



AGENDA

Planning Commission

6:30 PM - Thursday, November 7, 2019

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	CALL TO ORDER	6:30 pm
	ROLL CALL	
	APPROVAL OF AGENDA	
	APPROVAL OF THE MINUTES	
3 - 4	1. October 17, 2019 View Meeting Minutes	
	PUBLIC COMMENT - NON AGENDA <i>3 minutes per person / 5 minutes if representing an organization</i>	
	OLD BUSINESS	
5 - 20	2. 2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests View Agenda Item	
	PUBLIC COMMENT - AGENDA <i>7 minutes per person</i>	
	ADJOURNMENT	8:30 pm
	LONG TERM CALENDAR	
21	3. View Calendar	

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

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

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

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

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

Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.



MINUTES

Planning Commission

6:30 PM - October 17, 2019

City Hall Council Chambers, Sammamish, WA

Commissioners Present:

Chair Mark Baughman, Planning Commissioner, Position 6
Vice-Chair Eric Brooks, Planning Commissioner, Position 1
Larry Crandall, Planning Commissioner, Position 5
Josh Amato, Planning Commissioner, Position 4
Mark Lewis, Planning Commissioner, Position 3
Rituja Indapure, Planning Commissioner, Position 7

Commissioners Absent:

Roisin O'Farrell, Planning Commissioner, Position 2

Staff Present:

Interim Director of Community Development David Pyle
Planning Manager Kellye Hilde
City Engineer Andrew Zagars
Principal Planner Dennis Osborn
Management Analyst Evan Fischer
Office Assistant Jaclyn Montanana

CALL TO ORDER

Chair Baughman called the Sammamish Planning Commission meeting to order at 6:30 PM.

ROLL CALL

Roll was called.

APPROVAL OF AGENDA

Motion to approve the agenda for October 17, 2019 as distributed.

Motion carried with no objections.

APPROVAL OF THE MINUTES

Motion to approve the September 19, 2019 minutes as distributed.

Motion carried with no objections.

PUBLIC COMMENT - NON AGENDA

Paul Stickney - 22626 NE Inglewood Hill Rd Sammamish, WA 98074
Topic: Single family housing

OLD BUSINESS

Wireless Communication Facilities Code Rewrite

Dennis Osborn, Principal Planner, gave a presentation on the proposed updates to the Wireless Communication Facilities Code.

David Pyle, Deputy Director of Community Development, spoke to clarify the intent of the graphics displayed in the presentation.

PUBLIC COMMENT - AGENDA

Kim Allen representing Verizon Wireless.
Topic: Wireless Communication Facilities Code Rewrite

Greggory Busch representing AT&T.
Topic: Wireless Communication Facilities Code Rewrite

ADJOURNMENT

MOTION: Josh Amato moved to adjourn. Rituja Indapure seconded. Motion carried unanimously 6-0 with Roisin O'Farrell absent.

Meeting adjourned at 8:05 P.M.

Agenda Bill

Planning Commission Regular Meeting
November 07, 2019



SUBJECT:	2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests	
DATE SUBMITTED:	November 01, 2019	
DEPARTMENT:	Community Development	
NEEDED FROM COMMISSION:	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Direction <input type="checkbox"/> Informational	
RECOMMENDATION:	Open and close the public hearing, deliberate, and move to recommend to City Council which proposals should be placed on the 2020 docket and advance to legislative review.	
EXHIBITS:	Exhibit 2 - Docket Request Summaries Exhibit 3 - Staff Comments for Request #2 Exhibit 4 - Staff Recommendations	
BUDGET:		
Total dollar amount	N/A	<input type="checkbox"/> Approved in budget
Fund(s)	N/A	<input type="checkbox"/> Budget reallocation required
		<input checked="" 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 type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability	

NEEDED FROM COMMISSION:

Which Comprehensive Plan and Development Regulation Amendment applications should City Council consider adding to the 2020 docket for further consideration?

KEY FACTS AND INFORMATION SUMMARY:

Summary Statement

The Sammamish Municipal Code, in accordance with the Growth Management Act, allows the City to consider certain types of amendments to the Comprehensive Plan and development regulations on an annual basis. These amendments fall into two categories:

1. Text Amendments to change the text of the Sammamish Comprehensive Plan or the Sammamish Municipal Code development regulations through additions, corrections, or other modifications; and
2. Site-Specific Land Use Map Amendments that seek to change the future land use map zoning designation of an individual's or group of individuals' property.

On [October 15, 2019](#), the Planning Commission held a joint study session with the City Council where they reviewed the three docket requests submitted for the 2020 docket. Staff presented information on the Comprehensive Plan and development regulation amendment process, process timeline, and an overview of the requests submitted.

The Planning Commission will open a Public Hearing on the 2020 docket requests on November 7, 2019. After closing the Public Hearing, the Planning Commission will consider the proposals, deliberate on, and vote on a recommendation to City Council regarding the 2020 docket.

Process and Background

The first step in the Comprehensive Plan and development regulation amendment process is setting the docket. During this step, the Planning Commission and City Council will identify the requests that will move forward to a legislative review the following year.

Three requests were submitted for consideration in the 2020 docket; one from the City for a Site-Specific Land Use Map Amendment and two from Sammamish residents for development regulation text amendments. More details on each proposal can be found in Exhibit 2.

Analysis

Staff analyzed the three requests and have prepared recommendations (Exhibit 4) about whether or not a request should advance to the legislative review stage. Staff recommendations are based on the guidance of [SMC 24A.10.010\(3\)\(b\)](#) and include whether the request aligns with work plan items, whether the City has the budget and staff availability to complete a full review of the request, and whether the request is consistent with the City's current policy and programmatic priorities.

Next Steps

City Council will hold a public hearing on November 19, 2019. Once the public hearing concludes, City Council will consider the requests, deliberate and vote on a resolution to set the 2020 docket.

FINANCIAL IMPACT:

N/A

OTHER ALTERNATIVES CONSIDERED:

N/A

RELATED CITY GOALS, POLICIES, AND MASTER PLANS:

Chapter [24A.10 SMC](#) guides our annual docket process.

[Sammamish Comprehensive Plan](#)



Department of Community Development

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

2020 DOCKET REQUEST #1
Site-Specific Land Use Map Amendment: Parcel 3425069017

Applicant

City of Sammamish

Description of Proposed Amendment

The City proposes changing the future land use of the 21.5-acre City-owned property from Residential-1 (R-1) to Community Business (CB).

Site Description

The site is located in an urbanized area of the City on 228th Ave NE, which is a principal arterial and a transit thoroughfare. The site is developed with an approximately 30,800 square foot building which built in 2008 and associated parking. The site is accessed from both E. Main Street and 228th Ave NE.

Adjacent uses include a mix of undeveloped parcels, residential, and educational. A commercial shopping center and civic uses are within close proximity. Furthermore, this site is just outside of the City's Town Center boundary. It is also generally flat and immediately adjacent to wetlands associated with the George Davis Creek.

Summary of Applicant Justification

The proposed amendment will help address traffic issues. It also aligns well with regional planning documents that encourage "higher density around transit" and could allow the City to serve a public interest by increasing the potential of this site.

Additionally, the proposed change, along with the associated rezone, would correct an existing inconsistency between the City's adopted Future Land Use Map (where the property is listed as R-1) and the current Zoning Map (where the property is listed as R-6 Interim).



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2020 DOCKET REQUEST #2
Development Regulation Text Amendments

Applicants

Mary Johnson and Mary Wictor

Description of Proposed Amendments

The applicants propose a number of amendments to address a variety of areas. This includes both amendments to specific sections of code as well as broader requests for new regulations or modifications.

To assist with review, the proposed amendments and the applicant justifications have been grouped by key theme.

Transfer of Development Rights (TDRs)	<p>1A SMC 21A.80.030(1)(a)(iii) - Add landslide/geohazard as valid TDR sending sites or include Inglewood & Tamarack as historic neighborhoods for TDRs.</p> <hr/> <p>1B Chapter 21A.80 SMC - Modify the TDR program so it can be utilized now.</p>
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Development Issues	<p>2A SMC 21A.25.030 - Add a Minimum Lot Size.</p> <hr/> <p>2B Add regulation(s) about lots, parcels, or tracts marked as UNBUILDABLE (e.g., as shown in King County Parcel Viewer).</p> <hr/> <p>2C Restrict development occurring as in-fill, development that will impact adjacent properties, and development above/beside trees, septic systems, erosion areas and landslide areas.</p> <hr/> <p>2D Create new regulations to deal with west-slope areas having one or more critical areas undergoing infill.</p> <hr/> <p>2E Establish a city-wide tracking system for slides that occur.</p>
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Ecosystem Preservation	<p>3A Add regulations that preserve and connect pollinator & wildlife habitats via protected or preserved public and private open space, utility rights-of-way, riparian corridors, wetland buffers, pollinator habitat or corridors and protected critical areas or other features.</p> <hr/> <p>3B Add regulations that protect habitat & habitat corridors used for or potentially used by wildlife, salmonids and pollinators from the impacts of development.</p> <hr/> <p>3C Add regulations that protect native growth via easements.</p>
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Description of Proposed Amendments (Continued)

Tree & Vegetation Retention	<p>4A Add regulations that require properties with a notice of a critical area on the title be responsible for caring for the property to mitigate potential risks and to avoid infestation of invasive plants.</p>
	<p>4B Require retention of 50% of significant trees, at a minimum, on parcels in critical areas, even if the city deems that a Reasonable Use Exception (RUE) isn't required for that parcel.</p>
	<p>4C Require replanting and restoration of any native vegetation that doesn't survive or is removed during the development process, including RUEs.</p>

Summary of Applicant Justification

TDRs	<p>TDRs are currently allowed from erosion areas but are needed more widely particularly in areas dealing with landslides and other geo-hazards.</p>
Development Issues	<p>Traffic concerns are not holding back building single-family homes on existing lots. Building is occurring more densely than the zoning allows, especially in existing lots before 1970, and is happening on lots that should not be buildable. Adding a minimum lot size will prevent this and ensure that small, irregular, and fragmented lots are not buildable.</p> <p>West sloping areas have extremely challenging topography with very steep slopes. Clearing and grading of slopes (cuts, excavations, fills) disturbs land and soils, and drainage creating risks of landslides. Often these lots include one or more critical area as well. The health and safety of the community must be protected, and risks of loss of life and/or property must be avoided.</p> <p>Landslides should be formally documented/tracked through a publicly available system. This way they can make informed decisions & assess risks when buying a home, especially in the steeped sloped Inglewood Hill area.</p>
Ecosystem Preservation	<p>Functions and values of ecosystems must be protected before they are gone. Additionally, forests, tree canopies, tree variety, understory, and vegetation are essential to protect. Reasonable Use Exemptions (RUEs) are being made for individual homes next to other RUEs are or for properties in the Inglewood Hill neighborhood that have numerous critical area overlays.</p> <p>This piecemeal development is degrading wildlife corridors and pollinator habitat and conflicts with Comprehensive Plan Policy EC.2.6 (Avoid potential impacts to life and property by strictly limiting land disturbance and development in landslide hazard, steep slopes, and Erosion Hazard Near Sensitive Water Body Overlay).</p>
Tree & Vegetation Retention	<p>Tree retention requirements vary by geographic area and permit type, with replacement trees not always required. During development, little care is given to plants and tree roots and they get degraded. Developers need to know that the entire property is in their care during development, not just the house and its footprint.</p>



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2020 DOCKET REQUEST #3
Development Regulation Text Amendments

Applicant

Mary Wictor

Description of Proposed Amendments

The applicant proposes amendments and new regulations for geologically hazardous areas to ensure adequate protections in steep slopes areas to reduce risk and add resilience.

This would include modifications to Titles 13, 16, 19A, as well as Chapters 21A.15, 21A.35, 21A.37, and 21A.50 of the Sammamish Municipal Code (SMC) as well as 21A.80.030 SMC.

Summary of Applicant Justification

Landslide hazard areas are riskier than erosion-type hazard areas. Even the existing erosion-type code, unique to Sammamish, has proven over time to be insufficient with continuing problems especially in plats built before 1977.

Similar to the Shoreline Management Act & Shoreline Master Plan it is key to avoid, minimize, and mitigate impacts and apply mitigation sequencing.

Staff Comments on Docket Request 2 Proposed Amendments

TRANSFER OF DEVELOPMENT RIGHTS (TDRs)

- 1A SMC 21A.80.030(1)(a)(iii) - Add landslide/ geohazard as valid TDR sending sites or include Inglewood and Tamarack as historic neighborhood areas for TDRs.**

Staff Comment: The Inglewood sub-basin overlay is already mapped and included as a TDR sending site. If this proposed amendment is of interest to Council, staff would suggest starting with the study of geohazard areas as part of the critical areas rules which will be evaluated as part of the periodic update to the comprehensive plan as required by [RCW 36.70A.130](#). This work would provide additional insights and can then inform further mapping and/or modification of TDR sending sites.

- 1B Chapter 21A.80 SMC - Modify the TDR program so it can be utilized right away.**

Staff Comment: The program can be utilized now but is being impacted by project eligibility. Any changes would involve a revision of the Interlocal Agreement that Sammamish has with King County which would require review and approval by both the Sammamish City Council and King County.

DEVELOPMENT ISSUES

- 2A SMC 21A.25.030 - Add a Minimum Lot Size.**

Staff Comment: Note that this topic was discussed as part of the development regulation amendments passed in early 2019. It was decided that a similar outcome could be achieved by adjusting other areas like setbacks.

- 2B Add regulation(s) about lots, parcels, or tracts marked as UNBUILDABLE (e.g., as shown in King County Parcel Viewer).**

Staff Comment: The City's Municipal Code does contain a process for determining and maintaining legal lot status ([SMC 19A.08.070](#)). Additionally, the City utilizes a parcel's title report to identify anything that is restricted/ protected on that parcel.

The King County Assessor's Office use of UNBUILDABLE is a judgement that is part of a modeling system for tax purposes and is not intended for use by local government. The disclaimer on the King County Parcel Viewer website states:

"...King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County."

DEVELOPMENT ISSUES (CONTINUED)

2C Restrict development occurring as in-fill, development that will impact adjacent properties, and development above/beside trees, septic systems, erosion areas and landslide areas.

Staff Comment: Placing restrictions on in-fill development could conflict with the goals of the Growth Management Act (GMA). Additionally, restricting development occurring as in-fill contradicts the WAC which sites in-fill as a strategy for accommodating projected urban growth within existing municipal boundaries or urban areas.

Sammamish Municipal Code (SMC) provides regulations to help minimize the impacts of development on adjacent properties. Additionally, unlawful impacts of development on adjacent properties can be addressed through code enforcement.

SMC, in compliance with the GMA, addresses development-related issues regarding trees as well as erosion and landslide areas. The City relies on the rules and regulations adopted by King County and enforced by the Board of Health for development issues related to septic tanks.

2D Create new regulations to deal with west-slope areas having one or more critical areas undergoing infill.

Staff Comment: If this proposed amendment is of interest to Council, staff would recommend consolidating the different geohazards and overlays in the code and maps to create a rule which could be done when the critical areas rules are evaluated as part of the periodic update to the comprehensive plan as required by [RCW 36.70A.130](#).

2E Establish a city-wide tracking system for slides that occur.

Staff Comment: This is an administrative and procedural change which means it does not need to be codified. Funding would be needed to support this work but there are existing tools that could be modified or added to that would achieve this goal.

ECOSYSTEM PRESERVATION

- 3A Add regulations that preserve and connect pollinator & wildlife habitats via protected or preserved public and private open space, utility rights-of-way, riparian corridors, wetland buffers, pollinator habitat or corridors and protected critical areas or other features.**

Staff Comment: This is an area that can be addressed through an Urban Forest Management Plan Implementation Strategy. This process would likely include an evaluation of definitions related to critical areas, creating defined parameters related to topics like pollinator and wildlife habitats, and a mapping effort to inform modifications to the development regulations and Comprehensive Plan.

- 3B Add regulations that protect habitat & habitat corridors used for or potentially used by wildlife, salmonids and pollinators from the impacts of development.**

Staff Comment: Some of this can be addressed through an Urban Forest Management Plan Implementation Strategy with a process similar to what is described in the staff comment to 3A. Additional work would be needed to address salmonids, some of which could be integrated into the evaluation of critical areas rules to be conducted as part of the periodic update to the comprehensive plan as required by [RCW 36.70a.130](#).

- 3C Add regulations that protect native growth via easements.**

Staff Comment: Native growth is included as critical areas and buffers and protected either through an easement as described in [SMC 21A.50.327](#) or through the creation of a tract as described in [SMC 21A.50.190](#).

TREE & VEGETATION RETENTION

- 4A Add regulations that require properties with a notice of a critical area on the title be responsible for caring for the property to mitigate potential risks and to avoid infestation of invasive plants.**

Staff Comment: A Notice on Title is required for parcels that contain critical areas. Staff have concerns over how regulations of this nature would be enforced.

TREE & VEGETATION RETENTION (CONTINUED)

- 4B** Require retention of 50% of significant trees, at a minimum, on parcels in critical areas, even if the city deems that a Reasonable Use Exception (RUE) isn't required for that parcel.

Staff Comment: Sammamish Municipal Code requires 100% retention of significant trees on parcels in critical areas due to the way that development is defined in Chapter 21A.50 SMC. However, Chapter 21A.37.250 dealing with erosion hazard areas and erosion hazard near sensitive water bodies overlay could be modified to provide more clarification and this is something that could be integrated into the Urban Forest Management Plan as an implementation strategy.

- 4C** Require replanting and restoration of any native vegetation that doesn't survive or is removed during the development process, including RUEs.

Staff Comment: The City does require financial guarantees (or "bonds") for restoration and landscaping for certain types of projects. If this proposed amendment is of interest to Council, to better address this area, the vegetation management plan discussed in SMC 21A.50.160 could be expanded to other project types.

This would include adding a criteria to SMC 16.15.070 that requires finished conditions per SMC 21A.50.160. Additionally, it would include modification of Title 27A to include requirements for performance agreement and financial guarantee to ensure the finished condition is properly implemented and maintained following the completion of construction activity.

Docket Request #1: Site-Specific Land Use Map Amendment

 WORKPLAN ALIGNMENT	 COVERED IN ANNUAL/ MID-BI BUDGET	 STAFF AVAILABILITY	 POLICY & PROGRAM CONSISTENCY	 STAFF RECOMMENDATION
X	X	✓	✓	✓

Docket Request #2: Development Regulation Text Amendments

	 WORKPLAN ALIGNMENT	 COVERED IN ANNUAL/ MID-BI BUDGET	 STAFF AVAILABILITY	 POLICY & PROGRAM CONSISTENCY	 STAFF RECOMMENDATION
1A: Expanding TDR sending sites	✓	✗	✗	✓	✓ Contingent on approval of Docket Request #2.1B and #3
1B: Modifying the TDR program	✓	✓	✓	✓	✓
2A: Minimum Lots	✗	✗	✗	✗	✗
2B: “UNBUILDABLE” regulations	✗	✗	✗	✗	✗
2C: Development restrictions	✗	✗	✗	✗	✗
2D: West-slope areas with critical areas	✗	✗	✗	✓	✓ Contingent on approval of Docket Request #2.1B and #3

Docket Request #2: Development Regulation Text Amendments (Continued)

	 WORKPLAN ALIGNMENT	 COVERED IN ANNUAL/ MID-BI BUDGET	 STAFF AVAILABILITY	 POLICY & PROGRAM CONSISTENCY	 STAFF RECOMMENDATION
2E: Landslide tracking system	✓	✗	✗	✗	✗ Not for docket but could be a work program item
3A: Preserving pollinator & wildlife habitats	✓ Through UFMP	✗ Additional consulting needed to better define urban habitat	✓	✓	✓ As part of UFMP Implementation
3B: Protecting habitat & habitat corridors	✓ Through UFMP	✗ Additional consulting needed to address salmonids	✓	✓	✓ As part of UFMP Implementation
3C: Protecting native growth	✗	✗	✗	✗	✗

Docket Request #2: Development Regulation Text Amendments (Continued)

	 WORKPLAN ALIGNMENT	 COVERED IN ANNUAL/ MID-BI BUDGET	 STAFF AVAILABILITY	 POLICY & PROGRAM CONSISTENCY	 STAFF RECOMMENDATION
4A: Critical area care requirements	X	X	X	X	X
4B: Significant tree retention	✓ Through UFMP	✓	✓	✓	✓ As part of UFMP Implementation
4C: Replanting of native vegetation	✓	X	X	✓	✓

Docket Request #3: Development Regulation Text Amendments (Geologic Hazard Areas)

 WORKPLAN ALIGNMENT	 COVERED IN ANNUAL/ MID-BI BUDGET	 STAFF AVAILABILITY	 POLICY & PROGRAM CONSISTENCY	 STAFF RECOMMENDATION
✓	✗	✗	✓	✓

PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
October 17	6:30 PM	Regular Meeting	David Pyle Dennis Osborn	Work Session: Wireless/Small Cell Technology Regulation Update
November 7	6:30 PM	Regular Meeting	Miryam Laytner Sara Estiri	Public Hearing/Deliberation: 2020 Comprehensive Plan Amendments – Docket Requests
November 21	Cancelled	Regular Meeting		
December 5	6:30 PM	Regular Meeting	Kellye Hilde Evan Fischer	Presentation: Planning Commission 2019 Year in Review/ 2020 Year in Advance
December 12	6:30 PM	Special Meeting	David Pyle Dennis Osborn	Public Hearing/Deliberation: Wireless/Small Cell Technology Regulation Update