

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	Z O N E S	COMMERCIAL		
		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE
STANDARDS		NB	CB	O
Maximum Density DU/Acre		8 du/ac (1)	18 du/ac (1)	18 du/ac (1)
Minimum Lot Area				
Maximum Lot Depth/Width Ratio			10 ft	10 ft
Minimum Rear Yard Setback (4)		20 ft (5)	20 ft (5)	20 ft (5)
Minimum Street Setback		10 ft (2)	10 ft (2)	10 ft
Minimum Side Yard Setback (4)		20 ft (5)	20 ft (5)	20 ft (5)
Base Height (7)		35 ft 45 ft (3)	35 ft 60 ft (3)	45 ft 60 ft (3)
Maximum Floor/Lot Ratio: Square Feet		1/1 (6)	1.5/1 (6)	2.5/1 (6)
Maximum Impervious Surface: Percentage (8)(9)		85%	85%	75%

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.

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2. Gas station pump islands shall be placed no closer than 25 feet to street front lines.
3. This base 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 base height limit provide one additional foot of street, rear, and side yard setback for each foot above the base 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) Street setbacks shall be measured from the 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) Building 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 roof. The average existing grade shall be determined by first delineating the smallest square or rectangle that can enclose the 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.

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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.75 or 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 result in a fraction, the fraction shall be rounded down to the nearest whole number.

...

21A.25.100 Administrative adjustment of setbacks.

The purpose and intent of administrative adjustment of setbacks is to provide the flexibility to modify setbacks in all zoning districts at the administrative level. Administrative adjustment of setbacks may modify setbacks established in this chapter; 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 administrative adjustment of setbacks shall be reviewed and approved concurrent with the related development application. The director may approve or recommend approval to the hearing examiner on an administrative adjustment of standards 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 administrative 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.

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(3) Criteria. In issuing an administrative adjustment of setbacks approval or recommendation, 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;

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(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) Residential and commercial street setbacks established pursuant to this chapter may be reduced by up to 30 percent.

...

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) Street Setback. The street setback is measured from the street right-of-way or the edge of a surface improvement which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. In lots adjoining two or more streets, including corner lots, the minimum street 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.25.190 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

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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 street 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 street 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 street 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 an interior setback;

(5) Fences with a height of eight feet or less may be located in the rear and side yard setbacks. Fences are limited to four feet in height in the street setback and shall be consistent with the sight distance requirements of SMC 21A.25.220.

(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

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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.30.140 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 street setbacks;

(11) Fire hydrants and associated appendages;

(12) Metro bus shelters may be located within street 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 street setbacks; and

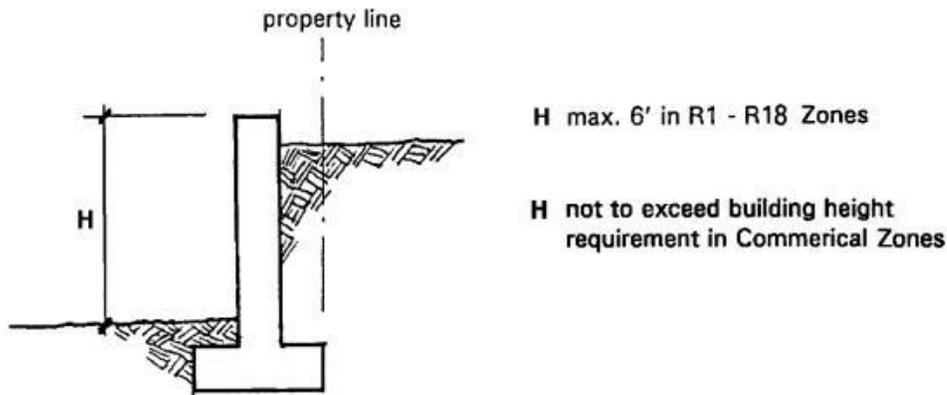
(14) Storm water vaults, structures, and conveyance systems, both above and below ground, provided such projections are:

(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.

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RETAINING WALL IN SETBACK



...

**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

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(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 exceeding a height of four feet shall not be allowed within the street setback area. Fences exceeding a height of eight feet shall not be located within the side yard and rear yard setback areas of the zone in which the property is located, except: fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

(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. 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 eight feet.

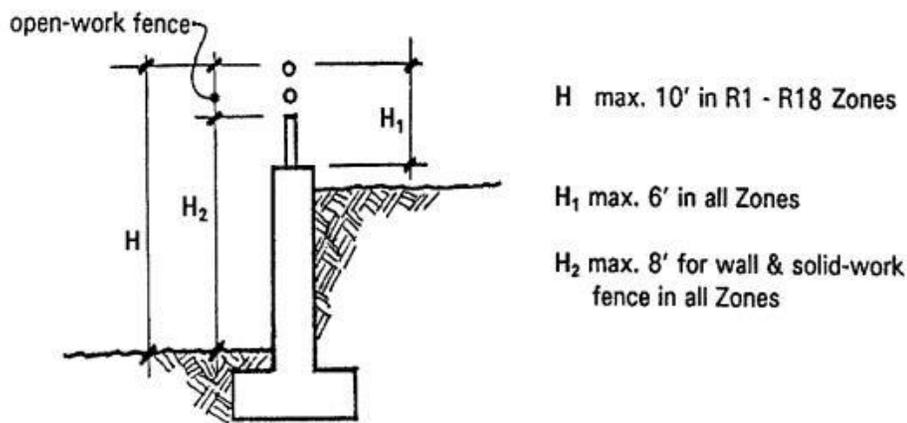
(b) In the R-18 and commercial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

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(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.

(2) Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the Uniform Building Code, SMC Title 16.

RETAINING WALL WITH FENCE IN SETBACK



(3) 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.

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- (4) 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.

...

**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 yard 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 On-street parking.

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 the equivalent area for one on-street parking space along the street frontage of each lot.

...

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2018-471**

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING ORDINANCE NO. O2018-468, RELATING TO INTERIM DEVELOPMENT REGULATIONS REGARDING THE DESIGN AND CONSTRUCTION OF SHORT PLATS AND SUBDIVISIONS; AMENDING SMC SECTIONS 16.15.190, 21A.25.030(A), 21A.25.100, 21A.25.190, AND SMC 21A.30.190; ADOPTING SMC SECTION 21A.25.739.1; AND REMOVING APPLICABILITY IF A PREAPPLICATION MEETING HAS BEEN HELD; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on September 18, 2018, the City Council adopted emergency Ordinance No. O2018-468, which adopted interim development regulations regarding the design and construction of short plats and subdivisions as authorized by the Growth Management Act for a six-month period; and

WHEREAS, on November 6, 2018, after completing a Public Hearing pursuant to RCW 35A.070.390, the City Council adopted amendments to the interim development regulations adopted in Ordinance O2018-468 to run from the effective date of this Ordinance until the end of the six-month period established in Ordinance O2018-468 (March 17, 2019); and

WHEREAS, these amendments to Ordinance O2018-468 address the applicability of the interim regulations to projects that have had a pre-application meeting, amend SMC 16.15.090(2)(a) regarding mass grading, adopt a definition of mass grading in SMC 21A.15.739.1, amend setbacks and façade height in SMC 21A.25.030(A), amend the setback adjustment processes in SMC 21A.25.100, and amend fencing provisions in SMC 21A.25.190(5) and SMC 21A.30.190(1);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ordinance No. O2018-468, Section 2 (Adoption of Interim Zoning Regulations), Amended. Section 2 of Ordinance No. O2018-468 (Adoption of Interim Zoning Regulations) is hereby amended to read as follows:

The City Council hereby adopts the interim development regulations as set forth in Attachment A to this Ordinance amending Chapters 16.15, 21A.15, 21A.25, 21A.30, 21A.35, and 21A.40 SMC; provided, however, that these interim development regulations are inapplicable to applications for project permits and approvals for properties outside of the Town Center zoning districts that had

vested on or before September 18, 2018, and also to those projects for which a pre-application meeting with the City had been completed to the satisfaction of the Community Development Director and/or designee on or before September 18, 2018.

Section 2. SMC 16.15.090(2)(a), Amended. Sammamish Municipal Code Subsection 16.15.090(2)(a) is hereby amended to read as follows:

(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 10-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, etc.).

Section 3. New SMC 21A.15.739.1, Definition of Mass Grading, Adopted. A new Sammamish Municipal Code Section 21A.15.739.1 is hereby adopted to define the term “mass grading” and to read as follows:

SMC 21A.15.739.1 Mass Grading.

The movement or redistribution of large quantities of earth over large areas.

Section 4. Amending Residential Setbacks set forth in SMC 21A.25.030(A). The Table set forth in Sammamish Municipal Code Subsection 21A.25.030(A) is hereby amended to read as follows:

21A.25.030 Densities and dimensions – 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)
Minimum Lot Width	35 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Rear Yard Setback	30 ft	25 20 ft	25 20 ft	25 20 ft	20 ft	20 ft
Minimum Street Setback	20 ft (6)(7)	20 ft 15 ft (6) (7) (16)	20 ft 15 ft (6) (7) (16)	10 ft (7) (8)	10 ft (7)	10 ft (7)
Minimum Side Yard Setback (2)(12)(17)	25 ft	25 20 ft	25 20 ft	15 ft	5 ft	5 ft
Base Building Height (3)(15)	35 ft (20)	35 ft (20)	35 ft (20)	35 ft (20)	60 ft	60 ft 80 ft (10)
Maximum Impervious Surface: Percentage (4)	30% (9)			75%	85%	85%

Z O N E S	RESIDENTIAL					
	URBAN RESIDENTIAL					
STANDARDS	R-1⁽¹³⁾	R-4	R-6	R-8	R-12	R-18
Minimum Yard Area (18)		45%	35%			
Lot Coverage (19)		40%	50%			

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 building 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 through the subdivision, short subdivision, or binding site plan process must abut a public right-of-way, and shall be orientated

so that the street frontage of each lot equals the minimum lot width requirements pursuant to SMC 21A.25.030(A).

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. a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

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 building 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 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 street setback shall be landscaped. This part of the street setback area may be used to comply with the minimum yard area percentage.

17. Minimum Side Yard Setbacks are as follows:

For R-1: 25 feet for each side yard.

For R-4 and R-6: ~~10-7.5~~ feet, with a total aggregate dimension of ~~2520~~ feet required for both side yards. The sum of any two side yard setbacks on lots with three or more side yard lot lines shall be no less than ~~2520~~ feet.

For R-8: 5 feet, with a total aggregate dimension of 15 feet required for both side yards. The sum of any two side yard setbacks on lots with three or more side yard lot lines shall be no less than 15 feet.

For R-12 and R-18: 5 feet for each side yard.

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 measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof. 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.

Section 5. SMC 21A.25.100 (Administrative Adjustments of Setbacks), Amended.
Sammamish Municipal Code Section 21A.25.100 (Administrative adjustments of setbacks) is hereby amended to read as follows:

SMC 21A.25.100 ~~Administrative~~-Adjustment of setbacks.

The purpose and intent of ~~administrative adjustment of setbacks~~ adjustments is to provide the flexibility to modify setbacks in all zoning districts at the ministerial administrative level. ~~Administrative adjustment of setbacks may modify setbacks established in this chapter;~~ 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 administrative adjustment of setbacks shall be reviewed and approved concurrent with the related development application. The director may approve or recommend approval to the hearing examiner on an ~~administrative adjustment of setbacks standards~~ 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 administrative 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 administrative adjustment of setbacks approval or recommendation, 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) ~~Residential and Commercial~~ street setbacks established pursuant to this chapter may be reduced by up to 30 percent. Residential street, side, and rear yard setbacks may be adjusted by up to 50 percent.

Section 6. SMC 21A.25.190(5), Amended. Sammamish Municipal Code Subsection 21A.25.190(5) is hereby amended to read as follows:

- (5) Fences with a height of eight feet or less may be located in the rear and side yard setbacks. Fences are limited to four feet in height in the street 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 street frontage a fence of eight feet or less may be located within the street setback along the street frontage that does not provide access to the property when located outside of the vision clearance triangle.

Section 7. SMC 21A.30.190(1), Amended. Sammamish Municipal Code Subsection 21A.30.190(1) is hereby amended to read as follows:

- (1) Fences exceeding a height of four feet shall not be allowed within the street setback area. For corner or a-typical shaped lots with more than one street frontage a fence of eight feet or less may be located within the street setback along the street frontage that does not provide access to the property when located outside of the vision clearance triangle. Fences exceeding a height of eight feet shall not be located within the side yard and rear yard setback areas of the zone in which the property is located, except: fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:
- (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. 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.

- (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 eight 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.

Section 8. Duration. These amendments to the interim development regulations adopted in Ordinance O2018-468 shall remain in effect from the effective date of this Ordinance until the end of the six-month period established in Ordinance O2018-468 (March 17, 2019).

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 10. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6TH DAY OF NOVEMBER, 2018.

CITY OF SAMMAMISH



Mayor Christie Malchow

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Michael R. Kenyon, City Attorney

Filed with the City Clerk:	November 1, 2018
First Reading:	November 6, 2018
Passed by the City Council:	November 6, 2018
Date of Publication:	November 12, 2018
Effective Date:	September 18, 2018

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2019-_____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
EXTENDING INTERIM DEVELOPMENT REGULATIONS
REGARDING THE DESIGN AND CONSTRUCTION OF SHORT PLATS
AND SUBDIVISIONS AUTHORIZED BY THE GROWTH
MANAGEMENT ACT AS ADOPTED IN ORDINANCE NO. 02018-468
AND AS AMENDED BY ORDINANCE NO. 02018-471 FOR A PERIOD OF
SIX MONTHS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on September 18, 2018, the City Council adopted emergency Ordinance No. O2018-468, which adopted interim development regulations regarding the design and construction of short plats and subdivisions as authorized by the Growth Management Act for a six-month period; and

WHEREAS, through Ordinance No. O2018-471 adopted on November 6, 2018, the City Council adopted amendments to the interim development regulations adopted in Ordinance O2018-468 to run until the end of the six-month period established in Ordinance O2018-468 (March 17, 2019); and

WHEREAS, the City's Planning Commission has analyzed options for permanent development regulations, held a public hearing regarding same on January 31, 2019, and has made a recommendation to the City Council regarding permanent development regulations; and

WHEREAS, the City Council was scheduled to hold a public hearing and consider permanent development regulations on February 11, 2019, but severe weather conditions caused cancellation of that City Council meeting; and

WHEREAS, the City Council desires to extend the interim development regulations as adopted in Ordinance No. O2018-468 and amended by Ordinance No. O2018-471 for a period of six months, from March 17, 2019 to September 17, 2019, to allow adequate time for the City to continue to analyze and determine development regulations sufficient to provide for appropriate regulation of the design and construction of subdivisions and short plats within the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's findings of fact in support of an extension of the interim development regulations adopted in Ordinance No. O2018-468 and amended by Ordinance No. O2018-471.

Section 2. Extension of Interim Development Regulations. The City Council hereby extends the interim development regulations, as adopted in Ordinance No. O2018-468 and amended by Ordinance No. O2018-471, for a period of six months from the expiration of Ordinance No. O2018-468 and amended by Ordinance No. O2018-471 (September 17, 2019), unless sooner repealed.

Section 3. Public Hearing. The City Council held a public hearing at the City Council’s regular meeting on March 14, 2019, prior to the adoption of this Ordinance extending the interim development regulations adopted in Ordinance No. O2018-468 and amended by Ordinance No. O2018-471.

Section 4. Referral to the City Manager. The City Council requests that the City Manager and his staff continue to work diligently with the City Council to formulate and adopt permanent regulations.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the “WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF MARCH, 2019.

CITY OF SAMMAMISH

Mayor Christie Malchow

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk:

First Reading:

Passed by the City Council:

Date of Publication:

Effective Date: