



City Council Committee of the Whole

AGENDA

July 20, 2015

6:30 pm – 10:00 pm

Call to Order

Public Comment

Note: *This is an opportunity for the public to address the Council. Three-minutes limit per person or five-minutes if representing the official position of a recognized community organization. If you would like to show a video or PowerPoint, it must be submitted or emailed by 5 pm, the end of the business day, to the City Clerk, Melonie Anderson at manderson@sammamish.us*

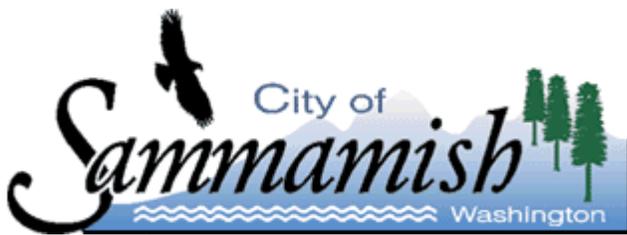
Topics

- Planning Commission Recommendation – Tree Regulations
- Duthie Hill Urban Growth Boundary Update
- Sahalee Way Open House Briefing
- Metro Bus Service Options

Executive Session – if needed

Adjournment

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.



801 – 228th Avenue SE • Sammamish, WA 98075 • Phone: 425-295-0500 • Fax: 425-295-0600 • web: www.sammamish.us

To: City Council

From: Ryan Kohlmann, Planning Commission Chair
Frank Blau, Planning Commission Vice Chair

A handwritten signature in blue ink, likely belonging to Ryan Kohlmann or Frank Blau.

Copy: Jeff Thomas, Community Development Director

Re: New Tree Regulations – Planning Commission Recommendations

Introduction

The Planning Commission has diligently worked on tree regulations since March 19 at which time staff presented a summary of work completed to date including interim regulations as well as policy recommendations related to trees made to the City Council as part of the 2015 Comprehensive Plan update process. At work sessions on April 2 and 16, the Planning Commission reviewed a sampling of regulatory measures from other cities and how these cities implement these policy recommendations. Direction was provided by the Planning Commission to staff on different elements from the sampling to be included in new draft tree regulations. Staff began work on new draft tree regulations and after receiving further clarification and direction at the May 7 Planning Commission work session, staff presented new draft tree regulations to the Planning Commission for review at the May 21 and June 4 work sessions.

The Planning Commission completed its review of the new draft tree regulations with final direction to staff on amendments and to schedule a public hearing for June 18. While the Planning Commission continuously took public comment following work sessions, several people provided testimony at the public hearing. After completing the June 18 public hearing, the Planning Commission voted 5-0 to recommend new tree regulations to City Council as amendments to both Title 21A, Development Code and Title 23, Civil Code Compliance of the Sammamish Municipal Code (SMC).

Attachments

The Planning Commission recommendations of June 18 for new tree regulations are attached as follows:

- Attachment A – Title 21A, Development Code, Proposed Amendments
- Attachment B – Title 23, Civil Code Compliance, Proposed Amendments

Please note the existing interim tree regulations contained in SMC 21A.35.210 to 21A.35.240 are recommended to be repealed in its entirety, with a new chapter SMC 21A.37 established for new tree regulations. Definitions are also being added to SMC 21A.15.

Background – Interim Tree Regulations

An emergency ordinance with interim tree regulations was initially adopted by City Council on October 14, 2014 and was extended on April 7, 2015 through to October 14, 2015. The purpose of the interim

regulations was to provide sufficient time for new tree regulations to be developed through the normal Planning Commission / City Council legislative review process.

The interim tree regulations continue to assist in accomplishing the goals of the Sammamish Comprehensive Plan through having:

1. Added a new standard in SMC 21A.35.210 maintaining the significant tree retention requirement of 25% for new short plats of 2 lots.
2. Raised the significant tree retention requirement currently in SMC 21A.35.210 (2) for new subdivisions and short plats of 3 or more lots from 25% to 35%.
3. Eliminated the “double count” currently in SMC 21A.35.210 (2) of up to 50% of significant trees in environmentally sensitive areas to count towards the retention requirements for all new subdivisions and short plats.
4. Eliminated incentives in SMC 21A.35.220 for significant tree retention of 30% for reduced recreation space site requirements and 35% for increased net density of a site.
5. Added a new requirement in SMC 21A.35.240 for a 1:1 replanting of every significant tree lawfully removed as part of a new subdivision or short plat of 3 or more lots.

Background - Policy Recommendations

The Planning Commission considered policies related to trees during work sessions for both the Land Use Element and the Environment and Conservation Element as part of the 2015 Comprehensive Plan update process. The following is a compiled list of recommended policies related to trees presented to City Council from the Planning Commission.

Recognizing these policies were subject to some change through City Council final review, the Planning Commission was comfortable City Council had provided ample direction prior to the legislative review process commencing that the core ideals in these policies would form the basis for which the Planning Commission would work in 2015 to develop new draft tree regulations. The policies used by the Planning Commission in its development of new draft tree regulations were:

Land Use Element

- *Develop design guidelines and development regulations to support... retention of trees and native vegetation.*
- *Consider site and design measures in residential areas to...preserve vegetation, protect the natural environment and encourage planting of trees and native vegetation.*
- *Develop incentives to prioritize the retention of high value trees, including heritage and/or landmark trees.*
- *Encourage design flexibility, such as lot clustering, to preserve existing site features, including clusters of trees, wetlands, streams, native topography and similar features.*
- *Maximize tree retention and assure restoration where tree retention is not feasible.*
- *Promote retention of existing landscaping and native vegetation in development.*

Environment & Conservation Element

- *Consider incentivizing retention of trees on existing lots, prioritizing clusters and/or a continuous canopy with trees on adjacent lots.*
- *Promote regulatory tools that take into consideration the case-by-case context-sensitive nature of tree retention and canopy coverage.*
- *Create and support a robust and comprehensive Urban Forestry Management Plan by 2016.*
- *Preserve and enhance of the City's existing tree canopy.*
- *Preserve trees on all public properties and facilities to the maximum extent possible.*
- *Encourage community residents and property owners to preserve the green and wooded character of existing neighborhoods.*

- *Within the city, allow off-site options for replanting and restoration in order to meet tree retention requirements and achieve tree canopy coverage.*
- *Develop regulatory penalties for unauthorized tree removal.*

Title 21A – Summary of Proposed Amendments

The new draft tree regulations amending Title 21A are included in Attachment A. Due to the robust nature of the amendments proposed, it is recommended the interim tree regulations contained in SMC 21A.35.210 through SMC 21A.35.240 are repealed and a new chapter, SMC 21A.37 is established specifically for tree regulations. The new draft tree regulations will assist in accomplishing the goals of the Sammamish Comprehensive Plan through:

1. Crafting definitions for Certified Arborist (SMC 21A.15.181) and landmark tree (SMC 21A.15.1332).
2. Establishing a purpose section for tree regulations (SMC 21A.37.200)
3. Setting forth an approval requirement to lawfully remove any significant tree (SMC 21A.37.210).
4. Establishing the authority to require a professional evaluation (SMC 21A.37.220).
5. Setting removal and retention exemptions (SMC 21A.37.230).
6. Establishing removal standards by zoning district for existing lots of record (SMC 21A.37.240).
7. Amending retention standards by zoning district and reintroducing the ability to in part credit significant trees in environmentally sensitive areas towards the total retention standard (SMC 21A.37.250).
8. Streamlining the exception process by deferring to the existing variance process with criteria as described in SMC 21A.110.030 (SMC 21A.37.260).
9. Reprioritizing tree protection criteria emphasizing continuous canopy, incentivizing the preservation of landmark and heritage trees and reintroducing the onsite recreation space incentive (SMC 21A.37.270).
10. Requiring additional replanting for landmark and heritage trees and providing options for offsite tree replacement (SMC 21A.37.280).

Title 23 – Summary of Proposed Amendments

The new draft tree regulations amending Title 23 are included in Attachment B. It is recommended the enforcement provisions of the interim tree regulations in SMC 21A.35.240 are relocated to a new section in code compliance, SMC 23.100.015. The new draft tree regulations will assist in accomplishing the goals of the Sammamish Comprehensive Plan through:

1. Establishing significant penalties for unlawful removal or damage to a significant tree (SMC 23.100.010).
2. Relocating the remediation requirements for unlawful removal or damage to a significant tree (SMC 23.100.015).

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2015 - ____

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
AMENDING CHAPTERS 21A.15, 21A.35 AND 23.100, AS WELL AS
ESTABLISHING A NEW CHAPTER 21A.37 OF THE SAMMAMISH
MUNICIPAL CODE PERTAINING TO TREES REGULATIONS AND
CIVIL CODE COMPLIANCE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 21A, Development, which regulates land use and Title 23, Civil Code Compliance, which regulates procedures and mechanisms for land use related code enforcement matters; and

WHEREAS, the City Council adopted the City of Sammamish Comprehensive Plan which contains goals, objectives and policies regarding land use compatibility and environmental considerations; and

WHEREAS, it is the intent of the City Council to ensure the development of fair and reasonable regulations; and

WHEREAS, the City of Sammamish Planning Commission, pursuant to SMC 2.60.040(2), “shall review and make recommendations to the City Council relating to the City’s land use ordinances and regulations”; and

WHEREAS, the Planning Commission considered proposed amendments to Chapters 15 and 35 of Title 21A and Chapter 100 of Title 23, as well as establishing a new Chapter 37 of Title 21A of the SMC, concerning tree regulations and enforcement requirements, during their March 19, April 2, April 16, May 7, May 21 and June 4 meetings; and

WHEREAS, the Planning Commission held a public hearing on June 18 to consider the proposed amendments to the SMC; and

WHEREAS, the Comprehensive Plan’s Environment and Conservation Element contains the following goals and policies:

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

Policy EC.10.1: Preserve and enhance the City’s urban forest.

Exhibit 1

- Policy EC.10.2: Preserve trees on all public properties and facilities to the maximum extent possible.
- Policy EC.10.3: Maintain and enhance a street tree maintenance program, where appropriate.
- Policy EC.10.4: Encourage community residents and property owners to preserve the green and wooded character of existing neighborhoods.
- Policy EC.10.5: Within the City, allow off-site options for replanting and restoration where not feasible on-site in order to meet tree retention requirements, achieve tree canopy coverage and storm water capture.
- Policy EC.10.6: Develop and enforce effective regulatory penalties and practices for unauthorized removal or damage of trees.
- Policy EC.10.7: Prioritize restoration and enhancement of environmentally critical areas and buffers, with the aim of enhancing ecosystem function.
- Policy EC.10.8: Consider incentivizing retention of trees on existing lots, prioritizing clusters and/or a continuous canopy with trees on adjacent lots when feasible.
- Policy EC.10.9: Promote regulatory tools that take into consideration the case by case context sensitive nature of tree retention and canopy coverage.
- Policy EC.10.10: Create and support a robust and comprehensive Urban Forestry Management Plan by 2016.
- Policy EC.10.11: Develop incentives to prioritize the retention of high value trees, including heritage and/or landmark trees.

WHEREAS, the Planning Commission, after due consideration, recommended amendments to Chapters 15 and 35 of Title 21A and Chapter 100 of Title 23, as well as establishing a new Chapter 37 of Title 21A of the SMC to the City Council; and

WHEREAS, in accordance with WAC 365-195-620, a Notice of Intent to adopt the proposed amendments was sent to the State of Washington Department of Commerce on July 9, 2015, to allow for a 60-day review and comment period; and

WHEREAS, after providing thirty (30) days public notice, the City Council held a public hearing on July 21, 2015, to consider amending the SMC in accordance with the proposed amendments; and

WHEREAS, an environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the requirements of the State Environmental Policy Act

Exhibit 1

(“SEPA”), and a SEPA threshold determination of non-significance and notice of adoption was issued on **PLACE HOLD**, 2015, and sent to state agencies and interested parties; and

WHEREAS, the City Council has considered the proposed amendments to the SMC, the Planning Commission recommendation, and public comment received, and finds the amendments to be in the public interest;

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

Section 1. SMC Chapter 21A.15, Amended. Sammamish Municipal Code Chapter 21A.15 (“Technical Terms and Land Use Definitions”) is amended to add the following definitions:

21A.15.181 Certified Arborist.

“Certified Arborist” means an individual that has successfully passed the certified arborist exam administered by the International Society of Arboriculture (ISA) and possesses a minimum of three years full-time experience working in the professional tree care industry.

21A.15.1332 Tree, landmark.

“Tree, landmark” means a tree that is equal to or greater than thirty-two (32) inches DBH.

Section 2. New SMC Chapter 21A.37 Established. A new Sammamish Municipal Code Chapter 21A.37 (“Development Standards - Trees”) is hereby established and adopted to read as set forth in Attachment A.

Section 3. SMC Chapter 23.100 Amended. Chapter 23.100 is hereby amended as set forth in Attachment B.

Section 4. SMC Chapter 21A.35 Sections Repealed. Sammamish Municipal Code Sections 21A.35.210, 21A.35.220, 21A.35.230 and 21A.35.240 are hereby repealed in their entirety.

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 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 _____ 2015.**

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: July 16, 2015
Public Hearing: July 21, 2015
First Reading: July 21, 2015
Public Hearing:
Passed by the City Council:
Date of Publication:
Effective Date:

ATTACHMENT A

Chapter 21A.37
DEVELOPMENT STANDARDS – TREES

21A.37.200 Purpose.

- (1) The purpose of this chapter is to:
- (a) Avoid the removal of stands of trees, significant trees, heritage trees and landmark trees in order to maintain the quality of Sammamish's urban environment;
 - (b) Protect stands of trees, significant trees, heritage trees and landmark trees to the maximum extent possible in the design of new buildings, roadways, and utilities;
 - (c) Mitigate the environmental and aesthetic consequences of tree removal through on-site and off-site tree replacement to achieve a goal of no net loss of canopy throughout Sammamish;
 - (d) Provide measures to protect trees that may be impacted during construction;
 - (e) Maintain and protect the public health, safety, and general welfare; and
 - (f) Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Sammamish, which include:
 - (i) Providing varied and rich habitats for wildlife;
 - (ii) Absorbing greenhouse gas emissions;
 - (iii) Moderating the effects of winds and temperatures;
 - (iv) Stabilizing and enriching the soil;
 - (v) Slowing runoff from precipitation and reducing soil erosion;
 - (vi) Improving air quality;
 - (vii) Improving water quality;
 - (viii) Masking unwanted sound;
 - (ix) Providing visual relief and screening buffers;
 - (x) Providing recreational benefits;
 - (xi) Enhancing the economic value of developments; and
 - (xii) Providing a valuable asset to the community as a whole.

21A.37.210 Approval Required.

- (1) **Approval Required.** Except as provided in SMC 21A.37.230, *Exemptions*, any person who desires to cut down or remove any significant tree or who desires to conduct grading activities on a site that will result in the removal of any significant tree, must first obtain approval as required in this chapter.
- (2) **Forest Practices Permittees.** Permittees under Class IV - General forest practice permits issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested lots to developed lots are also required to obtain approval. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no land use permits will be issued for six years following tree removal.

21A.37.220 Evaluation Required.

- (1) **Professional Evaluation.** In determining whether a tree removal permit or approval shall be granted, the submittal of a professional evaluation and/or a tree protection plan prepared by a Certified Arborist may be required where it is deemed such services are necessary to

Exhibit 2

demonstrate compliance with the standards of this chapter. Such professional evaluation(s) and services may include:

- (a) Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;
- (b) Providing a hazardous tree assessment;
- (c) Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
- (d) Conducting a post-construction site inspection and evaluation.

21A.37.230 Exemptions.

(1) **Removal Exemptions.** After the fact documentation for any significant tree removed pursuant to this section shall be provided within 21 calendar days. The following actions are exempt from obtaining approval as required in this chapter:

- (a) Emergency removal of any significant tree necessary to remedy an imminent threat or hazard to public health, safety and/or welfare.
- (b) Removal of any significant tree in public easements and public rights-of-way.
- (c) Routine maintenance of any significant tree necessary to contain noxious weeds, to remedy a potential fire hazard or to remedy an imminent threat to public health, safety and/or welfare.

(2) **Retention Exemptions.** The following conditions are exempt from retention calculation as required in this chapter:

- (a) Significant trees determined to present an imminent threat or hazard to public health, safety and/or welfare.
- (b) Significant trees located in public utility easements.

21A.37.240 Removal Standards.

(1) **Existing R-1, R-4 and R-6 Zoned Lots of Record.** Existing R-1, R-4 and R-6 zoned lots of record on the effective date of this chapter must obtain a tree removal permit prior to removing any significant tree located on the lot.

- (a) The removal of significant trees shall be for the purposes of:
 - (i) Thinning a heavily wooded area where remaining trees may benefit from the thinning and lot's forested look, value, or function is maintained; or
 - (ii) Maintaining the lot's landscaped areas.
- (b) A permit shall be granted for the removal of significant trees as follows:

Lots up to 20,000 square feet:	Up to 2 significant trees may be removed per year with a limit of 4 significant trees every 5 years.
Lots 20,001 square feet and greater:	Up to 4 significant trees may be removed per year with a limit of 8 significant trees every 5 years.

- (c) Replacement trees shall be planted as provided in SMC 21A.37.280, *Tree Replacement Standards*.
- (d) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of Chapter 21A.50 SMC.
- (e) Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. The Director may approve the removal

Exhibit 2

of more trees in a given year than set forth above if the remaining trees would pose a hazard to life or property.

- (2) **Existing R-8, R-12, R-18, O, NB and CB Zoned Lots of Record.** Existing R-8, R-12, R-18, O, NB and CB zoned lots of record on the effective date of this chapter must obtain a tree removal permit prior to removing any significant tree located on the lot.
- (a) A permit shall be granted for the removal of not more than 4 significant trees per year with a limit of 8 significant trees every 5 years for the purposes of:
 - (i) Thinning a heavily wooded area where remaining trees may benefit from the thinning and the lot's forested look, value, or function is maintained; or
 - (ii) Maintaining the lot's landscaped areas.
 - (b) Replacement trees shall be planted as provided in SMC 21A.37.280, *Tree Replacement Standards*.
 - (c) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of Chapter 21A.50 SMC.
 - (d) Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. The Director may approve the removal of more trees in a given year than set forth above if the remaining trees would pose a hazard to life or property.

21A.37.250 Retention Standards.

- (1) **New Development R-1, R-4 and R-6 Zoned Lots.** New development on R-1, R-4 and R-6 zoned lots of record must obtain approval prior to removing any significant tree located on the lot either through a tree removal permit or in conjunction with another permit approval.
- (a) A minimum of 35% of the significant trees shall be retained within areas unconstrained by environmentally sensitive areas and associated buffers.
 - (b) Within the associated buffers of environmentally sensitive areas, significant trees and other vegetation shall be retained subject to the requirements of Chapter 21A.50 SMC; provided, that trees retained in such areas may be counted in an equivalent manner for up to 25% of the tree retention requirement in this section. Delineated environmentally sensitive areas are not eligible to count towards this calculation.
 - (i) Example: A zoned R-1, R-4 or R-6 lot proposed for new development which has 16% of its lot area within the associated buffers of environmentally sensitive areas may count 16% of its significant trees to be retained within this area.
 - (ii) Example: A zoned R-1, R-4 or R-6 lot proposed for new development which has 32% of its lot area within the associated buffers of environmentally sensitive areas may count 25% of its significant trees to be retained within this area.
 - (c) Replacement trees shall be planted as provided in SMC 21A.37.280, *Tree Replacement Standards*.
 - (d) Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. The Director may approve the removal of more trees than set forth above if the remaining trees would pose a hazard to life or property.
- (2) **New Development R-8, R-12, R-18, O, NB and CB Zoned Lots.** New development on R-8, R-12, R-18, O, NB and CB zoned lots of record must obtain approval prior to removing any

Exhibit 2

significant tree located on the lot either through a tree removal permit or in conjunction with another permit approval.

- (a) A minimum of 25% of the significant trees shall be retained within areas unconstrained by environmentally sensitive areas and associated buffers.
- (b) Within the associated buffers of environmentally sensitive areas, significant trees and other vegetation shall be retained subject to the requirements of Chapter 21A.50 SMC; provided, that trees retained in such areas may be counted in an equivalent manner for up to 50% of the tree retention requirement in this section. Delineated environmentally sensitive areas are not eligible to count towards this calculation.
 - (i) Example: A zoned R-8, R-12, R-18, O, NB and CB lot proposed for new development which has 32% of its lot area within the associated buffers of environmentally sensitive areas may count 32% of its significant trees to be retained within this area.
 - (ii) Example: A zoned R-8, R-12, R-18, O, NB and CB lot proposed for new development which has 64% of its lot area within the associated buffers of environmentally sensitive areas may count 50% of its significant trees to be retained within this area.
- (c) Replacement trees shall be planted as provided in SMC 21A.37.280, *Tree Replacement Standards*.
- (d) Trees previously designated for protection or located within a designated open space tract or environmentally critical area tract may not be removed unless they are determined to be hazardous. Hazardous, dead, or otherwise dangerous trees are not included in the limits established by this section. The Director may approve the removal of more trees than set forth above if the remaining trees would pose a hazard to life or property.

21A.37.260 Variances.

- (1) **Variances.** Where conditions exist that prevent full compliance with Chapter 21A.37 SMC, the applicant may request a variance pursuant to SMC 20.05.020 and the decision criteria as described for such in SMC 21A.110.030.

21A.37.270 Tree Protection Standards.

- (1) **Priority.** Significant trees identified for retention shall be selected, to the extent feasible, subject to the following order of priority from most important to least important:
 - (a) Significant trees part of a continuous canopy adjacent to an environmentally sensitive area and associated buffer;
 - (b) Significant trees part of a continuous canopy adjacent to a public park and/or other protected open space;
 - (c) Significant trees part of any other on-site and/or off-site continuous canopy;
 - (d) Significant trees providing perimeter connectivity, off-site screening and/or relief from identified environmental impacts.
 - (e) Significant trees able to be incorporated into required landscaping;
 - (f) Isolated stands of significant trees;
 - (g) Individual significant trees.
- (2) **Designation.** Any applicable application and/or plan required for new development shall show all significant trees designated for protection. These areas may be shown by labeling them as "Protected Significant Trees" or such other designation as approved by the Director. Protected vegetation, including protected trees, shall not be modified, harmed, or removed except as provided in this section.

Exhibit 2

- (3) **Preservation.** An approval for new development may require the significant trees to be retained are permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document, and shall be recorded with the King County Department of Records and Elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended, or modified without the written approval of the City of Sammamish.
- (4) **Incentives.** The following incentives are available for higher levels of landmark, heritage and significant tree preservation:
- (a) **Landmark Trees:** The permanent preservation of a landmark tree in conjunction with SMC 21A.37.270 (1) receives retention credit as follows:
 - (i) 200% credit in conjunction with SMC 21A.37.270 (1) (a) through (c).
 - (ii) 150% credit in conjunction with SMC 21A.37.270 (1) (d) through (e).To qualify for this incentive, all landmark trees proposed for permanent preservation shall be outside of any environmentally sensitive area and associated buffer.
 - (b) **Heritage Trees:** The permanent preservation of a heritage tree in conjunction with SMC 21A.37.270 (1) receives retention credit as follows:
 - (i) 175% credit in conjunction with SMC 21A.37.270 (1) (a) through (c).
 - (ii) 125% credit in conjunction with SMC 21A.37.270 (1) (d) through (e).To qualify for this incentive, all heritage trees proposed for permanent preservation shall be outside of any environmentally sensitive area and associated buffer.
 - (c) New subdivisions and short plats proposing a minimum 45% permanent preservation of significant trees in conjunction with SMC 21A.37.270 (1) (a) through (c) receives a 50% reduction of required on site recreation space. To qualify for this incentive, all significant trees proposed for permanent preservation shall be outside of any environmentally sensitive area and associated buffer.
 - (d) New subdivisions and short plats proposing a minimum 40% permanent preservation of significant trees in conjunction with SMC 21A.37.270 (1) (a) through (c) receives a 25% reduction of required on site recreation space. To qualify for this incentive, all significant trees proposed for permanent preservation shall be outside of any environmentally sensitive area and associated buffer.
- (5) **Protection Measures.** To ensure long-term viability of trees and stands identified for protection, permit plans, and construction activities shall comply with the following minimum required tree protection:
- (a) All minimum required tree protection measures shall be shown on the tree protection and replacement plan.
 - (b) Tree protection barriers shall be installed five feet beyond the drip line of significant trees to be protected prior to any land disturbance.
 - (c) Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
 - (d) Where tree protection areas are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers, provided that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Save Area – Keep Out” signs.

Exhibit 2

- (6) **Preventative Measures.** In addition to the above minimum protection measures, the applicant shall support these efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:
- (a) Trees shall not be topped;
 - (b) Excessive pruning shall not be allowed unless necessary to protect life and property;
 - (b) Pruning of visible deadwood on trees to be protected or relocated;
 - (c) Application of fertilizer to enhance the vigor of stressed trees;
 - (d) Use of soil amendments and soil aeration in tree protection and planting areas;
 - (e) Mulching over tree drip line areas; and
 - (f) Ensuring proper water availability during and immediately after construction.
- (7) **Alternative Methods.** The Director may approve the use of alternative tree protection and/or preventative techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above.

21A.37.280 Tree Replacement Standards.

- (1) **Replacement Required.** Any significant tree lawfully removed pursuant to SMC 21A.37.240, *Tree Removal Standards* or SMC 21A.37.250, *Tree Retention Standards*, shall be subject to the following replacement requirements:
- (a) Each landmark tree shall be replaced by three (3) new trees;
 - (b) Each heritage tree shall be replaced by two (2) new trees;
 - (c) Each significant tree shall be replaced by one (1) new tree;
 - (d) Coniferous trees shall be replaced by coniferous trees native to Washington and deciduous trees shall be replaced by deciduous trees native to Washington;
 - (e) Replacement coniferous trees shall be at least eight (8) feet in height;
 - (f) Replacement deciduous trees shall be at least two and one-half (2.5) inches in diameter (DBH)
 - (g) Replacement trees shall be primarily native species in order to restore and enhance as nearly as practicable to its pre-removal character and function.
 - (h) The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
 - (i) Financial guarantees for replacement trees may be required consistent with the provisions of Title 27A SMC.
 - (j) Installation of required replacement trees shall be in accordance with best management practices for arboriculture which ensure the tree's long-term health and survival.
 - (k) The Director may consider smaller-sized replacement trees if the applicant can demonstrate that smaller trees are more suited to the species, the site conditions, and the purposes of this section, and that such trees will be planted in sufficient quantities to meet the intent of this section.
- (2) **Location for Tree Replacement – On-Site.** Replacement trees shall be planted on the site from which significant trees are removed unless approved for one or more of the alternatives set forth in SMC 21A.37.280 (3).
- (3) **Location for Tree Replacement – Alternatives.** When on-site replacement cannot be completely achieved, the following alternatives may be considered:
- (a) Off-Site Tree Replacement.
 - (i) The number of replacement trees shall be the same as described in SMC 21A.37.280 (1). Replacement costs (material plus labor) shall be at the applicant's expense.

Exhibit 2

- (ii) Allowable sites for receiving off-site replacement plantings may include public lands, open space areas, open space tracts, delineated environmentally sensitive areas and associated buffers. A receiving site shall be within the Sammamish city limits.
 - (b) Landscape Restoration. Where appropriate, other measures designed to mitigate the loss of trees by restoring all or parts of the forest landscape and its associated benefits may be considered. Measures may include, but are not limited to:
 - (i) Creation of wildlife snags from trees which would otherwise be removed;
 - (ii) Replacement of certain ornamental trees with native shrubs and groundcover;
 - (iii) Replacement of hazardous or short-lived trees with healthy new trees more likely to survive;
 - (iv) Daylighting and restoration of stream corridors with native vegetation; and
 - (v) Protection of non-significant trees to provide for the successional stages of forest development.
- (4) **Tree Replacement Guidelines and Requirements.** The following provisions shall be considered for tree replacement:
- (a) When individual trees or tree stands are protected, replacement trees should be planted to reestablish or enhance tree clusters where they previously existed;
 - (b) Where possible, replacement trees should be planted within environmentally sensitive areas and associated buffers. Replacement trees may be planted within a designated open space tract or environmentally critical area tract, where it is determined that such planting enhances and complements existing vegetation and environmental functions;
 - (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
 - (d) Replacement trees shall be located away from areas where damage is likely;
 - (e) Replacement trees shall be located to provide screening of the development from adjacent properties, where appropriate;
 - (f) Replacement trees shall be planted in areas that connect or are adjacent to a designated open space tract or environmentally critical area tract or other open space, where appropriate;
 - (g) Replacement trees shall be integrated into the required landscape plans, if any, for a development; and
 - (h) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements.
- (5) **Tree Maintenance.** All required replacement trees and relocated trees shown on an approved permit whether located on-site or off-site, shall be maintained in healthy condition by the applicant throughout the life of the project, unless otherwise approved by the Director in a subsequent permit or approval. Healthy condition can be achieved by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:
- (a) Trees shall not be topped;
 - (b) Excessive pruning shall not be allowed unless necessary to protect life and property;
 - (c) Pruning of visible deadwood on trees to be protected or relocated;
 - (d) Application of fertilizer to enhance the vigor of stressed trees;
 - (e) Use of soil amendments and soil aeration in tree protection and planting areas;
 - (f) Mulching over tree drip line areas; and
 - (g) Ensuring proper water availability during and immediately after construction.

Exhibit 2

ATTACHMENT B

Chapter 23.100
CIVIL PENALTIES

23.100.010 Assessment schedule.

Code Enforcement Penalties:	
Infraction	up to \$500
Stop Work Order	up to \$500
Noncompliance:	
1 – 15 days	\$100 per day
16 – 31 days	\$250 per day
31+ days	\$500 per day (up to \$50,000 maximum)
Environmental Damage/Critical Areas Violations:	
Up to \$25,000 plus the cost of restoration	
<u>Unlawful Tree Removal or Damage:</u>	
<u>\$1,500 per inch of diameter at breast height of tree removed or damaged</u>	

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

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

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

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

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

(6) In addition to the other penalties provided for in this chapter, any person responsible for a violation of Chapter 21A.50 SMC may be jointly and severally liable for site restoration for the redress of ecological, recreation, and economic values lost or damaged and shall pay a civil

Exhibit 3

penalty up to \$25,000 plus restoration, based upon the severity of the violation as documented in the City's file.

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

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

(87) The civil penalties in this chapter are in addition to, and not in lieu of, any other penalties, sanctions, restitution or fines provided for in any other provisions of law.

23.100.015 Mitigation for Unlawful Tree Removal

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

(a) Removed or damaged trees with a DBH equal to or greater than eight (8) inches up to twelve (12) inches shall be replaced by four (4) trees;

(b) Removed or damaged trees with a DBH greater than twelve (12) inches up to sixteen (16) inches shall be replaced by six (6) trees; and

(c) Removed or damaged trees with a DBH of sixteen (16) inches or more shall be replaced by eight (8) trees.

23.100.020 Waivers.

(1) Civil fines and civil penalties, in whole or in part, may be waived or reimbursed to the payer by the director, with the concurrence of the finance director, under the following circumstances:

(a) The notice and order, stop work order or infraction was issued in error;

(b) The civil fines or civil penalties were assessed in error;

(c) Notice failed to reach the person responsible due to unusual circumstances;

(d) The code violations have been corrected under a VCA;

(e) The code violations which formed the basis for the civil penalties have been corrected, and the director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or

Exhibit 3

(f) Other extraordinary information warranting waiver has been presented to the director since the notice and order, stop work order or infraction was issued.

(2) The director shall document the circumstances under which a decision was made to waive penalties.

Exhibit 3



Memorandum

Date: July 21, 2015
To: City Council
From: Lyman Howard, Acting City Manager
Re: Duthie Hill Urban Growth Area (UGA)

Attached is the Draft Study for the Duthie Hill UGA.

As you are aware, the Duthie Hill UGA is currently designated rural rather than urban. It lies outside King County's Urban Growth Boundary (UGB). By Council Resolution the City has indicated its desire to move this area inside of the UGB and give it an urban designation. An urban designation allows the potential annexation through the Potential Annexation Area designation and normal annexation processes.

The Planning Commission, staff and consultants prepared the study to better document and answer questions raised as part of the City's previous efforts to change the area from Rural to Urban designation at the county level.

At the Committee of the Whole Meeting, Staff will provide an update on the efforts to change the UGB related to this area.



City of Sammamish

DRAFT **DUTHIE HILL
LAND USE STUDY**



June 26, 2015



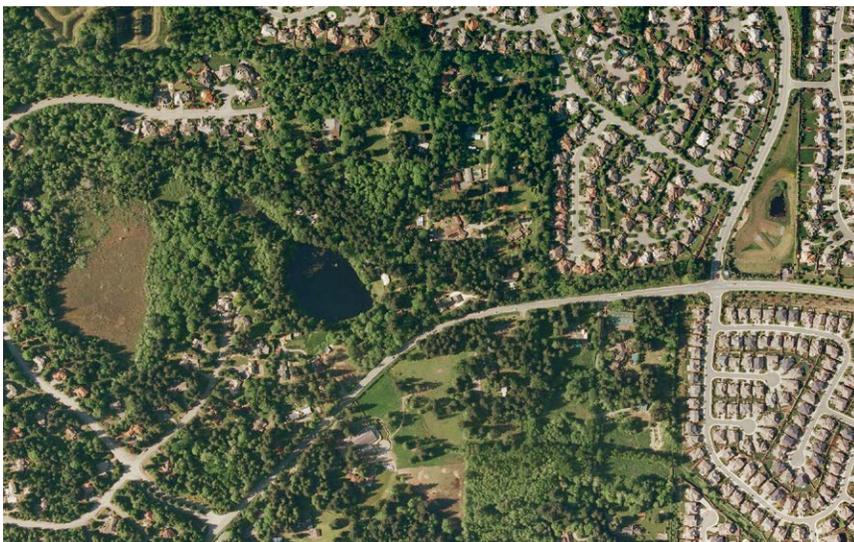
Exhibit 1

1 Introduction

The Duthie Hill study area is an unincorporated low-density residential area bounded on three sides by the City of Sammamish (see Figure 1). As has been expressed by the City Council, the City of Sammamish is interested in a future annexation of this area and has developed this paper to consider the annexation process. Accordingly, this paper discusses key issues related to a future annexation of the Duthie Hill study area to the City of Sammamish. Two questions are specifically addressed:

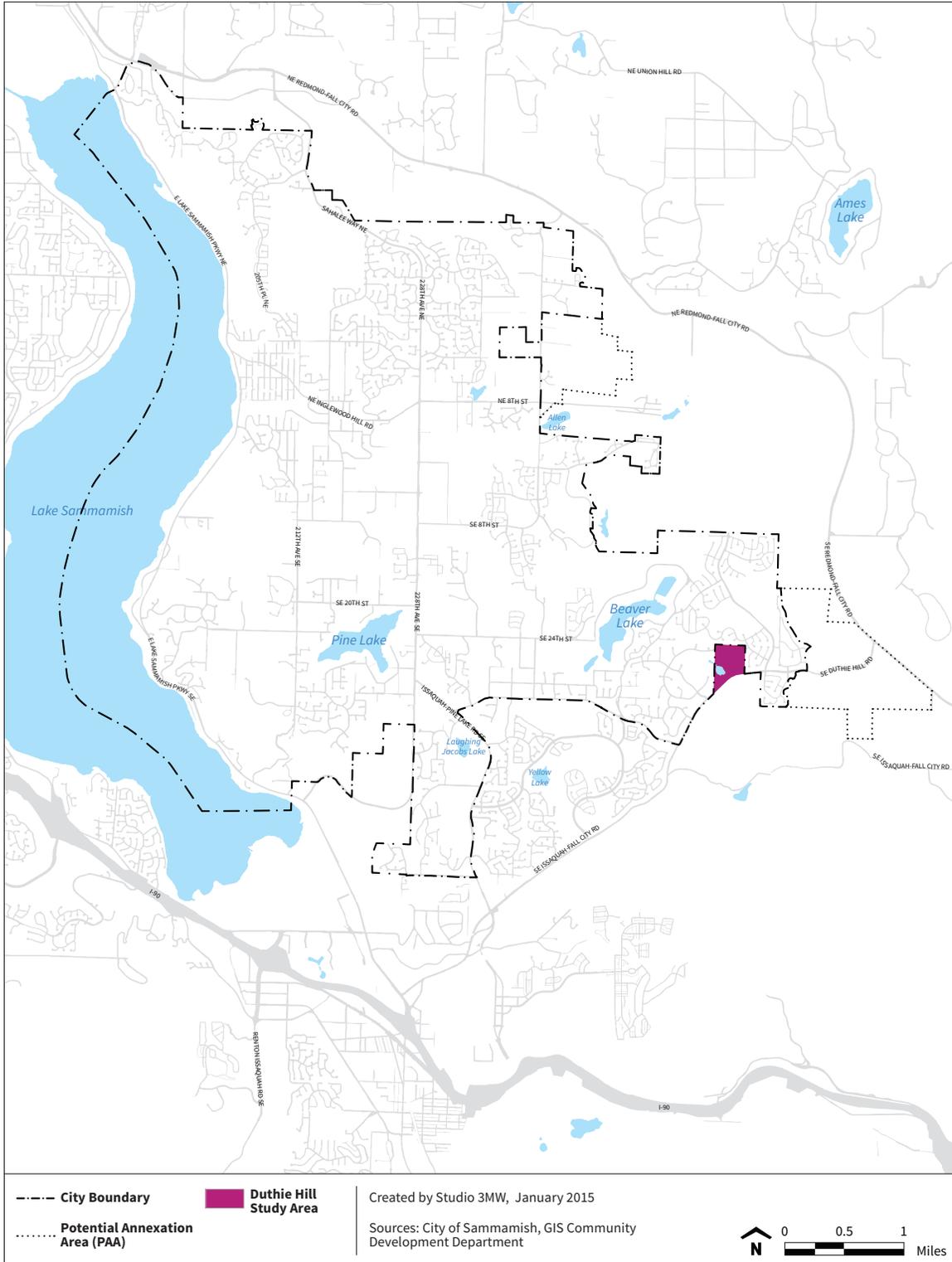
- 1 What guidance do adopted King County policies provide regarding annexation of the Duthie Hill area? This section of the paper discusses King County designations for the study area and the process for amending existing designations.
- 2 If the study area were annexed, what land use and zoning designations should be assumed? This paper includes a discussion of Sammamish and King County zoning designations and a review of potential options for comparable zoning designations and potential for changes to designations based on the development pattern, environmental constraints and other factors.

The path to annexation would require re-designation of the Duthie Hill area from rural to urban and expansion of the Sammamish Urban Growth Boundary to include the area. Only following these changes may annexation be considered.



Aerial of
Duthie Hill

Figure 1 Vicinity Map



Executive Summary

Findings and discussion of this paper are summarized in Table 1, below. For additional details, please see the applicable section of this issue paper.

Table 1 Duthie Hill Land Use Study: Executive Summary

Section	Findings
<p>RECOMMENDATION: Urban Growth Area</p>	<p>In order to proceed with annexation of the Duthie Hill study area, amendments to both the King County Countywide Planning Policies (CPPs) and to the King County Comprehensive Plan would be required, summarized below:</p> <ol style="list-style-type: none"> 1 <i>King County CPPs</i>. An amendment to DP-16 to revise existing criteria or identify a new criterion that would allow expansion of the UGA to encompass Duthie Hill would be required. Appendices to the CPPs would also need to be amended, including Appendix 1 Land Use Map and Appendix 2, Potential Annexation Areas Map. 2 <i>King County Comprehensive Plan</i>. In order to expand the UGA to include the Duthie Hill study area, an amendment to the King County Comprehensive Plan is required. A proposal to expand the King County UGA is considered a major amendment to the Comprehensive Plan. According to the County’s website, the next major amendment cycle is scheduled for 2016.¹
<p>RECOMMENDATION: Zoning Designations</p>	<p>Based on the City’s adopted ordinances 02008-228 and -229, as well as the surrounding zoning designations and development pattern, a future City zoning designation of R-1 is recommended.</p>
<p>BACKGROUND: Study Area</p>	<ul style="list-style-type: none"> » <i>Size</i>: approximately 46 acres » <i>Development pattern</i>: low density residential, about 2/6 acres/units » <i>Surrounding development</i>: low density residential, about 1-4 units/acre in City of Sammamish » <i>Land Use and Zoning Designations: Study Area: King County</i> <ul style="list-style-type: none"> - Comprehensive Plan Designation: Rural, 2.5-10 acres/unit - Zoning Designation: RA-5, 5 acres/unit » <i>Land Use and Zoning Designations: Adjacent Area: City of Sammamish</i> <ul style="list-style-type: none"> - Comprehensive Plan Designation: R-4, 4 units/acre - Zoning Designation: R-4, 4 units/acre » <i>Environmental Constraints</i>: wetland, pond and stream in southwest portion of study area » <i>Access</i>: private road access from SE Duthie Hill Road » <i>Services</i>: variety of special purpose district and County service providers <ul style="list-style-type: none"> - King County Fire District 27: headquartered in Fall City and serves a population of about 7,100 people in a 22-sq. mile area in and surrounding Fall City; staffed by both career and volunteer staff, the District provides 24 hour service; services provided include fire suppression, emergency medical service (EMS), rescue and public safety education. - Sammamish Plateau Water and Sewer District: provides water services to over 17,000 customers and sewer services to nearly 11,000 customers, and serves a total population base of over 54,000 residents; 29 square mile service area includes portions of the cities of Sammamish and Issaquah and areas of unincorporated King County.

¹ <http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/amend.aspx>

2 King County Comprehensive Plan & Countywide Planning Policies

The Washington Growth Management Act (GMA) establishes that counties designate an Urban Growth Area (UGA) within which urban growth shall be encouraged (RCW 36.70A.110). In order to be annexed by a city, areas must be within a designated UGA (RCW 35A.14.005).

King County Comprehensive Plan Land Use Designations

In King County's 2013 Comprehensive Plan, the study area and surrounding area are located in the designated Rural Area. This designation allows for one dwelling unit per two and a half to ten acres² (Figure 2). According to Comprehensive Plan Policy R-303, development patterns in the Rural Area should be able to be sustained by minimal infrastructure improvements such as septic systems and rural roads, cause minimal environmental degradation, and should not lead to a need for urban levels of services. Duthie Hill Park, adjoining SE Duthie Hill Road to the south, is designated as King County Open Space.

In order to be consistent with the GMA and the King County Comprehensive Plan, the Duthie Hill study area would need to be re-designated as part of the City of Sammamish UGA prior to a future annexation.

A 2007 annexation study commissioned by the City³ recommended that the City endorse an amendment to the King County Comprehensive Plan that would extend the UGA boundary to include the study area.

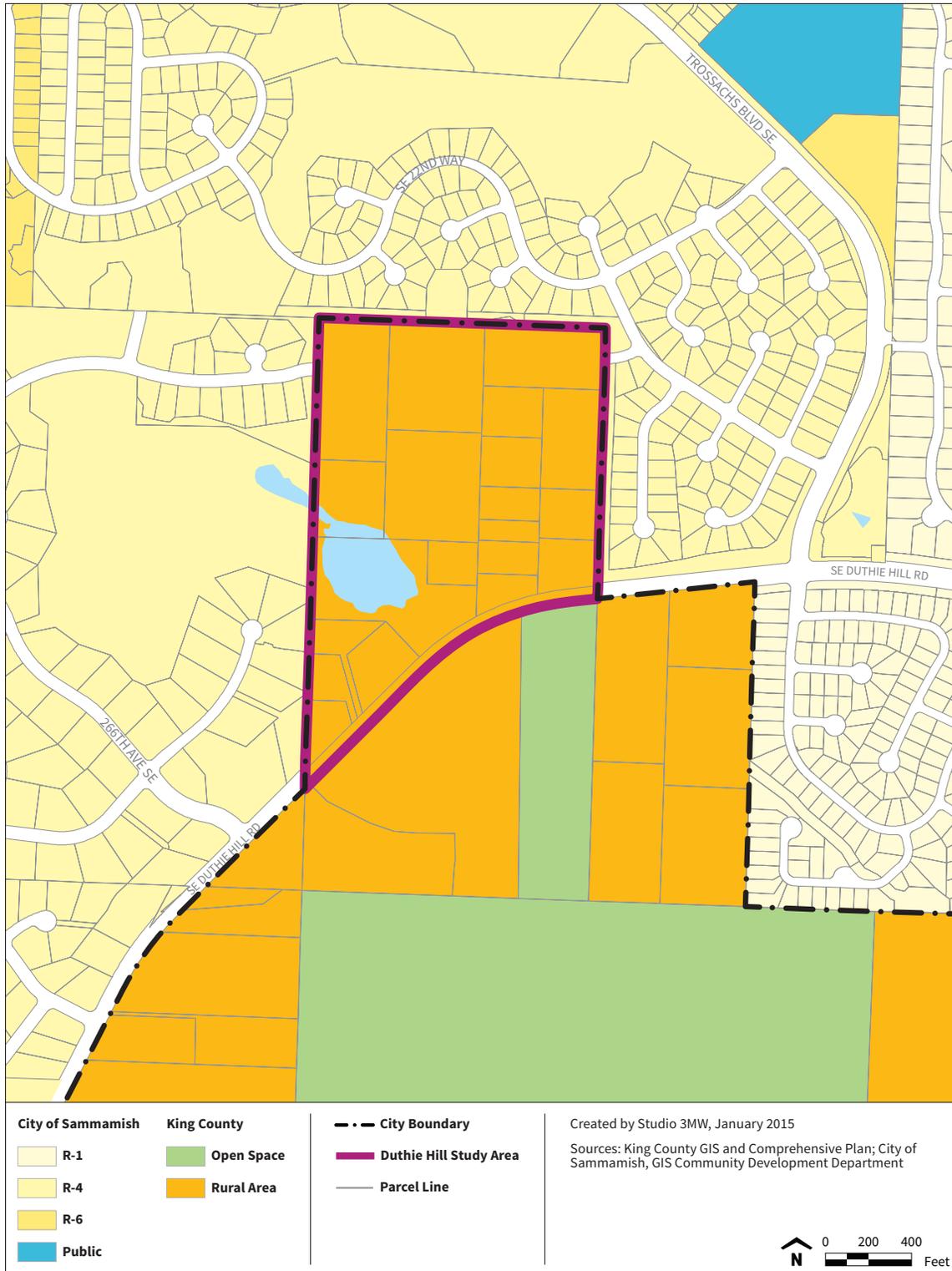
King County Countywide Planning Policies (CPPs)

The Countywide Planning Policies (CPPs) are a series of policies that address growth management issues in King County. Oversight of the CPPs is by the Growth Management Planning Council (GMPC), a body currently consisting of elected officials from King County, Seattle, Bellevue, other cities and towns in King County, special purpose districts, and the Port of Seattle. The GMPC may recommend amendments to the CPPs, which are considered and may be adopted by the King County Council and must be ratified by cities and towns in King County in order to take effect. The 2012 CPPs were adopted by King County and ratified by the cities in 2013. The following summarizes CPP policy guidance for amendments to the UGA and the amendment process to the CPPs.

² King County Comprehensive Plan, policies R-305 through R-309.

³ City of Sammamish and BHC Consultants. Sammamish Annexation Strategy Study (DRAFT). November 2007.

Figure 2 Current Comprehensive Plan Land Use Designations



UGA Boundaries

In policy DP-1, the King County CPPs state:

All lands within King County are designated as:

- *Urban land within the Urban Growth Area, where new growth is focused and accommodated;*
- *Rural land, where farming, forestry, and other resource uses are protected, and very low-density residential uses, and small-scale non-residential uses are allowed; or*
- *Resource land, where permanent regionally significant agricultural, forestry, and mining lands are preserved.*

As described above, the Duthie Hill study area is designated Rural (CPP Appendix 1).

King County CPPs DP-14 through DP-18 provide specific guidance for UGA amendments. Pertinent to the Duthie Hill study area, DP-16 states that the UGA may be expanded if one of three criteria is met:

- a) A countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non-residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area; or
- b) A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space
 - 1) is at least four times the acreage of the land added to the Urban Growth Area;
 - 2) is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area expansion; and
 - 3) preserves high quality habitat, critical areas, or unique features that contribute to the band of permanent open space along the edge of the Urban Growth Area; or
- c) The area is currently a King County park being transferred to a city to be maintained as a park in perpetuity or is park land that has been owned by a city since 1994 and is less than thirty acres in size.

Other factors, such as creating a more regular boundary or providing for efficient delivery of public services are not identified as criteria for amendments to the UGA boundary.

Based on CP-16, the Duthie Hill study area does not meet the criteria for a UGA expansion. Sammamish has adequate capacity to meet its 2035 housing and employment growth targets, the City does not own land that would meet the requirements for dedication of permanent open space to King County, and the study area is not a King County Park.

Amendments to the CPPs

CPP Policy G-1, excerpted below, states that the GMPC and King County are the only two entities that can propose amendments to King County's UGA and lays out the process for amendments to the CPPs.

G-1 *Maintain the currency of the Countywide Planning Policies through periodic review and amendment. Initiate and review all amendments at the Growth Management Planning Council through the process described below:*

- a) *Only the Growth Management Planning Council may propose amendments to the Countywide Planning Policies except for amendments to the Urban Growth Area that may also be proposed by King County in accordance with policies DP-15 and DP-16;*
- b) *Growth Management Planning Council recommends amendments to the King County Council for consideration, possible revision, and approval; proposed revisions by the King County Council that are of a substantive nature may be sent to the Growth Management Planning Council for their consideration and revised recommendation based on the proposed revision;*
- c) *A majority vote of the King County Council both constitutes approval of the amendments and ratification on behalf of the residents of Unincorporated King County;*
- d) *After approval and ratification by the King County Council, amendments are forwarded to each city and town for ratification. Amendments cannot be modified during the city ratification process; and*
- e) *Amendments must be ratified within 90 days of King County approval and require affirmation by the county and cities and towns representing at least 70 percent of the county population and 30 percent of those jurisdictions. Ratification is either by an affirmative vote of the city's or town's council or by no action being taken within the ratification period.*

Recommendation

In order to proceed with the annexation, amendments to both the King CPPs and to the King County Comprehensive Plan would be required, summarized below:

- 1 **King County CPPs.** An amendment to DP-16 to revise existing criteria or identify a new criterion that would allow expansion of the UGA to encompass Duthie Hill would be required. The process for amending the CPPs is described above. Appendices to the CPPs would also need to be amended, including Appendix 1 Land Use Map and Appendix 2, Potential Annexation Areas Map.
- 2 **King County Comprehensive Plan.** In order to expand the UGA to include the Duthie Hill study area, an amendment to the King County Comprehensive Plan is required. A proposal to expand

the King County UGA is considered a major amendment to the Comprehensive Plan. According to the County's website, the next major amendment cycle is scheduled for 2016.⁴

3 Existing Zoning Designations

King County

Zoning Designations

Please see Section 2, above for a discussion of King County Comprehensive Plan land use designations for the Duthie Hill study area.

The entire study area is zoned RA-5 (Figure 3). This zone allows for a density of one dwelling unit per five acres (King County Code 21A.12.030). Uses that are permitted outright in the RA-5 zone are single family detached homes, trails, arboretums and certain uses related to agriculture, forestry and fish and wildlife management (King County Code 21A.08). Other uses appropriate for this rural area zone are allowable under certain conditions.

South of Duthie Hill Road, the adjacent area is zoned RA-5-P. This zone has the same density standard as the County's RA-5 zone, but has stricter conditions for development (King County Code 21A.04.150).

Surrounding Area

City of Sammamish Comprehensive Plan Land Use Designations

The City of Sammamish Comprehensive Plan land use designation surrounding the study area is R-4. According to Policy LUP-1.3 in the Plan, the R-4 designation has a maximum residential density of four units per acre. The Plan states that the purpose of the R-4 designation is to preserve the character and development patterns in existing single family neighborhoods.⁵ The Draft 2015 Comprehensive Plan recommends continuation of this land use designation in the updated plan.

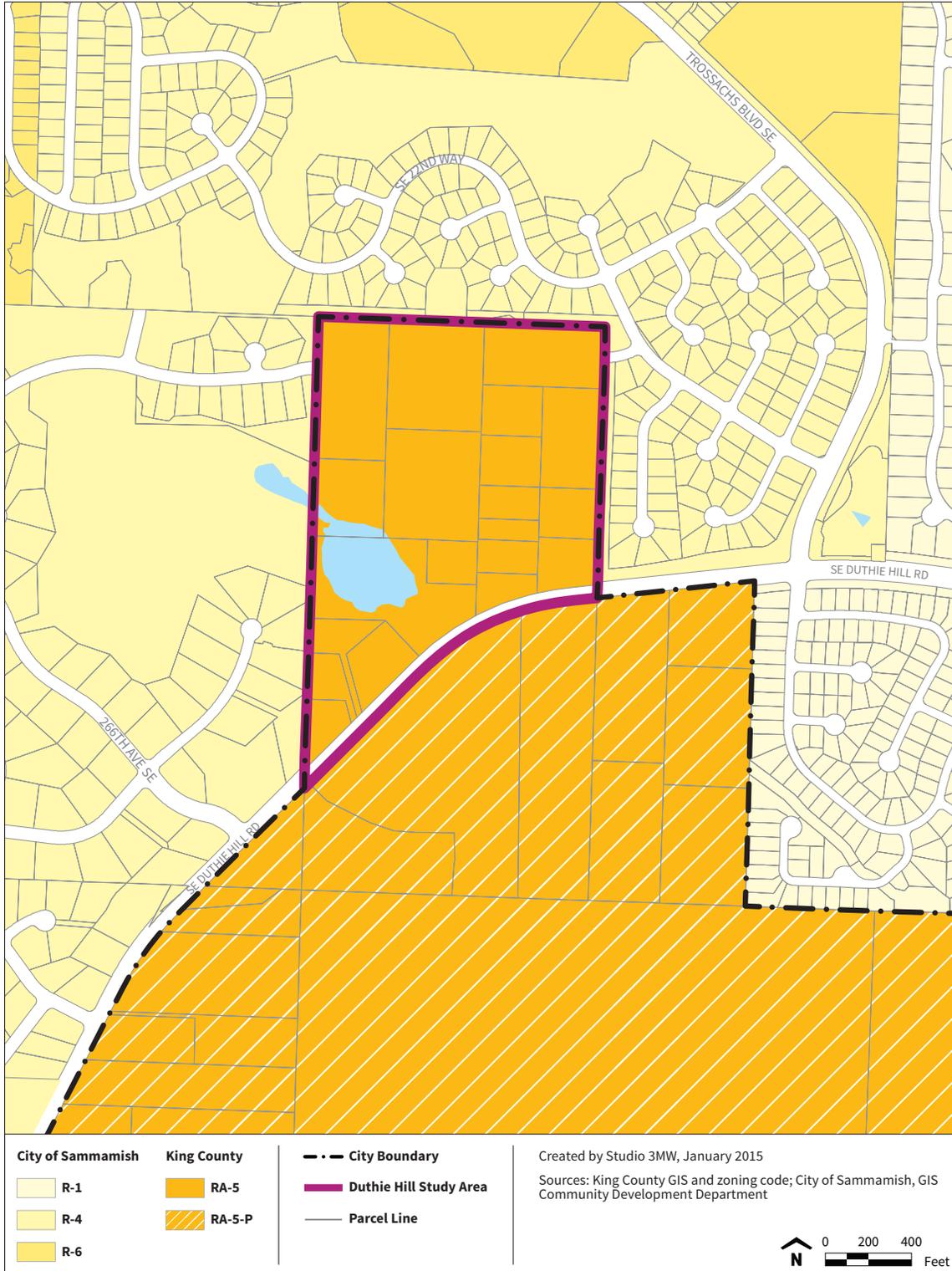
City of Sammamish Zoning Designations

Consistent with the Comprehensive Plan, the City of Sammamish area surrounding the study area is zoned R-4, which allows for a density of four dwelling units per acre (Sammamish Municipal Code 21A.25.030). Permitted uses in this zone includes single family detached homes, home occupations, trails, arboretums, elementary and middle schools, electric vehicle charging stations, rapid charging stations and growing and harvesting crops and forest products (SMC 21A.20). Other uses appropriate in residential areas are allowable under certain conditions.

⁴ <http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/amend.aspx>.

⁵ 2005 Sammamish Comprehensive Plan, page III-2.

Figure 3 Current Zoning Designations



4 Zoning Review

In April 2008, the City of Sammamish adopted the following ordinances with related to the Duthie Hill area:

- **Ordinance 02008-228** established Potential Annexation Areas and contingent land use designations for several areas adjacent to city boundaries, including the Duthie Hill area. For Duthie Hill, the ordinance assigned a proposed land use designation of R 1-4 and included a note that this PAA is dependent on a King County comprehensive plan amendment.
- **Ordinance 02008-229** established contingent PAA zoning for the same area addressed in Ordinance 02008-228 and proposed a contingent R-1 zoning designation. This ordinance also includes a note that this PAA is dependent on a King County comprehensive plan amendment.

In the future, a City of Sammamish R-1 zoning designation would be consistent with the guidance provided by the two ordinances described above and the existing study area development pattern in the study area. An R-1 zoning designation would also represent the City's most comparable designation to the current King County RA-5 zoning designation.

Recommendation

Based on the City's adopted ordinances 02008-228 and -229, as well as the surrounding zoning designations and development pattern, a future City zoning designation of R-1 is recommended.⁶

5 Study Area Background Information

The Duthie Hill study area consists of approximately 46 acres located in unincorporated King County. The area is bounded on the north, east and west by the City of Sammamish and on the south by SE Duthie Hill Road in unincorporated King County (Figure 1). Access within the study area is provided by three private roads, all of which access from SE Duthie Hill Road.

⁶ As established in Ordinance 02008-228, the land use designation for the Duthie Hill area would be R 1-4. Under this designation either R-1 or R-4 zoning would be consistent with the City's Comprehensive Plan land use designations. Although this report recommends an R-1 zoning designation, consistent with Ordinance 02088-229, the land use designation provides the flexibility for an applicant to request a future rezone to R-4. Any such request would be evaluated by the City's Hearing Examiner, subject to the criteria and procedures established in Sammamish Municipal Code, Title 20.

Existing Development Pattern

Study Area

According to data from the King County Department of Assessments, the study area contains twenty parcels ranging in size from 0.62 acres to 6.29 acres. Average parcel size is roughly 2.30 acres, with four parcels greater than five acres and 13 parcels less than two acres. The study area is developed as a low density residential area, see Figure 4 and Figure 5. Residential density is estimated at approximately 0.39 units per acre, or approximately one housing unit for every 2.6 acres. The area has extensive tree cover.

Surrounding Area

To the east, north and west, the study area is surrounded by single family residential development in the City of Sammamish. The Trossachs subdivision bounds the study area to the east and north and is characterized by low density single family development on a typical lot size of about one-quarter acre. The High Country subdivision borders the study area to the west and is characterized by low density residential development on a typical lot size of about three-quarter acre. The High Country subdivision also contains an open space parcel containing approximately 28.5 acres. This parcel is owned by the City of Sammamish and adjoins the study area west boundary.



Trossachs Subdivision

The study area is bounded by unincorporated King County to the south. Adjacent land includes large lot single family residential parcels ranging in size from roughly two and a half acres to 16 acres, and a portion of King County's Duthie Hill Park including a trail access area and parking lot.

Residences in Study Area

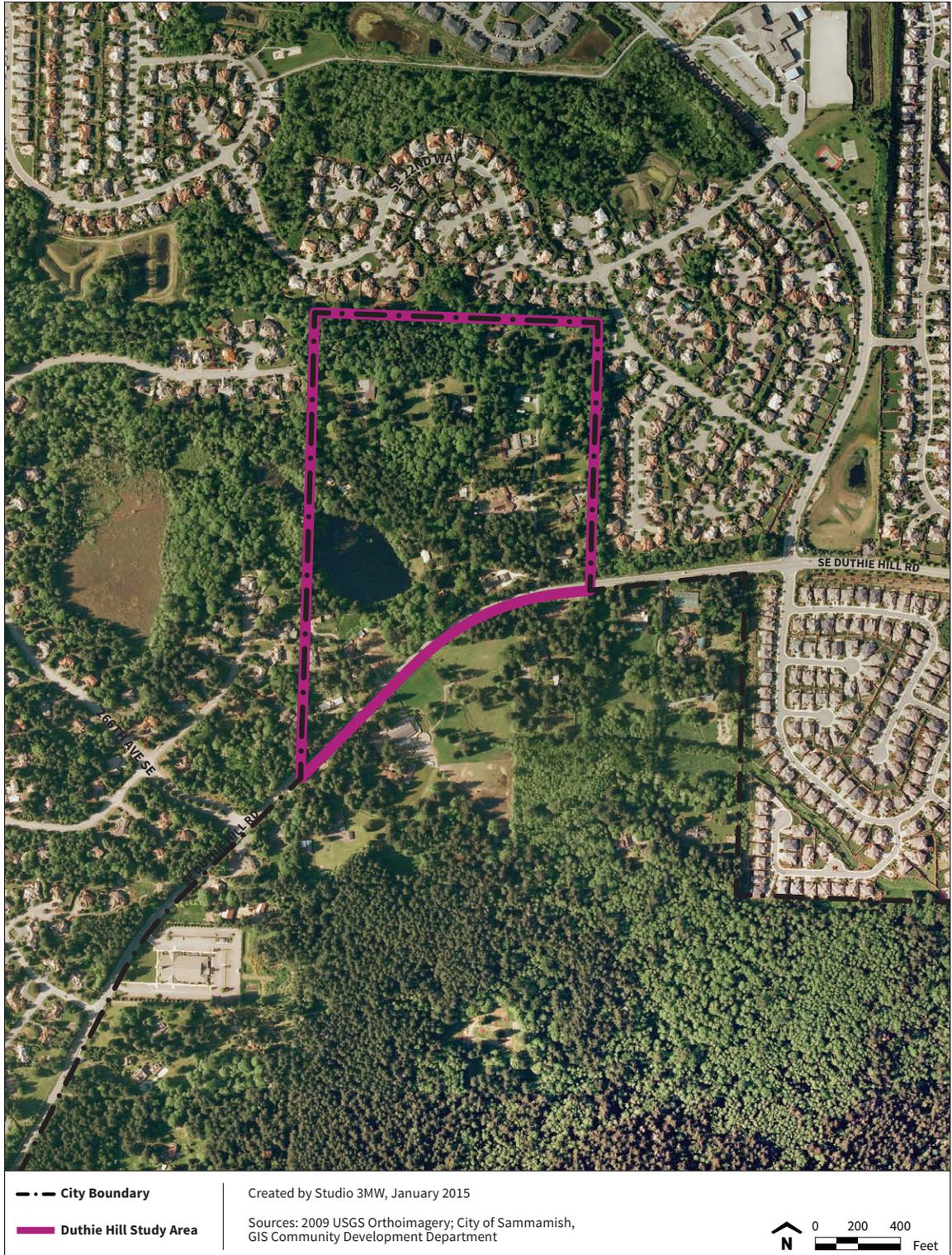


Image Source: King County Parcel Viewer

Figure 4 Existing Land Use



Figure 5 Aerial Map



Environmental Features

As shown in Figure 6, the southwest portion of the study area contains a stream, a wetland, and a pond that is encompassed within the wetland. The wetland was inventoried by King County in 1981 as the Patterson Creek 23 wetland. The classification of the Patterson Creek 23 wetland is unknown and would require a wetland study to determine. However, this wetland is closely associated with two off-site, known Category I wetlands that contain bog ecosystems. These off-site wetlands are located within a tract that is owned by the City of Sammamish and were inventoried by King County in 1981 as the Patterson Creek 18 and Patterson Creek 24 wetlands. Depending on the characteristics of the Patterson Creek 23 wetland's connectivity with the two off-site Category I wetlands, this wetland may also be classified as a Category I wetland.

According to the King County Code (21A.24.325(B)), outside of the Urban Growth Area, a 190-foot buffer is required beyond the boundaries of Category I wetlands that contain a bog when a moderate impact use is proposed (moderate impact includes residential uses on sites zoned rural residential) and a 250-foot buffer is required when a high impact use is proposed (high impact includes active recreation use, non-residential uses on residentially zoned property, commercial or industrial uses). The County requires a 215-foot buffer beyond wetlands such as these when located inside an Urban Growth Area (21A.24.325(A)). Within Sammamish's incorporated boundaries, a 215-foot buffer would be required beyond the boundaries of a Category I wetland that includes a bog ecosystem.

Whether or not the Patterson Creek 23 wetland is determined to be the same wetland category as the adjoining Patterson Creek 18 and Patterson Creek 24 wetland areas, applicable wetland buffer requirements appear to extend into the southwestern portion of the Duthie Hill study area beyond wetland boundaries.

The Patterson Creek 23 wetland, in addition to the offsite Patterson Creek 18 and Patterson Creek 24 wetlands, also appear to be the headwaters for an unclassified tributary to Patterson Creek. As this tributary stream is unclassified, the buffer requirements beyond the stream's boundaries are unknown, but are expected to be encompassed with the surrounding Patterson Creek 23 wetland and associated buffer requirements. There are no mapped floodplains, designated steep slopes or landslide prone areas in the study area.



Top: SE Duthie Hill Road
Bottom: Private road access

Access

Access to the study area is provided by SE Duthie Hill Road and by three private roads that extend north from SE Duthie Hill Rd into the study area: 268th Pl SE, 270th Ave SE and 271st Ave SE (Figure 7). The private roads are gravel surfaced and approximately 10-feet wide. The SE Duthie Hill Road frontage along the study area is approximately 0.3 miles long and under the jurisdiction of King County. East and west of the study area, SE Duthie Hill Road is within the jurisdiction of the City of Sammamish.

Figure 6 Environmental Constraints

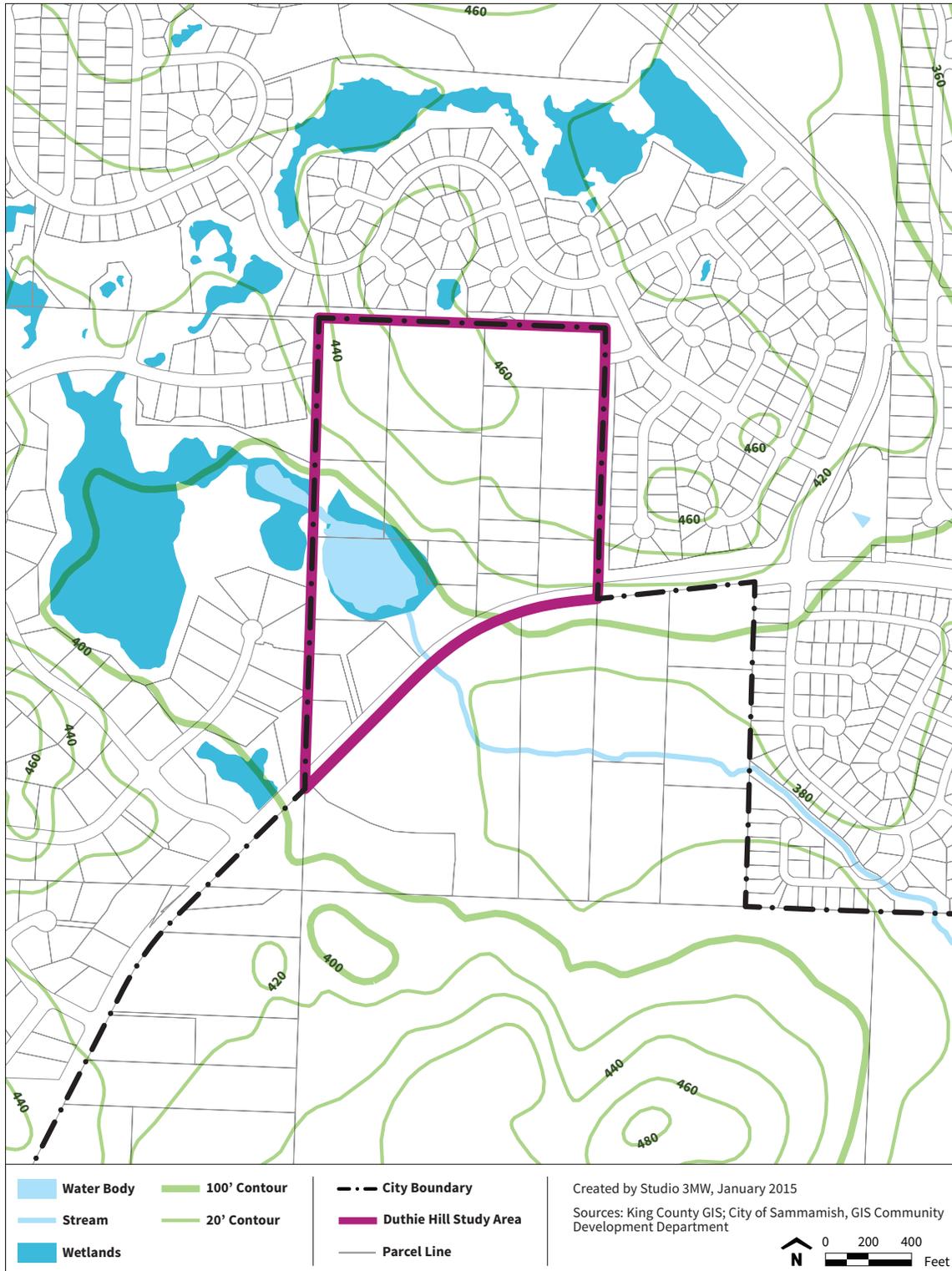
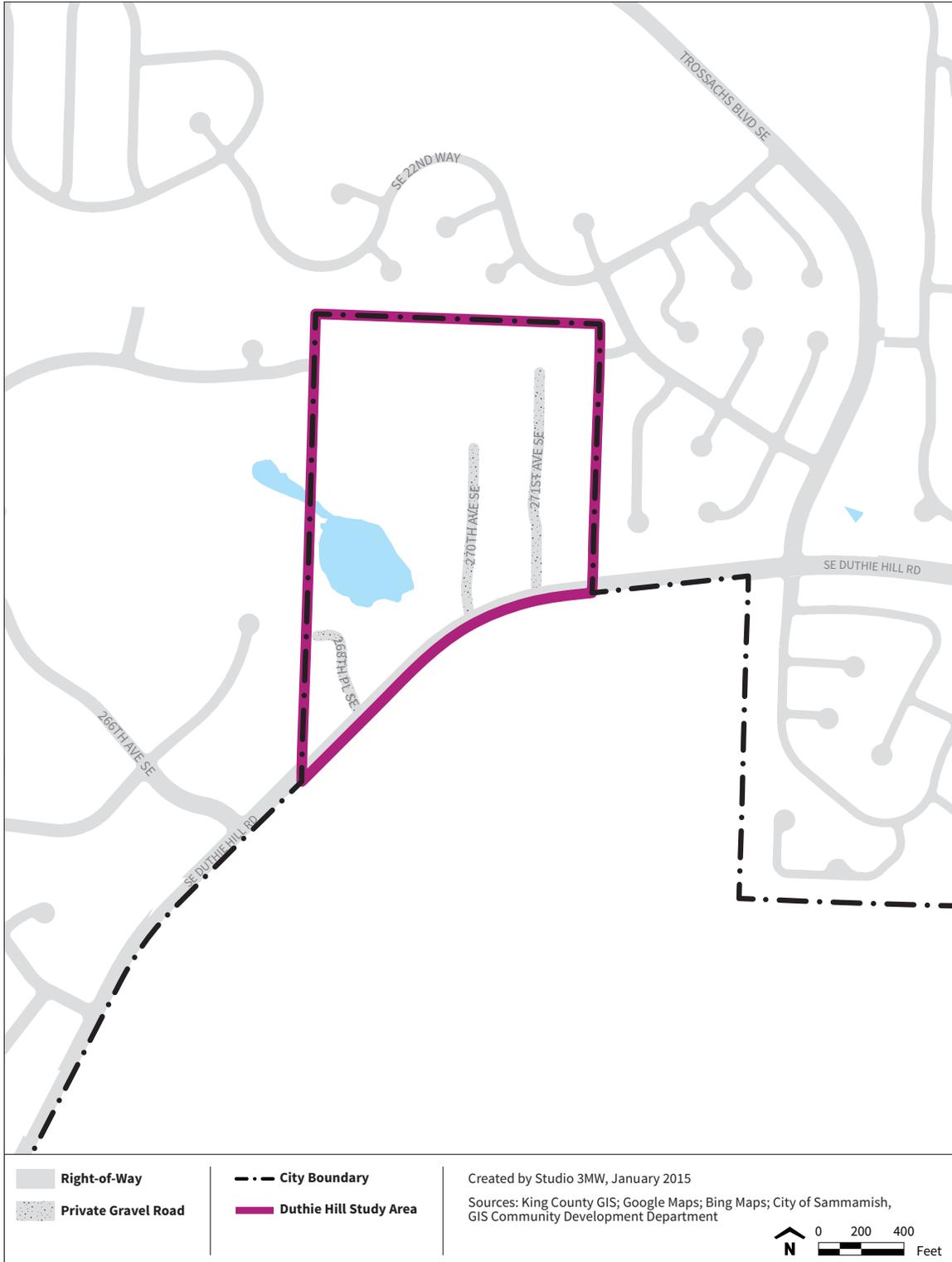


Figure 7 Road Access



Traffic Analysis

In order to evaluate traffic volumes for the Duthie Hill area resulting from a change from rural to urban, the City’s traffic model was utilized to project future traffic volumes. These results assume 14 new residential units within the Duthie Hill area based on contingent R-1 zoning as adopted by the City Council or 55 new residential units based on R-4 zoning. Table 2 and Table 3 below show traffic volume results with and without a 25th St connection for the year 2020 pipeline condition and the year 2035 condition for both the R-1 and R-4 scenarios. These numbers also assume no capacity improvements to Duthie Hill Road. The results of the model run indicate that most of the new traffic along SE 25th is traffic that would have used Trossachs Blvd to Duthie Hill Road, but would be likely to use SE 25th instead. The new connection helps reduce traffic on SE Duthie Hill Rd, 266th Ave SE, and SE Issaquah-Beaver Lake Rd, but traffic increases on neighborhood Streets such as SE 25th St , SE 27th St, 261st Ave SE, and E Beaver Lake Dr SE.

Table 2 Traffic Volumes with Development under R-1 Zoning

	Year	Duthie Hill Road Avg. Daily Volumes	SE 25th Street Avg. Daily Volumes
With SE 25th High Country & Trossachs Connection	2020	14,070	410
	2035	17,470	1,290
With No SE 25th High Country & Trossachs Connection	2020	14,350	0
	2035	18,300	0

Source: City of Sammamish, 2015.

Table 3 Traffic Volumes with Development under R-4 Zoning

	Year	Duthie Hill Road Avg. Daily Volumes	SE 25th Street Avg. Daily Volumes
With SE 25th High Country & Trossachs Connection	2020	14,490	480
	2035	18,080	1,290
With No SE 25th High Country & Trossachs Connection	2020	14,790	0
	2035	18,720	0

Source: City of Sammamish, 2015.

This analysis does not assume any traffic calming measures (TCM) along SE 25th Street. Installation of TCM may be used to reduce the total number of cars using the roadway, since cut-through traffic is often discouraged. There are a number of tools available, including some or all of the following:

- Traffic circles
- Chicanes
- Medians
- Signage and striping
- Speed humps and speed tables. These are typically used as a last resort due to residents' preferences and impact of delay on emergency vehicles.

Utilities and Public Services

The study area is served by many of the same utility and public service providers as the City of Sammamish (Table 4). The electric, natural gas, telecommunications, solid waste, water, sewer and school service providers are the same for the study area and the City. Service providers are listed in Table 4, below.

Table 4 Utility and Public Service Providers for the Study Area and the City

Service	Duthie Hill Study Area	City of Sammamish
Electricity & Natural Gas	Puget Sound Energy	Puget Sound Energy
Telecommunications	Multiple providers	Multiple providers
Solid Waste	Republic Services	Republic Services
Water & Sewer	Sammamish Plateau Water & Sewer District*	Sammamish Plateau Water & Sewer District
Stormwater	King County	City of Sammamish
Schools	Issaquah School District	Issaquah School District Lake Washington School District Snoqualmie Valley School District
Fire	King County Fire Protection District No. 27	Eastside Fire and Rescue District
Police	King County Sheriff	City of Sammamish (on contract with King County Sheriff)

* Although located in the Sammamish Plateau Water and Sewer District service area, homes rely on private wells and septic systems.

6 References

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Memorandum

Date: July 20, 2105
To: Sammamish City Council
From: Andrew Zagars, City Engineer
Re: Sahalee Way Preliminary Design Update – June 24th Public Meeting Recap

On May 5, 2015, the City Council approved a contract with Perteet Inc. for the development of a Preliminary Design Report (Report) for the Sahalee Way corridor. The Sahalee Way Project is included in the 2016-2021 Six Year Transportation Improvement Program (TIP).

The purpose of the Report is to determine the major elements necessary to satisfy concurrency requirements and analyze peak traffic forecasts provided by the updated Comprehensive Plan. The Report will include design options ranging from 3-lane to 5-lane configurations in addition to providing planning-level cost estimates for all options presented. Additionally, the intersection at NE 28th Place will be analyzed for signalization or a roundabout.

At the request of the Transportation Committee, the scope of the study was extended to include analysis of the intersection at Hwy 202, which is outside City of Sammamish limits and part of the King County roadway system.

The scope of work for the consulting contract includes two open houses, the first of which was held on June 24. A summary of the open house is provided below.

Overview of Public Open House:

Date: Wednesday, June 24, 2015

Time: 6 – 7:30 pm

Location: Boys & Girls Club, 825 228th Ave NE

Presentation Team

Andrew Zagars, City Engineer

Cheryl Paston, Deputy Public Works Director

Jed Ireland, Project Engineer

Dan Hansen, Perteet

Jesse Thomsen, Perteet

Mike Hendrix, Perteet

Presentation

City staff and the Perteet Design Team described the Sahalee Way Widening project and shared the objectives of the preliminary design study with the audience. Participants were encouraged to share their priorities for the roadway improvement project and were invited to complete a

questionnaire. Participants were also informed that a second open house would be held in October/November to present and discuss the recommendations of the preliminary design study.

- A total of 43 participants signed in (most residing in neighborhoods adjacent to the Sahalee Way project limits)
- 25 questionnaires were collected

Overview of Public Comment

Public comments most often expressed included a strong desire for congestion relief and improved safety. Some participants owned property adjacent to Sahalee Way and expressed concern about potential impacts to private property. A few participants emphasized the importance of preserving trees where possible to maintain the aesthetic quality of the corridor and encouraged attention be paid to other environmental factors. A few participants expressed concerns about noise and suggested quiet asphalt treatments or sound walls.

Discussion

Congestion was the primary concern expressed by most participants, though most believed that widening to 5-lanes was not necessary. Many perceived that congestion at Hwy 202 was a governing factor, while others indicated that the NE 37th Street signal was a significant source of congestion on Sahalee Way. Some participants saw value in adding a southbound climbing lane from Hwy 202 for slow busses and trucks, while also providing space for bicyclists and an emergency shoulder for snow days.

Safety was the other often identified priority and many expressed a desire for a lower posted speed limit than the current 45 mph. Most participants (including many residing on the east side of Sahalee) suggested that a sidewalk was only needed on the west side. Participants also suggested Evans Creek Preserve would be the most likely draw for pedestrians to the north and indicated that a signalized pedestrian signal nearby the park entrance was desirable.

Participants of Heritage Hills and the Crest neighborhoods were pleased that a traffic signal at NE 28th Place was being evaluated. Some participants were concerned that a roundabout in this location would impact private property.

Next Steps:

The staff and consulting team will continue to work on finalizing the Preliminary Design Report with the intention of presenting the findings to Council this fall. An overview of the anticipated project timeline is provided below.

Project Timeline:

Preliminary Design	May 2015 to October 2015 (in progress)
Present to Council	October 2015
Second Public Open House	October/November 2015
Final Design	January 2016-June 2017
Bidding	July 2017
Construction	September 2017-December 2018

Metro Bus Service Options

Information will be provided at
the Committee of the Whole Meeting

