



## AGENDA

### Planning Commission

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6:30 PM - Thursday, February 20, 2020

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	<b>CALL TO ORDER</b>	6:30 pm
	<b>ROLL CALL</b>	
	<b>APPROVAL OF AGENDA</b>	
	<b>APPROVAL OF THE MINUTES</b>	
3 - 5	1. February 6, 2020 Regular Meeting <a href="#">View Minutes</a>	
	<b>PUBLIC COMMENT - NON AGENDA</b> <i>3 minutes per person / 5 minutes if representing an organization</i>	
	<b>NEW BUSINESS</b>	
6 - 12	2. Development Regulations Update Phase Two - Program Scope of Work <a href="#">View Agenda Item</a>	
	<b>PUBLIC COMMENT - AGENDA</b> <i>7 minutes per person</i>	
	<b>ADJOURNMENT</b>	8:30 pm
	<b>LONG TERM CALENDAR</b>	
13	3. <a href="#">View Calendar</a>	

**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](mailto: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.

**Draft**



## MINUTES

### Planning Commission

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6:30 PM - February 6, 2020

City Hall Council Chambers, Sammamish, WA

**Commissioners Present:**

Mark Baughman, Planning Commissioner, Position 6  
Karthik Seetharaman, Planning Commissioner, Position 1  
Mike Bresko, Planning Commissioner, Position 2  
Josh Amato, Planning Commissioner, Position 4  
Mark Lewis, Planning Commissioner, Position 3  
Rituja Indapure, Planning Commissioner, Position 7

**Commissioners Absent:**

Larry Crandall, Planning Commissioner, Position 5

**Staff Present:**

Director of Community Development David Pyle  
Principal Planner Dennis Osborn  
Office Assistant Jaclyn Montanana

#### **CALL TO ORDER**

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Chair Baughman called the Sammamish Planning Commission meeting to order at 6:33 PM.

#### **ROLL CALL**

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Roll was called.

#### **APPROVAL OF AGENDA**

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**Motion to approve the February 6, 2020 agenda as distributed.**

Motion carried with no objections.

#### **APPROVAL OF THE MINUTES**

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**Motion to approve the January 16, 2020 minutes as distributed.**

Motion carried with no objections.

#### **PUBLIC COMMENT - NON AGENDA**

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Mary Victor - 408 208th Ave NE Sammamish, WA 98074

**Draft**

Topic: Cover art from local artist and City of Bozeman tree management

Paul Stickney - 22626 NE Inglewood Hill Rd Sammamish, WA 98074

Topic: Boys & Girls Club Senior Center open house and City Council office hours

#### **NEW BUSINESS**

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Election of Chair/Vice Chair Position

**MOTION: Mark Lewis moved to to nominate Mark Baughman as chair. Rituja Indapure seconded. Motion carried unanimously 6-0 with Larry Crandall absent.**

**MOTION: Mark Lewis moved to nominate Rituja Indapure as vice chair. Mike Bresko seconded. Motion carried unanimously 6-0 with Larry Crandall absent.**

#### **OLD BUSINESS**

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##### **Public Hearing and Deliberation - Wireless Communication Facilities Code Rewrite**

Dennis Osborn, Principal Planner, gave a presentation regarding the Wireless Communities Facilities Code Rewrite.

#### **PUBLIC HEARING**

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Chair Baughman opened the public hearing at 7:24 PM

Devandra Maharaj - Verizon Wireless

Topic: Wireless Communication Facilities Code

Greggory Busch - AT&T

Topic: Wireless Communication Facilities Code

Blakely Rickett - 3206 263rd Ct. SE, Sammamish WA, 98075

Topic: Wireless Communication Facilities Code

Jennifer Simmons - 3346 259th Pl. SE Sammamish WA, 98075

Topic: Wireless Communication Facilities Code

Chair Baughman closed the public hearing at 7:39 PM.

**MOTION: Mark Lewis moved to recommend the draft to City Council. Rituja Indapure seconded. Motion carried unanimously 6-0 with Larry Crandall absent.**

#### **ADJOURNMENT**

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**Rituja Indapure moved to adjourn.**

Meeting adjourned at 7:51 PM

**Draft**

# Agenda Bill

Planning Commission Regular Meeting  
February 20, 2020



<b>SUBJECT:</b>	Development Regulations Update Phase Two - Program Scope of Work	
<b>DATE SUBMITTED:</b>	February 13, 2020	
<b>DEPARTMENT:</b>	Community Development	
<b>NEEDED FROM COMMISSION:</b>	<input type="checkbox"/> Action <input type="checkbox"/> Direction <input checked="" type="checkbox"/> Informational	
<b>RECOMMENDATION:</b>	Identify areas of emphasis for phase two of the development code update effort. The Commission's feedback will help staff set the scope of work for phase two.	
<b>EXHIBITS:</b>	<a href="#">Attachment 1 - Unified Development Code Guide</a>	
<b>BUDGET:</b>		
Total dollar amount	<input type="checkbox"/>	<b>Approved in budget</b>
Fund(s)	<input type="checkbox"/>	<b>Budget reallocation required</b>
	<input checked="" type="checkbox"/>	<b>No budgetary impact</b>
<b>WORK PLAN FOCUS AREAS:</b>		
<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 COMMISSION:**

Identify the scope of work for phase two of the development regulations update.

**KEY FACTS AND INFORMATION SUMMARY:**

**Background**

The development regulations within the Sammamish Municipal Code (SMC) were first adopted upon the City's incorporation in 1999 under Ordinance O99-29. As adopted, the original rules largely mirrored those of King County. Since adoption, over the past twenty years, there have been many independent changes made to different sections of the code by different parties with a different purpose. To date, there has not been an effort to unify those changes. By comparison, cities of a

similar age with similar progression have completed a unified development code (Example: City of Shoreline which incorporated in 1995 and also inherited King County Code).

The City of Sammamish Development regulations are what could be considered a diffuse approach to regulation. The City's zoning requirements, subdivision regulations, design and development standards, and review procedures are all located in different unrelated sections of the City's Municipal Code (SMC). A Unified Development Code (UDC) is a document that consolidates all development-related regulations including zoning requirements, subdivision regulations, design and development standards, and review procedures into a single structured chapter designed for readability. A UDC is considered the Community Planning industry 'Gold Standard' for code structure. Most Cities that have been through some level of regulatory code reform have opted to consolidate development regulations into a UDC. Although complicated and potentially a larger scope of work, Sammamish should consider migration to a UDC. A guide to writing a UDC is included as Attachment 1.

The result of twenty years of patchwork is a somewhat piecemeal product that at times is hard to follow, has old citations, is outdated, is inconsistent, or in limited instances is missing language. Further, until 2018 the tools used in the City's Development Regulations have remained somewhat unchanged. Although changes have been made to discreet sections of the code, and although compliance with State mandates has brought updates to specific discipline areas (such as Critical Areas rules and Shoreline Rules), the code has not changed significantly until 2018.

A consequence of the static nature of the code (with regard to the tools used and their respective settings – setbacks, height, lot coverage, etc..) is that as the development industry has changed over time, the City's codes did not. Houses became larger, lots became smaller. The community became concerned. The concerns manifested themselves into activism and complaint. Development pressure resulted in approval of projects that technically met City codes yet did not conform to the character or quality of the communities' vision. Further compounding this problem is that subdivisions are afforded a high level of protection under state law, protection which cannot be superseded by local regulation.

In most instances, a subdivision can have a shelf life of approximately ten to twelve years until homes are built and sold. This is known as vesting (grandfathering). The result of this is that although we may have made targeted changes to the City's development regulations, these change have not been realized in projects that pre-date the effective date of change. Most of the City's subdivisions built to date and many still under development have been built to code standards that were in effect prior to 2018. We have not yet seen changes made in 2018 and 2019 take effect in development. Vested projects continue to be built.

#### **2018 Development Code Update Project Initiation**

On September 18, 2018, to address public concern related to development outcomes 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. On March 14, 2019 the Interim Development Regulations implemented by Ordinance O2018-468 and Ordinance O2018-471 were extended for six months under Ordinance 2019-481, or until September 14, 2019, unless sooner repealed.

These actions initiated the work known as the Development Regulations Update – something that had not been done to this magnitude since adoption of the original development regulations in 1999. During project scoping with the Council it was identified that the project should be broken into two phases with first phase largely following the initial code changes set forth in the adopted interim development regulations. Phase two would include additional items to be scoped at a later date.

### **Phase One**

After the initial adoption of Interim Development Regulations in September of 2018, and within Council direction to initiate consideration of permanent development regulation changes, the Planning Commission completed its first study session. In the meetings that followed the Planning Commission discussed alternatives, selected options to be included for consideration and on January 17, 2019 directed staff to finalize code language for a Public Hearing. On January 31, 2019 the Planning Commission held a Public Hearing on the proposed phase one permanent updates to Development Regulations and voted 6-0 to forward a recommendation to City Council for the adoption of such.

On February 4, 2019 City Council completed a study session to receive the Planning Commission recommendations on phase one permanent updates to Development Regulations. A scheduled Public Hearing on February 11, 2019 was cancelled due to inclement weather. The Public Hearing was rescheduled and completed by City Council on March 14, 2019 followed with direction to staff to draft code language for all Council directed amendments to the Planning Commission recommended draft. On April 9, 2019 the City Council completed another study session to deliberate on each proposed amendment as drafted in code and considered additional public comment from the school districts and provided direction to staff to finalize the draft code changes. **The City Council adopted the phase one code amendments on May 7, 2019 with the passing of Ordinance O2019-482.**

Phase one changes made under Ordinance O2019-482 were generally organized by topic (e.g. density rounding, setbacks, fences, building height, etc...). The primary focus was on changing the operative language used, the secondary focus was on dimensional settings (which allowed for adjustment as needed through the process). 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”).

Changes included the following code sections (see ordinance for full changes):

- Chapter 16.15 – Clearing and Grading
- Chapter 21A.15 – Technical Terms and Land Use Definitions
- Chapter 21A.25 – Building Height
- Chapter 21A.25 – Setbacks

Chapter 21A.25 – Density  
 Chapters SMC 21A.25 and 21A.30 – Fence Heights  
 Chapter SMC 21A.40 – Parking  
 Chapter SMC 21A.25 – Street Frontage

The following forums were used during phase one to develop draft development regulations considered by the City Council:

- Community Focus Group: Staff organized a focus group to collect additional feedback from the community. The focus group consisted of Sammamish citizens and members of the building community. The focus group met on December 6, 2018. Feedback from the focus group was been incorporated into the proposed permanent updates to Development Regulations.
- Planning Commission Study Sessions: A total of four study sessions on Development Regulations were completed by the Planning Commission. These study sessions included an overview on the adopted Interim Development Regulations, results of community outreach (focus group), and prompted discussion by the Commission regarding potential permanent regulations. During these study sessions, the Planning Commission reviewed the concepts included in the adopted Interim Development Regulations (O2018-468 and O2018-471) and provided feedback regarding additional changes that should be considered. During the fourth and final study session, the Planning Commission directed staff to finalize code language to be brought forward for consideration at the Public Hearing. The Planning Commission discussed alternatives, selected options to be included for consideration, and on January 17, 2019 directed staff to finalize code language for a Public Hearing.
- Planning Commission Public Hearing: On January 31, 2019 the Planning Commission completed a Public Hearing on the proposed permanent updates to Development Regulations. During this meeting, the Planning Commission reviewed the final directed changes made to the proposed permanent updates to Development Regulations, complete the Public Hearing, deliberated on the proposed permanent updates to Development Regulations and voted on forwarding a recommendation to City Council for the adoption of such. In addition to the 6-0 recommendation of the Planning Commission supporting the proposed permanent updates to Development Regulations, the Planning Commission also recommended several items be considered for a Phase Two of the Development Regulations update. These items are included below with a description of the Phase Two focus.
- Legal Review: Following completion of the Planning Commission process, the draft proposed permanent development regulation were also sent to the City Attorney for review. Final amendments recommended by the City Attorney were incorporated into the proposed changes sent by the Planning Commission for City Council consideration.

### Phase Two

With the completion of phase one, staff committed to include certain elements for consideration in phase two, although the complete scope is at the discretion of the Commission and the Council. A list

of potential areas of emphasis identified by the Planning Commission, City Council, staff, and members of the community are included below.

Phase two is an opportunity to make strategic changes to the City's development regulations while not under pressure of timeline associated with an emergency ordinance. Phase two is also an opportunity to discuss the merits of migration to a Unified Development Code.

The process anticipated for phase two mirrors that of phase one. The project would first be scoped for the range of work to be included (for example do we migrate to a UDC?). A list of potential items for consideration in phase two is included below. The scoping exercise includes meeting with both the Commission (February 20) and the City Council (March 3).

Following scoping, a complete work plan would be assembled. The first step in program development would be setting up a community advisory group to help identify potential code changes and 'set the dial' on regulations to ensure the targeted outcome is understood. With feedback from the community advisory group, staff would advance preliminary code changes to the Commission in a series of workshops.

Possible areas of emphasis for phase two include:

- 1) Consider migration to a Unified Development Code (see Attachment 1).
- 2) Consider amending zoning control tools to address protection of adjacent property and community character by:
  - Adding a daylight plane restriction on building envelope.
  - Adding a restriction on building height based on building segments.
  - Adding a landscape requirement for setback areas of project sites that front arterial streets.
  - 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.
  - Adding architectural design standards to address key character objectives.
  - Adding cross references related to tree preservation and tree protection including penalties.
  - Adding requirement for early and advanced tree vigor enhancement for trees to be retained on sites under development permit review.
  - Adding low impact development site design requirements.
- 3) General code clean-up for consistency and readability including grammar and word choice.
- 4) Consider addition of a Planned Unit Development (PUD) section.
- 5) Assess differences between application of rules to new SFRs vs. subdivision (e.g. should same rules apply to a new home on an existing lot vs. a subdivision).

- 6) Consider adding flexibility for new school development.
- 7) Refinement of 'technically feasible' deviations added with phase one.
- 8) Consider adding elements related to environmental sustainability.
- 9) Consider adding elements related to housing affordability.
- 10) Analyze how the use of incentives can help promote a better outcome.

## **How To Write a Unified Development Code Incorporating Regulatory Reform**

Steve Ladd, AICP

3/10/03

In Washington, permit processes piled up as layers of complexity. First zoning and subdivision processes, then SEPA, shoreline management, critical areas, design review, regulatory reform, concurrency, etc., like layers on a cake. Few jurisdictions have integrated them or the administrative provisions common to all, such as definitions, roles, enforcement, permit expiration, etc. Now's your chance!

First, define "development regulations" for your jurisdiction. Generally they should include those code titles administered by your building and planning departments but not those administered by public works. Next, carefully inventory all "permits" (i.e. separate and distinct approvals required for development) established by your development regulations. Minimize their number by deleting obsolete permits and consolidating where possible. Consolidate all permits pertaining to temporary activities under the term "temporary permits." Make design review a step in the underlying permit, not separate. The result is an irreducible list of permits.

Now analyze their process commonalities. Make a matrix with permits down the left side and "process applicabilities" along the top. By that I mean whether regulatory reform applies (it needn't apply to minor permits), whether SEPA applies, whether a public hearing is required, and whether there is a deciding body in addition to the hearing/recommending body. If a permit can be either-or, such as SEPA-exempt building permits and non-SEPA-exempt building permits, list them separately. Put Xs in the appropriate cells. Now, how many distinct pattern of Xs do you see in the various columns? That's how many "permit types" your jurisdiction has. Most find they have five or six. Type 1 is the simplest, to which neither regulatory reform nor SEPA applies. Type 5 or 6 is the most complicated.

Now write a permit process for each type that includes every step in all those "layers of complexity." Write it so their notices of application, SEPA, and public hearing are consolidated, along with their comment periods. This is tricky, but legal and doable. Incorporate regulatory reform's maximum time periods (28 days, 14 days, 120 days). Shoreline permits are odd ducks; make them Type 5s or whatever but give them "exceptions" as necessary.

Now write "provisions relevant to all permit types," including method of publication, 120-day clock-stopping rules, permit expiration, whether the director can approve minor changes to permits, etc. Newspaper publication of permit notices is neither cost-effective nor required by law. Notices to surrounding property-owners, signs on the site, and web-site notices should be your mainstays. Notices of decision don't require notices to surrounding property-owners. Put everything mentioned so far into a title called "Administration of Development Regulations." Add chapters for enforcement, appeals, etc.

Now specify for repeal all permit processes in the substantive titles such as zoning and subdivision. Only the basic establishment and issuance criteria of each permit should remain. Repeal your SEPA chapter except for those "fill-in-the-blank" decisions required by RCW and WAC, such as the identity of your Responsibility Official. Adopt WAC 197-11 by reference. Delete purely internal or unnecessary processing detail. Your UDC is done!

Warning: your UDC can't be copied from another jurisdiction. Your UDC must reflect the 1001 little choices your community has already made and doesn't want to change.

## PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
February 20	6:30 PM	Regular Meeting	David Pyle	Presentation: Phase II Development Regulations Update
March 5	6:30 PM	Regular Meeting	Kellye Hilde Evan Fischer	Presentation: UFMP Implementation Strategies
March 19	6:30 PM	Regular Meeting	David Pyle Evan Fischer	Work Session: Flood Plain Ordinance Update
April 2	6:30 PM	Regular Meeting	Chris Hankins Doug McIntyre  Kellye Hilde Evan Fischer	Public Hearing/Deliberation Site Specific Land Use Amendment – CWU Campus  Work Session: UFMP Implementation Strategies