



# City Council, Regular Meeting

## AGENDA Revised

6:30 pm – 10:00 pm

May 17, 2016

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Approval of Agenda**

**Presentations/Proclamations**

- Washington Recreation and Parks Association (WRPA) Awards
- Electrical Permit/ Inspection Program Feasibility

**Student Liaison Reports**

**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](mailto:manderson@sammamish.us). Please be aware that Council meetings are videotaped and available to the public.*

**Consent Calendar**

- Payroll for period ending April 30, 2016 for pay date May 5, 2016 in the amount of \$ 364,081.92
- 1. **Approval:** Claims For Period Ending May 17, 2016 In The Amount Of \$1,093,417.48 For Check No. 44295 Through 44426
- 2. **Resolution:** Appointing Members To The Sammamish Youth Board
- 3. **Resolution:** Authorizing The City Manager To Execute An Amendment To The Developer Sales Agreement For Affordable Units With Habitat For Humanity Of East King County
- 4. **Resolution:** Accepting The Big Rock Park Phase I: Park Access And Natural Playscape Project As Complete

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.

5. **Bid Award:** Big Rock Park Well Repair/JKA Enterprises
6. **Bid Award:** Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement/Marshbank
7. **Amendment:** Engineering Services During Construction Inglewood Hill Stormwater Project/Osborn
8. **Contract:** Construction Management Inglewood Hill Stormwater Project/Perteet
9. **Interlocal:** Watermain Improvements for Inglewood Hill/Sammamish Plateau
10. **Contract:** Fourth on the Plateau Fireworks Display/Wolverine West
11. **Contract:** Sound for Events/Live Sound Audio
12. **Interlocal:** SE 4<sup>th</sup> Street Transportation Improvement Board Grant
13. **Approval:** Minutes from April 19, 2016 Regular Meeting
14. **Approval:** Minutes from May 3, 2016 Regular Meeting
15. **Approval:** Notes from May 10, 2016 Study Session

### **Public Hearings**

16. **Ordinance:** First Reading of an Ordinance Amending Title 16, Buildings And Construction, Of The Sammamish Municipal Code By Amending Chapter 16.05, Construction Codes; And 16.20, Construction Administrative Code
17. **Ordinance:** Second Reading of An Ordinance Pertaining To The Protection And Regulation Of Environmentally Critical Areas In The Sammamish Shoreline Master Program And In The Environmentally Critical Areas Regulations, Amending Chapters 25.01, 25.02, And 25.08 And 21a.15 And 21a.50 Of The Sammamish Municipal Code.

### **Unfinished Business**

#### **New Business**

18. **Approval:** Vehicle Purchases

### **Council Reports/Committee Reports**

#### **City Manager Report**

- Sound Transit 3 (ST3)

**Executive Session** – Potential Litigation pursuant to RCW 42.30.220(1)(i)

### **Adjournment**

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## AGENDA CALENDAR

May 2016	Packet Material Due Date	Time	Meeting Type	Topics
<b>Tues 5/24</b>		6:00 pm	Joint Meeting Redmond/Study Session	<u>Joint Meeting</u>  <u>Study Session</u> Update: Issaquah-Fall City Road Open House
<b>Wed 5/25</b>		5:30 pm	Joint Meeting ISD To be held at District HQ 565 W. Holly St Issaquah, WA 98027	
<b>June 2016</b>				
<b>Tues 6/7</b>	06/01	5:00 pm	Joint Meeting Planning Commission/Regular Meeting	<u>Joint Meeting</u> Presentation: Urban Forestry Management Plan  <u>Regular Meeting</u> Presentation: Parks Commission Hand-off of 2017-22 Parks CIP Presentation: 2017-22 Stormwater CIP Presentation: 2017-22 TIP Presentation: PC Handoff of Stormwater Comprehensive Plan Resolution: Health & Human Services Task Force Formation  <u>Consent Agenda:</u> Ordinance: Second Reading Impact Fee Deferrals Ordinance: Second Reading Building Codes Update
<b>Tues 6/14</b>	06/08	6:30 pm	Study Session	Discussion: 2017-2022 Parks CIP Discussion: 2017-2022 Stormwater CIP Discussion: 2017-2022 TIP <ul style="list-style-type: none"> <li>• Non-Motorized Projects</li> <li>• Intersection Improvement Projects</li> <li>• Neighborhood Projects</li> </ul>
<b>Tues 6/21</b>	06/15	6:30 pm	Regular Meeting	Presentation: ER & R Recognition Discussion: Stormwater Comp Plan Discussion: Sahalee Way Project Scope Public Hearing/Resolution Adopting 2017-22 TIP Public Hearing/Resolution: Adopting 2017-22 Parks CIP Public Hearing/Resolution: Adopting 2017-22 Stormwater CIP Court Services  <u>Consent Agenda:</u>
<b>July 2016</b>				

<b>Tues 7/5</b>	06/29	6:30 pm	Regular Meeting	<p>Presentation: PC Handoff Wireless Regulations  PC Handoff/Public Hearing: Ordinance First Reading Wireless Regulations  Public Hearing/Ordinance: First Reading Adopting Stormwater Comp</p> <p><u>Consent Agenda:</u>  Contract: Major Stormwater Facility Repair/TBD  Bid Award: 212<sup>th</sup> Way Repair (Snake Hill)/TBD  Contract: 212<sup>th</sup> Way Repair Construction Support/TBD  Grant: Zaccuse Creek Fish Passage/King County</p>
<b>Tues 7/12</b>	07/06	6:30 pm	Study Session	<p>Discussion: Wireless Regulations  Discussion: YMCA Property Development  Discussion: Trails, Bikeways &amp; Paths Planning Update  Discussion: Iss. Fall City Road Project 30% Design Update</p>
<b>Tues 7/19</b>	07/13	6:30 pm	Regular Meeting	<p>Proclamation: Women's Equality Day  Public Hearing/Ordinance: Second Reading Wireless Regulations  Public Hearing/Ordinance: Second Reading Adopting Stormwater Comp Plan</p> <p><u>Consent Agenda:</u>  Bid Award: 228<sup>th</sup> &amp; Iss. Pine Lake Road Intersection Project/TBD  Bid Award: 212<sup>th</sup> Avenue Non-motorized Project/TBD</p>
<b>Aug 2016</b>				NO MEETINGS
<b>Sept 2016</b>				
<b>Tues 9/6</b>	08/31	6:30 pm	Regular Meeting	<p>Proclamation: Mayor's Month of Concern Food Drive  Presentation: PC Handoff of Stormwater Design Manual &amp; LID Code Revisions  <u>Consent Agenda</u>  Bid Award: SE 4<sup>th</sup> Street  Contract: Trails, Bikeways and Path Plan Consultant/TBD  Contract: YMCA Property Development Plan Consultant/TBD  Contract: 2016 Non-Motorized Design/TBD  Contract: SE 4<sup>th</sup> Street Construction Support/TBD  Contract: Beaver Lake Shop Roof Replacement/TBD</p>
<b>Tues 9/13</b>	09/07	6:30 pm	Study Session	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget  Discussion: Public Works Standards  Discussion: Revised Surface Water Manual &amp; LID Update</p>
<b>Tues 9/20</b>	09/14	6:30 pm	Regular Meeting	<p>Discussion: Revised Surface Water Manual &amp; LID Code Revisions</p> <p><u>Consent Agenda</u>  Contract: ADA Transition Plan Completion Consultant/TBD</p>
<b>Oct 2016</b>				

<b>Tues 10/4</b>	09/28	6:30 pm	Regular Meeting	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget Public Hearing/Ordinance: First Reading Adopting Revised Surface Water Manual &amp; Revised LID</p> <p><u>Consent Agenda:</u> Contract: Intersection Improvement Design/TBD Contract: Neighborhood Projects Design/TBD Contract: ADA Transition Plan Completion Consultant/TBD</p>
<b>Tues 10/11</b>	10/05	6:30 pm	Study Session	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget Discussion: 2017-2018 Human Service Grants</p>
<b>Tues 10/18</b>	10/12	6:30 pm	Regular Meeting	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget Ordinance: Second Reading Adopting Revised Surface Water Manual &amp; Revised LID Code</p> <p><u>Consent Agenda:</u> Bid Award: 2016 Patching Projects/TBD Bid Award: 2016 Guard Rail Repair/TBD</p>
<b>Nov 2016</b>				
<b>Tues 11/1</b>	10/26	6:30 pm	Regular Meeting	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget</p> <p><u>Consent Agenda:</u> Bid Award: 228<sup>th</sup> &amp; Iss. Pine Lk Road Intersection/TBD</p>
<b>Tues 11/8</b>	11/02	6:30 pm	Study Session	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget PC Handoff: 2016-2017 Comprehensive Plan Amendment Docket</p>
<b>Tues 11/15</b>	11/09	6:30 pm	Regular Meeting	<p>Presentations &amp; Discussion: 2017-18 Biennial Budget Public Hearing/Resolution: 2016-2017 Comprehensive Plan Amendment Docket</p> <p><u>Consent Agenda:</u> Resolution: Final Acceptance Major Stormwater Drainage Facility Repair Project Contract: 2017 Water Quality Monitoring/TBD Approval: 2017-2018 Human Service Grants</p>
<b>Dec 2016</b>				
<b>Tues 12/6</b>	11/30	6:30 pm	Regular Meeting	<p><u>Consent Agenda:</u> Resolution: Final Acceptance Inglewood Trunkline Project Resolution: Final Acceptance 2016 Asphalt Overlay Program Resolution: Final Acceptance 212<sup>th</sup> Repair Resolution: Final Acceptance 212<sup>th</sup> Avenue Non-motorized Project Approval: 2017/2018 Human Service Grants</p>
<b>Tues 12/13</b>	12/7	6:30 pm	Special Meeting	<p>Parks, Public Works &amp; Facilities Maintenance Contracts Parks &amp; Public Works Engineering Support Services Contracts</p>
<b>Tues 12/20</b>	12/14	6:30 pm	Regular Meeting	
<b>To Be Scheduled</b>			<b>Parked Items</b>	<b>Parked Items</b>

<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Puget Sound Energy Franchise</li> <li>• Economic Development Plan</li> <li>• Traffic Impact Fee Update</li> <li>• ITS System Project Final Acceptance</li> <li>• Department Reports</li> <li>• Adoption Public Works Standards</li> <li>• Off-Leash Dogs</li> <li>• Discussion: Concurrency Ordinance</li> <li>• Comprehensive Plan Transportation Element (2017)</li> <li>• Contract: SE 24<sup>th</sup> St Sidewalk Design/TBD</li> <li>• Discussion: SE 4<sup>th</sup> Street Project Scope</li> <li>• Lake Sammamish Water Level</li> <li>• Contract: Sahalee Way Design/Perteet</li> </ul>	<ul style="list-style-type: none"> <li>• Review of regulations regarding the overlay areas, low impact development and special protection areas for lakes</li> <li>• Permit Notification Process</li> <li>• Discussion: Inner City Bus Service</li> <li>• Good Samaritan Law</li> </ul>	<ul style="list-style-type: none"> <li>• Mountains to Sound Greenway</li> <li>• Sustainability/Climate Change</li> <li>• Water Quality Update</li> </ul>
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If you are looking for facility rentals, please click [here](#).

April

## May 2016

June

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 6:30 p.m. <b>Metro's Long Range 2040 Plan Open House</b>	3 5 p.m. <b>City Council Office Hour</b> 6:30 p.m. <b>City Council Meeting</b>	4 10:30 a.m. <b>Health/Human Services Committee Meeting</b> 6:30 p.m. <b>Parks and Recreation Commission Meeting</b>	5 6:30 p.m. <b>Planning Commission Meeting</b>	6	7 10 a.m. <b>Volunteer at Illahee Park</b>
8	9 3 p.m. <b>Transportation Committee Meeting</b>	10 6:30 p.m. <b>City Council Study Session</b>	11 4 p.m. <b>Sammamish Farmer's Market</b>	12 6 p.m. <b>Issaquah-Fall City Road Workshop and Open House</b>	13	14 9 a.m. <b>ARAS Bicycle Drive</b> 10 a.m. <b>Sammamish Walks</b> 1:30 p.m. <b>Master Gardener Workshop: Propagation</b>
15	16	17 6:30 p.m. <b>City Council Meeting</b> 7 p.m. <b>Poetry Event</b>	18 4 p.m. <b>Sammamish Farmer's Market</b> 6 p.m. <b>Sammamish Youth Board Meeting</b>	19 6:30 p.m. <b>Planning Commission Meeting</b>	20	21 10 a.m. <b>Sammamish Walks</b> 10 a.m. <b>Big Rock Grand Opening</b>
22	23 6:30 p.m. <b>Arts Commission Meeting</b>	24 6 p.m. <b>Joint Meeting with Redmond City Council/Study Session</b>	25 4 p.m. <b>Sammamish Farmer's Market</b> 5:30 p.m. <b>Joint Meeting with Issaquah School Board</b> 6:30 p.m. <b>Neighborhood Traffic Management Program Project - East Beaver Lake Way SE</b>	26	27	28
29	30	31				

If you are looking for facility rentals, please click [here](#).

May

**June 2016**

July

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 4 p.m. Sammamish Farmer's Market 6:30 p.m. Parks and Recreation Department Meeting	2 6:30 p.m. Planning Commission Meeting	3 5 p.m. Skate & Big Screen	4
5	6	7 5 p.m. Joint Meeting City Council/Planning Commission	8 4 p.m. Sammamish Farmer's Market	9	10	11 1:30 p.m. Master Gardener Workshop: Garden Pests and Diseases
12	13	14 6:30 p.m. City Council Study Session	15 4 p.m. Sammamish Farmer's Market	16 6:30 p.m. Planning Commission Meeting	17	18 10 a.m. Sammamish Walks
19	20	21 6:30 p.m. City Council Meeting	22 4 p.m. Sammamish Farmer's Market 4 p.m. Sammamish Walks	23	24	25
26	27 6:30 p.m. Arts Commission Meeting	28	29 4 p.m. Sammamish Farmer's Market	30		



# Memorandum

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**Date:** May 11, 2016

**To:** City Council

**Copy:** Lyman Howard, City Manager

**From:** Kurt Aldworth, Building Official

**Re:** Electrical Permitting / Inspection Program Feasibility

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On May 17<sup>th</sup>, 2016, staff will be making a presentation on electrical permitting / inspection program feasibility for the City of Sammamish.

Currently, and since the City's inception, Labor and Industries (L&I) has provided electrical permitting, plan review, and inspection services for Sammamish. In recent years, many local jurisdictions have assumed these services from L&I with great results.

Some of the main driving forces and immediate benefits of having Sammamish assume these services from L&I include:

- Better customer service with Over-The-Counter permitting and 24-hour response time for inspections;
- A streamlined process, a one stop shop for all permitting and inspection needs; and
- Unified control and standards for the permit application, inspection and code compliance process.

Staff look forward to discussing the feasibility of an electrical permitting / inspection program for the City with you and providing the critical information necessary for you to provide direction to staff.





# MEMORANDUM

**TO:** Melonie Anderson/City Clerk  
**FROM:** Marlene/Finance Department  
**DATE:** May 12, 2016  
**RE:** Claims for May 17, 2016

\$ 824.25  
209,195.73  
883,397.50

## Top 10 Over \$10,000 Payments

Porter Brothers Construction	\$373,757.80	SCAC - March 2016
Kenyon Disend	\$69,996.38	Attorney Services - April 2016
City Of Bellevue	\$51,640.00	Human Services Pool - 1st Qtr 2016
Industrial Solutions	\$24,651.43	On Call Fence Repair
Olympic Environmental Resource	\$23,149.84	Recycling Program - April 2016
Prothman	\$20,000.00	PW Director 3/26 - 4/22/16
Perteet	\$19,099.32	SE 4th Improvements - March 2016
Engineering Economics	\$18,175.86	SCAC
Heritage Bank	\$17,883.15	Retainage - Porter Brothers
Best Parking	\$16,920.17	Sweeping Parks, Arterials Citywide

**TOTAL \$ 1,093,417.48**

**Check #44295 - # 44426**

824.25 +  
209,195.73 +  
883,397.50 +  
003  
1,093,417.48 \*

# Accounts Payable

## Check Register Totals Only

User: mdunham  
Printed: 4/29/2016 - 9:37 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
44295	04/29/2016	NESAM	NE Sammamish Sewer & Water	824.25	44,295
				<u>824.25</u>	
Check Total:				<u>824.25</u>	

# Accounts Payable

## Check Register Totals Only

User: jbass  
Printed: 5/5/2016 - 3:39 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
44296	05/05/2016	AWCLIF	Association of Washington Cities	224.80	44,296
44297	05/05/2016	AWCMED	AWC Employee Benefits Trust	150,520.12	44,297
44298	05/05/2016	ICMA401	ICMA 401	45,951.96	44,298
44299	05/05/2016	ICMA457	ICMA457	10,559.62	44,299
44300	05/05/2016	IDHW	Idaho Child Support Receipting	200.00	44,300
44301	05/05/2016	NAVIA	Navia Benefits Solution	1,139.11	44,301
44302	05/05/2016	PREPAIDL	LegalShield	109.60	44,302
44303	05/05/2016	WASUPPOR	Wa State Support Registry	490.52	44,303
				<hr/> <hr/>	
				Check Total:	
				209,195.73	
				<hr/> <hr/>	

# Accounts Payable

## Check Register Totals Only

User: mdunham  
Printed: 5/12/2016 - 9:50 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
44304	05/17/2016	48NORTH	48 North Solutions, Inc	1,469.56	44,304
44305	05/17/2016	ALLTRAFF	All Traffic Solutions	1,642.50	44,305
44306	05/17/2016	ALPHAGRA	Alphagraphics	1,130.67	44,306
44307	05/17/2016	ANKNEY	Jason Ankney	327.45	44,307
44308	05/17/2016	APS	Applied Professional Svcs, Inc.	120.00	44,308
44309	05/17/2016	AWC	Association of Wa Cities	1,125.00	44,309
44310	05/17/2016	BACKGROU	Background Source Intl	239.00	44,310
44311	05/17/2016	BELLCITY	City Of Bellevue	51,640.00	44,311
44312	05/17/2016	BEST	Best Parking Lot Cleaning, Inc	16,920.17	44,312
44313	05/17/2016	BETTERBY	Better By Design Embroidery	437.45	44,313
44314	05/17/2016	BMI	Broadcast Music, Inc	336.00	44,314
44315	05/17/2016	BRS	Barker Rinker Seacat Architecture	12,178.45	44,315
44316	05/17/2016	BUILDERS	Builders Exchange of WA	487.75	44,316
44317	05/17/2016	CADMAN	Cadman, Inc.	839.18	44,317
44318	05/17/2016	CDW	CDW Govt Inc	1,970.49	44,318
44319	05/17/2016	CENTRALW	Central Welding Supply	174.57	44,319
44320	05/17/2016	CENTURY	Century Link	66.99	44,320
44321	05/17/2016	CLARK	Clark's Towing & Repair	198.20	44,321
44322	05/17/2016	CODEPUB	Code Publishing Inc	636.88	44,322
44323	05/17/2016	COLINBAE	Colin Baenziger & Associates	14,250.00	44,323
44324	05/17/2016	COMCAST2	Comcast	378.35	44,324
44325	05/17/2016	COMCAST3	Comcast	1,282.21	44,325
44326	05/17/2016	CONTRACT	Contract Hardware, Inc	1,271.27	44,326
44327	05/17/2016	CORT	Cort Party Rental	1,702.63	44,327
44328	05/17/2016	COSTCO	Costco Wholesale	695.16	44,328
44329	05/17/2016	DAILY	Daily Journal of Commerce	787.80	44,329
44330	05/17/2016	DAS	Das Manufacturing, Inc	3,229.97	44,330
44331	05/17/2016	DEJONG	Cory de Jong & Son Inc	1,799.19	44,331
44332	05/17/2016	DRSI	DRSI	73.94	44,332
44333	05/17/2016	ENGBUS	Engineering Business Systems Inc	2,042.18	44,333
44334	05/17/2016	ENGECONO	Engineering Economics, Inc.	18,175.86	44,334
44335	05/17/2016	EPIC	Epic Events & Promotion, Inc	1,423.50	44,335
44336	05/17/2016	EVANS	David Evans & Associates, Inc	1,941.27	44,336
44337	05/17/2016	EVERETTS	Everett Steel, Inc	89.17	44,337
44338	05/17/2016	EWINGIRR	Ewing Irrigation	582.78	44,338
44339	05/17/2016	FASTENAL	Fastenal Industrial Supplies	3,462.57	44,339
44340	05/17/2016	FASTSIGN	Fastsigns Bellevue	54.75	44,340
44341	05/17/2016	FIREPROT	Fire Protection, Inc.	3,912.44	44,341
44342	05/17/2016	FRONTIR2	Frontier	387.64	44,342
44343	05/17/2016	FUNRENT	Festival Rentals LLC	899.00	44,343
44344	05/17/2016	GALT	John E. Galt	2,248.75	44,344
44345	05/17/2016	GEREND	Donald Gerend	83.88	44,345
44346	05/17/2016	GILLES	Gilles Consulting	502.50	44,346
44347	05/17/2016	GOODMAND	David Goodman	1,163.45	44,347
44348	05/17/2016	GRAINGER	Grainger	664.53	44,348
44349	05/17/2016	GRAYOS	Gray & Osborne, Inc.	8,974.70	44,349
44350	05/17/2016	GREATAME	Great America Financial Services	156.11	44,350
44351	05/17/2016	HALO	Halo Branded Solutions Inc	226.13	44,351
44352	05/17/2016	HDFOWL	H. D. Fowler Company	538.87	44,352
44353	05/17/2016	HDSUPPLY	HD Supply Waterworks	2,822.66	44,353

Check	Date	Vendor No	Vendor Name	Amount	Voucher
44354	05/17/2016	HENDRIKU	Hendrikus Organics, Inc.	436.84	44,354
44355	05/17/2016	HERITAGE	Heritage Bank	17,883.15	44,355
44356	05/17/2016	HONEY	Honey Bucket	967.21	44,356
44357	05/17/2016	HOWARD	Lyman Howard	142.45	44,357
44358	05/17/2016	HUBBARD	Hubbard Radio Seattle	1,850.00	44,358
44359	05/17/2016	HWA	HWA GeoSciences, Inc	8,910.27	44,359
44360	05/17/2016	IRONCREE	Iron Creek Construction, LLC	4,660.50	44,360
44361	05/17/2016	ISNW	Industrial Solutions NW LLC	24,651.43	44,361
44362	05/17/2016	ISSAQI	Issaquah Press, Inc.	2,375.00	44,362
44363	05/17/2016	ISSCEDAR	Issaquah Cedar & Lumber	351.29	44,363
44364	05/17/2016	ISSLACRO	Issaquah S D Girl's Lacrosse Club	2,174.00	44,364
44365	05/17/2016	JOHNSONK	Kevin Johnson	203.46	44,365
44366	05/17/2016	KCBLANK	King County Finance	2,000.00	44,366
44367	05/17/2016	KELLER	Mike Keller	34.56	44,367
44368	05/17/2016	KENYON2	Kenyon Disend PLLC	69,996.38	44,368
44369	05/17/2016	KINGFI	King County Finance A/R	1,579.00	44,369
44370	05/17/2016	KINGREAL	King County Real Estate Services	548.00	44,370
44371	05/17/2016	LAKEFORE	City Of Lake Forest Park	50.00	44,371
44372	05/17/2016	LAKESIDE	Lakeside Industries	241.83	44,372
44373	05/17/2016	LESSCHWA	Les Schwab Tire Center	2,913.06	44,373
44374	05/17/2016	LEXIS	Lexis Nexis Risk Data Mgmt	54.30	44,374
44375	05/17/2016	LEYTON	Kimberly Leyton	1,298.45	44,375
44376	05/17/2016	LIGHTLOA	Light Loads Concrete, LLC	518.91	44,376
44377	05/17/2016	LOWEENT	Lowe Enterprises Real Estate Group	12,377.40	44,377
44378	05/17/2016	MAILPO	Mail Post	9,983.68	44,378
44379	05/17/2016	MALLORY	Mallory Paint Store	51.45	44,379
44380	05/17/2016	MINUTE	Minuteman Press	635.13	44,380
44381	05/17/2016	MRTRUCK	Mr. Truck Wash	4,703.91	44,381
44382	05/17/2016	NAPA	NAPA Auto Parts	971.39	44,382
44383	05/17/2016	NC MACH	NC Machinery Co	315.61	44,383
44384	05/17/2016	NESAM	NE Sammamish Sewer & Water	291.82	44,384
44385	05/17/2016	ODELL	Thomas Odell	72.42	44,385
44386	05/17/2016	OER	Olympic Environmental Resource	23,149.84	44,386
44387	05/17/2016	OSBORN	Osborn Consulting, Inc	14,002.98	44,387
44388	05/17/2016	PACPLANT	Pacific Plants	2,205.33	44,388
44389	05/17/2016	PACSOIL	Pacific Topsoils, Inc	5,391.78	44,389
44390	05/17/2016	PERTEET	Pertect, Inc.	19,099.32	44,390
44391	05/17/2016	PIEDMONT	Piedmont Directional Signs	525.00	44,391
44392	05/17/2016	PLATT	Platt Electric Supply	482.36	44,392
44393	05/17/2016	POA	Pacific Office Automation	241.97	44,393
44394	05/17/2016	PORTER	Porter Brothers Construction, Inc	373,757.80	44,394
44395	05/17/2016	PROTH	Prothman Company	20,000.00	44,395
44396	05/17/2016	PSCLEAN	Puget Sound Clean Air Agency	12,472.25	44,396
44397	05/17/2016	RAINIER	Rainier Wood Recyclers Inc	240.00	44,397
44398	05/17/2016	REDMOND	City Of Redmond	33.30	44,398
44399	05/17/2016	RENTME	Rent Me Storage, LLC	9,813.39	44,399
44400	05/17/2016	RICH	Rich Landscaping, Inc.	5,246.87	44,400
44401	05/17/2016	RILEY	Eleanor Riley	653.80	44,401
44402	05/17/2016	RYAN	Ryan, Swanson & Cleveland PLLC	2,680.00	44,402
44403	05/17/2016	SAM	Sammamish Plateau Water Sewer	871.56	44,403
44404	05/17/2016	SB&MAC	Stewart MacNichols & Harmell Inc	15,360.00	44,404
44405	05/17/2016	SEATIM	Seattle Times	3,870.36	44,405
44406	05/17/2016	SECUREAS	Secure A Site, Inc	473.05	44,406
44407	05/17/2016	SEQUOYAH	Sequoyah Electric, LLC	3,287.03	44,407
44408	05/17/2016	SHERWIN	Sherwin-Williams Company	1,092.50	44,408
44409	05/17/2016	SITEONE	Site One Landscape Supply LLC	1,384.11	44,409
44410	05/17/2016	STOECKL	Jane C. Stoecklin	140.00	44,410
44411	05/17/2016	SUNBELT	Sunbelt Rentals	998.27	44,411
44412	05/17/2016	SUSTAINA	Sustainable Supply LLC	970.56	44,412

Check	Date	Vendor No	Vendor Name	Amount	Voucher
44413	05/17/2016	SWIFTTRE	Swift Tree Care	3,504.00	44,413
44414	05/17/2016	THOMASJE	Jeff Thomas	269.98	44,414
44415	05/17/2016	TRACY	Joseph E. Tracy	327.45	44,415
44416	05/17/2016	TRIANGLE	Triangle Associates, Inc	1,681.77	44,416
44417	05/17/2016	UNITRENT	United Rentals NA, Inc	2,155.44	44,417
44418	05/17/2016	USBANKNA	US Bank N.A.	71.00	44,418
44419	05/17/2016	USHEALTH	U S Healthworks	198.00	44,419
44420	05/17/2016	VERIZON	Verizon Wireless	3,178.39	44,420
44421	05/17/2016	VOYAGER	Voyager	4,492.93	44,421
44422	05/17/2016	WATERSH	The Watershed Company	5,699.92	44,422
44423	05/17/2016	WATSONSE	Watson Security	447.80	44,423
44424	05/17/2016	YOUNGCOU	Coulson L Young	327.45	44,424
44425	05/17/2016	ZEE	Zee Medical Service	468.98	44,425
44426	05/17/2016	ZUMAR	Zumar Industries, Inc.	1,124.49	44,426
				883,397.50	
Check Total:					



**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Parks and Recreation

**Clearances:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Attorney       | <input type="checkbox"/> Community Development    | <input checked="" type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                        |
| <input type="checkbox"/> City Manager   | <input type="checkbox"/> Finance & IT             | <input type="checkbox"/> Public Works                  |

**Subject:** Resolution to appoint members to the 2016-17 Sammamish Youth Board

**Action Required:** Approve resolution appointing the 2016-17 Youth Board members

**Exhibits:** 1. Resolution

**Budget:** Less than \$5,000 annually

**Summary Statement:**

The City of Sammamish is committed to providing a voice for local youth and teens. The Sammamish Youth Board (SYB) was developed to be that voice and give youth a chance to give back to the community through a variety of service projects.

A total of 48 area youth applied for positions on the 2016-17 Youth Board. All applications were reviewed and evaluated by the 7-member leadership committee of the current Youth Board and a member of the staff.

Due to the high quality and sincere interest of this year's applicants, the recommendation from the review team is to accept all applicants. This includes the current members who reapplied (a total of 21 applicants) and all 27 new applications.

**Background:**

In the spring of each year, the City Council appoints new SYB members for the upcoming school year. The size of the SYB board varies each year, but usually ranges from 50 to 70 members. The large size of the SYB allows the group to tackle a wide range of service projects each year. Some of these projects include adopt-a-road clean ups, local trail restoration and food distribution to those in need.

The SYB also includes a leadership team elected annually. Leadership positions include the Chair, Co-Chair, Secretary, City Liaison, Community Service Chair and Programs Chair.

Here is a brief overview of SYB demographics for the 2016-17 school year:

**Zip Code**

18 98075 - Sammamish  
 24 98074 - Sammamish  
 5 98029 – Klahanie  
 1 98006 - Bellevue

**School**

17 Skyline High School  
 14 Eastlake High School  
 5 Tesla STEM High School  
 2 Eastside Catholic High School  
 2 Pine Lake Middle School  
 2 Redmond High School  
 2 Inglewood Middle School  
 1 The Overlake School  
 1 International Community School  
 1 Environmental and Adventure School  
 1 Evergreen Middle School

**School District**

19 Issaquah School District  
 26 Lake Washington School District  
 3 Private Schools

**Financial Impact:**

The operational budget for the SYB is comprised of funds from the Recreation division, Youth Board fundraising efforts and program fees. The budget for youth board activities is less than \$5,000 annually.

**Recommended Motion:**

Approve the resolution and appoint the recommended Sammamish youth and teens to the 2016-2017 Sammamish Youth Board.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2016-\_\_\_\_\_**

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**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY  
OF SAMMAMISH, WASHINGTON APPOINTING  
MEMBERS TO THE SAMMAMISH YOUTH BOARD**

Whereas, the City of Sammamish, Washington recognizes that positive interaction with youth is important to the quality of life of a community, and is an important investment in the future of the City; and,

Whereas, the views of youth are important to the City of Sammamish and its citizens; and,

Whereas, in order to fully utilize the valuable resources available in the youth of the City and in order to best equip the City to be able to address problems, concerns and needs of the youth of the City, it is appropriate to establish a Youth Board for the City; and,

Whereas, the Sammamish Youth Board should consist of youth and teen residents of the City of Sammamish and should represent a broad interest of the youth of our City; and,

Whereas, the City Council adopted Resolution 2001-74 forming a Sammamish Youth Board; and,

Whereas, Youth Board members and staff received and reviewed near fifty applications from motivated and highly interested youth; and,

Whereas, the Youth Board Task Force recommended that the City Council appoint the following 48 students to the 2016-2017 Sammamish Youth Board:

<b>First Name</b>	<b>Last Name</b>	<b>School</b>	<b>Grade</b>
Shivali	Ahuja	Inglewood Middle School	8
Sampripta	Basu	Pine Lake Middle School	8
Nick	Bawa	Eastlake High School	10
Caia	Bornfreund	Eastlake High School	9
Christopher	Chen	The Overlake School	12
Darsh	Desai	Skyline High School	10
Manan	Gandhi	Skyline High School	11
Claire	Gao	Eastlake High School	9
Serena	Gilani	Eastside Catholic High School	11
Ananya	Goparaju	Skyline High School	9
Ellie	Holzhauser	International Community School	12

Exhibit 1

Andrew	Hopkins	Skyline High School	9
Adil	Islam	Skyline High School	11
Siddhant	Jain	Eastlake High School	12
Colin	James	Eastlake High School	12
Lauren	Kim	Tesla STEM High School	10
Rohan	Krishnan	Inglewood Middle School	8
Rayan	Krishnan	Tesla STEM High School	10
Kanae	Lancaster	Tesla STEM High School	12
Ryan	Landry	Eastside Catholic High School	12
Alison	Langer	Skyline High School	10
Alexis	Langer	Skyline High School	11
Eunia	Lee	Eastlake High School	12
Helen	Li	Skyline High School	10
Leanne	Manlosa	Eastlake High School	12
Giorgio	Matessi	Eastlake High School	9
Emma	McGregor	Skyline High School	11
Liam	McKorkle	Eastlake High School	9
Kristan	Mcmillan	Eastlake High School	12
Gautam	Narayan	Skyline High School	11
Ishan	Parikh	Skyline High School	9
Ishira	Parikh	Skyline High School	12
Aaditya	Prasad	Evergreen Middle School	7
Gayathri	Raj	Skyline High School	12
Amartya	Ranganathan	Skyline High School	11
Atul	Rao	Eastlake High School	9
Robert	Santos	Eastlake High school	12
Tanaya	Sardesai	Redmond High School	12
Mihir	Sardesai	Redmond High School	10
Afeef	Sheikh	Tesla STEM High School	12
Aashna	Sheth	Tesla STEM High School	10
Angela	Shi	Skyline High School	10
Riley	Staggs	Skyline High School	10
Ellie	Talius	Eastlake High School	10
Emily	Taylor	Environmental & Adventure School	8
Kushagra	Verma	Pine Lake Middle School	8
Tarushi	Verma	Skyline High School	11
Jenna	Yuan	Eastlake High School	9

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

Exhibit 1

Section 1. Formation of a Sammamish Youth Board: The City Council hereby appoints the above members to the Sammamish Youth Board.

Section 2. Term: Under Resolution R2001-74 all members serve one-year terms beginning September 1. Members are encouraged to reapply for multiple service terms.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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 Resolution or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF MAY 2016.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

\_\_\_\_\_  
Michael R. Kenyon, City Attorney

Filed with the City Clerk: May 11, 2016

Passed by the City Council:

Resolution No.: R2016 - \_\_\_\_





**Meeting Date:** May 17, 2016

**Date Submitted:** 5/12/2016

**Originating Department:** Community Development

**Clearances:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Attorney                | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Finance & IT                     | <input type="checkbox"/> Public Works  |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Parks & Recreation               |  |

**Subject:** Amendment to Habitat Development Sales Agreement for Affordable Units

**Action Required:** Resolution authorizing the City Manager to amend the Developer Sales Agreement for Habitat for Humanity project.

**Exhibits:** 1. Resolution

**Budget:** N/A

**Summary Statement:**

Authorize the City Manager to execute an amendment to the Developer Sales Agreement for Affordable Units with Habitat for Humanity. This amendment will base the determination of initial affordable home prices on financing provided by Habitat for Humanity rather than conventional market rate financing. This amendment will not impact the requirement for the homes to be affordable to households at 50% and 60% of median income.

**Background:**

In November 2011 the City Council adopted Resolution R2011-465, authorizing the transfer of surplus City land (Lamb House) to Habitat for Humanity for the purpose of developing affordable ownership housing, and authorized the City Manager to execute all documents and necessary steps to carry out the property transfer in accordance with the conditions of the resolution. One of the conditions included:

- A developer regulatory agreement and individual re-sale agreement will be recorded ensuring affordability for each of the ownership housing units for at least seventy-five (75) years. All of the units shall be affordable to families with incomes at or below 60% of median income and the majority of units shall be affordable to families with incomes at or below 50% of median income. The developer regulatory agreement and resale agreements (Developer Sales Agreement for Affordable Units) shall be in a form and content satisfactory to the City.

As part of the land transfer, the City required the recording of the Developer Sales Agreement for Affordable Units, which included a formula used to calculate the initial sales price of the affordable housing prices at 60% and 50% of median income. The formula in the agreement was based on conventional market rate financing, using typical market interest rate. Habitat has requested that the agreement be amended to include a formula that calculates pricing based on financing that Habitat makes available to buyers. The main difference is that Habitat charges no interest and does not require homeowners to have mortgage insurance. Staff has analyzed the request and believes it is consistent with the original resolution. First, the initial sales price will still be affordable at the required 50% and 60% of median income levels. Second, Habitat has agreed to include a provision guaranteeing to provide the same or similarly termed financing, approved by the City, to future buyers, for a minimum of 20 years. Finally, Habitat's resale covenant has a more restrictive resale formula than cities have used for other affordable ownership programs, thus resulting in the homes being more affordable over time than in other local ownership programs. This amendment will still ensure pricing affordable at 50% and 60% of median while allowing pricing to help address project costs, including unanticipated infrastructure costs.

**Financial Impact:**

There is no financial impact to the City of the proposed revision to the Developer Sales Agreement for Affordable Units.

**Recommended Motion:**

Move to adopt the resolution authorizing the City Manager to execute an amendment to the Developer Sales Agreement for Affordable Units agreement with Habitat of Humanity of East King County related to basing initial prices of affordable homes on financing terms provided by Habitat for Humanity, and Habitat ensuring such financing, or as otherwise approved by the City, be available for future buyers for a minimum of 20 years.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2016-**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN AMENDMENT TO THE DEVELOPER  
SALES AGREEMENT FOR AFFORDABLE UNITS WITH  
HABITAT FOR HUMANITY OF EAST KING COUNTY.**

WHEREAS, on November 14, 2011, the City Council passed Resolution R2011-465 to transfer a surplus property known as the Lamb House to Habitat for Humanity of East King County (Habitat) to provide affordable ownership housing and related uses for no less than seventy-five (75) years contingent upon additional conditions as contained in Exhibit A; and

WHEREAS, as part of the Lamb House property transfer, Condition 7 of Exhibit A required the recording of the Developer Sales Agreement for Affordable Units by Habitat, which included a formula used to calculate the initial sales price of the affordable housing prices at 50% and 60% of median income based on conventional market rate financing using typical market interest rate; and

WHEREAS, the City Manager was authorized to take all necessary steps to effectuate the transfer of the Lamb House property in accordance with the terms and conditions of the resolution and applicable law, including executing all documents necessary to carry out the property transfer; and

WHEREAS, the City of Sammamish Comprehensive Plan contains the following goal and policies:

GOAL H.3: Housing Affordability Provide for a range of housing opportunities to address the needs and preferences of all economic segments of the community.

POLICY H.3.4: Consider offering financial aid and/or technical assistance to organizations that provide affordable housing for very low-, low- and moderate-income households.

POLICY H.3.6: Support affordable rental and ownership housing that is context-sensitive throughout the city especially in areas with good access to transit, employment, education and shopping.

POLICY H.3.7: Ensure that affordable housing achieved through public incentives or assistance remains affordable for the longest possible term.

WHEREAS, Habitat for Humanity of East King County has requested that the Developer Sales Agreement for Affordable Units be amended to include a different formula that calculates pricing based on financing that Habitat makes available to buyers, which includes no interest and

Exhibit 1

does not require homeowners to have mortgage insurance; and

WHEREAS, the City of Sammamish (City) has determined the different pricing formula is consistent with the original resolution by maintaining affordability at the 50% and 60% of median income and by utilizing Habitat's more restrictive resale covenant formula to main more affordability over the long term; and

WHEREAS, the City Council finds that it is in the best interest of the City to amend the Developer Sales Agreement for Affordable Units related to basing initial prices of affordable homes on financing terms provided by Habitat;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Authorization to Execute Amendment to the Developer Sales Agreement for Affordable Units. The City Manager or his designee is hereby authorized to execute an amendment to the Developer Sales Agreement for Affordable Units between the City of Sammamish and Habitat for Humanity of East King County to include a formula that calculates pricing based on financing that Habitat makes available to buyers.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF MAY, 2016.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael R. Kenyon, City Attorney

Filed with the City Clerk: May 12, 2016

Passed by the City Council:

Resolution No.: R2016-\_\_\_



**Meeting Date:** May 17, 2016

**Date Submitted:** 5/3/2016

**Originating Department:** Parks and Recreation

**Clearances:**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development         | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Finance & IT                  | <input type="checkbox"/> Public Works  |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Parks & Recreation |  |

**Subject:** Big Rock Park Phase I: Park Access and Natural Playscape, C2015-177

**Action Required:** Approve resolution accepting the construction of the Big Rock Park Phase I: Park Access and Natural Playscape project by Paul Brothers, Inc. as complete.

**Exhibits:** 1. Resolution of project acceptance

**Budget:** City Council authorized \$650,212.84 for the Big Rock Park Phase I: Park Access and Natural Playscape contract.

**Summary Statement:**

Paul Brothers, Inc. was selected to construct a new asphalt parking lot, flagstone park entrance and overlook, ADA accessible trails, stone walls, universally designed natural and manufactured play features, a sani-can enclosure, site furniture and irrigation. The contract also included demolition, clearing, grading, drainage and site restoration.

There were no contractor claims filed against the City and no liquidated damages were assessed against the contractor.

All work on the project has been successfully completed; a final inspection has been held and the contractor has completed the final punch list of deficiencies. Acceptance by City Council is necessary before the Department of Revenue is asked to close the project so that the contractor's retainage may be released.

**Background:**

The contract for the Big Rock Park Phase I: Park Access and Natural Playscape project was awarded by City Council on September 1, 2015 to Paul Brothers, Inc. in the amount of \$557,272 + WSST and with a \$40,000 construction contingency to be administered by the City Manager for a total authorization amount of \$650,212.84. The project has been successfully completed and City staff are ready to close out the project.

**Financial Impact:**

This project was funded from the 2015 CIP budget for the Big Rock Park Phase I: Park Access and Natural Playscape project. A summary of the actual project construction expenditures is listed below.

Construction Costs, Contract (C2015-177)

Total City Council Authorization:	\$650,212.84
Total Construction Expenditures:	<u>\$610,088.43</u>
Balance/Unspent Funds	\$40,124.41

**Recommended Motion:**

Approve resolution for acceptance of the construction of the Big Rock Park Phase I: Park Access and Natural Playscape project by Paul Brothers, Inc.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2016-\_\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, ACCEPTING THE BIG ROCK PARK PHASE I:  
PARK ACCESS AND NATURAL PLAYScape PROJECT AS  
COMPLETE**

WHEREAS, at the Regular Council meeting of September 1, 2015, the City Council authorized the City Manager to enter into a contract with the lowest bidder for the Big Rock Park Phase I: Park Access and Natural Playscape project; and

WHEREAS, the City Manager executed contract C2015-177 with Paul Brothers, Inc.;  
and

WHEREAS, the project was substantially completed by the contractor on February 1, 2016;

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

Section 1. Acceptance of the Big Rock Park Phase I: Park Access and Natural Playscape Project as Complete. The City of Sammamish hereby accepts the Big Rock Park Phase I: Park Access and Natural Playscape project as complete.

Section 2. Authorization of Contract Closure Process. The City of Sammamish Director of Parks and Recreation is hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, the Department of Labor and Industries and the Department of Employment Security.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 17TH DAY OF MAY 2016.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Michael R. Kenyon, City Attorney

Filed with the City Clerk: May 11, 2016

Passed by the City Council:

Resolution No.: R2016-\_\_\_



**Meeting Date:** May 17, 2016

**Date Submitted:** 5/10/2016

**Originating Department:** Parks and Recreation

**Clearances:**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development         | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Finance & IT                  | <input type="checkbox"/> Public Works  |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Parks & Recreation |  |

**Subject:** Big Rock Park: Well Replacement Project – Authorization of Construction Contract

**Action Required:** Authorize the City Manager to execute a contract with JKA Enterprises, Inc. for the construction of a new irrigation well and decommissioning of an existing well at Big Rock Park.

**Exhibits:** 1. Bid Tab

**Budget:** \$75,000 is allocated in the 2015-16 Parks Capital Replacement Budget for the Well Replacement Project at Big Rock Park

**Summary Statement:**

The Big Rock Park Well Replacement Project consists of the decommissioning of an existing well and the installation and testing of one replacement irrigation well. The purpose of this well is to provide irrigation water for the newly installed landscaping completed as part of the Phase I improvements at Big Rock Park.

The City opened bids on May 3, 2016 and received one bid proposal – see attached bid tab. The bid proposal received from JKA Enterprises, Inc. in the amount of \$57,908.50, is \$7,091.50 below the engineer’s estimate of \$65,000. Staff performed a detailed reference check and determined that JKA Enterprises, Inc. is the lowest responsive and responsible bidder.

**Background:**

In 2014, knowing that irrigation would be required as part of the Phase I project, staff began researching options for providing irrigation to the site. The first option considered was to install an irrigation meter. Sammamish Plateau Water requires all commercial properties, including public properties, to install a separate meter for irrigation. The cost of installing the irrigation meter is \$85,000. In addition to the high installation cost, the City would also incur monthly fees for irrigation.

As an alternative to installation of an irrigation meter, staff evaluated the potential of using the existing well for irrigation. The Department of Ecology does not require water rights to be obtained when well water is used strictly for irrigation purposes on public property. The City is further limited to using less than 5,000 gallons of irrigation water a day and restricting irrigation to less than ½ acre of land. The irrigation needs for the newly planted/restored areas of Big Rock Park fall well within these limitations.

Anticipating that well water was the most feasible option, the City authorized a contract to perform an inspection and assessment of the existing well system. The investigation found that the existing well was only 58-feet deep and runs dry during the summer. The inspection report recommended decommissioning the existing well and drilling a new 150 to 200’ deep well. The costs to decommission the existing well and drill a new well were estimated to be less than the cost to install an irrigation meter. This assumption was confirmed based on the recent bid.

The bid proposal includes the following components:

SCHEDULE	DESCRIPTION	BID PRICE
Schedule A	<u>Well Decommissioning</u> The Contractor is responsible for the decommissioning of an existing 3-foot diameter, 58-foot deep existing well and removal and disposal of all existing well equipment.	\$ 5,610.00
Schedule B	<u>Well Drilling, Installation, Development and Testing</u> The Contractor is responsible for drilling, development and testing a new 8” irrigation well at approximately 200’ deep.	\$ 52,298.50
<b>Total Proposal Amount</b>		<b>\$ 57,908.50</b>

**Additional Background:**

Big Rock Park (Site A) opened to the public in October 2011, after being transferred to the City as part of a phased land donation by Mary Pigott. Shortly after the “soft opening” of Big Rock Park, the Park Planning team began work on the Master Plan. Over a year of site reconnaissance, studies, an extensive public process, and a public park naming contest culminated in the development of a final concept that was adopted by the City Council in July 2014.

Following the adoption of the Master Plan, the City entered into a contract with ELM Environments, a landscape architecture firm, to design Phase I of Big Rock Park. Completed in February 2016, the project includes an 18-stall parking lot, park entrance, accessible meadow trail loop, nature based playground, landscaping, irrigation and restoration of the site’s sensitive areas.

**Phase I Project Timeline:**

- Construction Documents and Bidding: March – May 2016 (complete)
- Construction: June – July 2016 (complete)
- Well Replacement Project – Spring 2016 (in progress)

It is anticipated this construction work will take approximately 30 days to complete, concluding sometime in early July.

**Financial Impact:**

The costs associated with the Well Replacement Project are summarized in the table below:

**Project Cost: Big Rock Park Well Replacement Project**

Design and Construction Administration Contract:	\$ 10,250.00
Construction Contract: JKA Enterprises, Inc.	\$ 57,908.50
WSST (9.5%)	\$ 5,501.31
Construction Contingency	\$ 6,000.00
<b>Total Estimated Project Costs:</b>	<b>\$ 79,659.81</b>
<b>Project Budget</b>	<b>\$ 75,000.00</b>
<b>Difference</b>	<b>\$ 4,659.81</b>

There is sufficient funding available in the Parks CIP to support this project.

**Recommended Motion:**

Move to accept the bid from JKA Enterprises, Inc. as the lowest responsive and responsible bid for the Big Rock Park Well Replacement Project and authorize the City Manager to award Schedules A and B and execute a contract with JKA Enterprises, Inc., in the amount of \$57,908.50 + WSST and to administer a \$6,000 construction contingency.





Exhibit 1

801 228<sup>th</sup> Ave SE  
 Sammamish, WA 98075  
[www.sammamish.us](http://www.sammamish.us)

**BID OPENING**  
 Parks and Recreation Department

**Big Rock Park Well Replacement and Decommissioning of Existing Well Project**

May 3, 2016  
 2:00 pm

<i><b>BIDDER</b></i>	<i><b>SIGNED PROPOSAL</b></i>	<i><b>ADDENDUM ACKNOWLEDGED</b></i>	<i><b>STATEMENT OF BIDDERS QUALIFICATIONS</b></i>	<i><b>RESPONSIBLE BIDDER CRITERIA</b></i>	<i><b>SCHEDULE A: Well Decommissioning</b></i>	<i><b>SCHEDULE B: Well Drilling, Installation, Development and Testing</b></i>	<i><b>TOTAL</b></i>
JKA Enterprises, Inc.	X	X	X	X	\$5,610.00	\$52,298.50	\$57,908.50

**Construction Allowance: \$65,000**

A contract will be awarded, if at all, based on the lowest responsible bidder for the **Total Bid Price** for all schedules. Bid alternative schedules may or may not be awarded.

Award date anticipated **TBD**





**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Public Works

**Clearances:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development    | <input type="checkbox"/> Parks & Recreation      |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                  |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT             | <input checked="" type="checkbox"/> Public Works |

**Subject:** Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project Construction Contract

**Action Required:** Authorize the City Manager to award and execute a contract with Marshbank Construction, Inc. for construction of the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project and administer a construction contingency

**Exhibits:**

1. Bid Summary
2. Map of project extents

**Budget:** The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project.

**Summary Statement:**

On May 5, 2016, the City of Sammamish publicly opened five (5) bids for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project. Marshbank Construction, Inc. submitted the lowest bid in the amount of \$4,466,394.10. Staff has determined that Marshbank Construction, Inc. is both responsive and responsible.

**Background:**

The Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project will provide water quality treatment and a stormwater tightline system within the historic Inglewood neighborhood. The project also includes a bike lane and sidewalk on the north side of NE Inglewood Hill Road, connecting existing sidewalks on East Lake Sammamish Parkway to existing sidewalks on 212<sup>th</sup> Ave NE. The proposed construction contract includes a separate Schedule B, which provides for a watermain replacement in the area, paid for by Sammamish Plateau Water and Sewer District. The City has negotiated an Interlocal Agreement with the District which sets forth the costs, expectations and responsibilities of both parties.

The City and King County were unable to agree on the stormwater outfall location and design at the time of bid advertisement. Staff anticipates a change order in the approximate amount of \$200,000 for the construction of the 36-inch diameter stormwater outfall to Lake Sammamish that was omitted from the construction proposal. We have increased the contract contingency to 15% in acknowledgment of this anticipated future cost.

**Financial Impact:**

The City was successful in receiving two grants from King County:

- King County Flood Reduction Grant in the amount of \$250,000, and
- King County Sub-regional Opportunity Fund in the amount of \$851,078

Sammamish Plateau Water and Sewer District will reimburse the City the full cost of the watermain replacement and utility relocates as agreed to by the executed Interlocal Agreement (estimated reimbursement to be \$945,679).

The construction cost of the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project, plus the proposed construction contingency is being reimbursed by the two King County grants described above, the Sammamish Plateau Water and Sewer District, through the executed Interlocal Agreement, and supplemented by the Surface Water Capital Fund and the Transportation Capital Improvement Fund. The construction costs, including contingency, construction management, and construction engineering fit well within the proposed 2015-16 budget.

Construction Contract		\$4,466,394.10
City Project Schedule A	\$3,575,086.00	
District Project Schedule B	\$891,308.10	
Construction Contingency (15%)		\$669,959.00
<b>Total</b>		<b>\$5,136,353.10</b>

**Recommended Motion:**

Authorize the City Manager to award and execute a contract with Marshbank Construction, Inc. for construction of the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project in the amount of \$4,466,394.10 and administer a construction contingency in the amount of \$669,959.00.



**Bid Opening**

**City of Sammamish Public Works Department**

Project: Ingelwood Hill Stormwater Retrofit and Non-Motorized

Bid Date & Time: May 5, 2016 2:00 pm

Sub Total Schedule A (City Project)

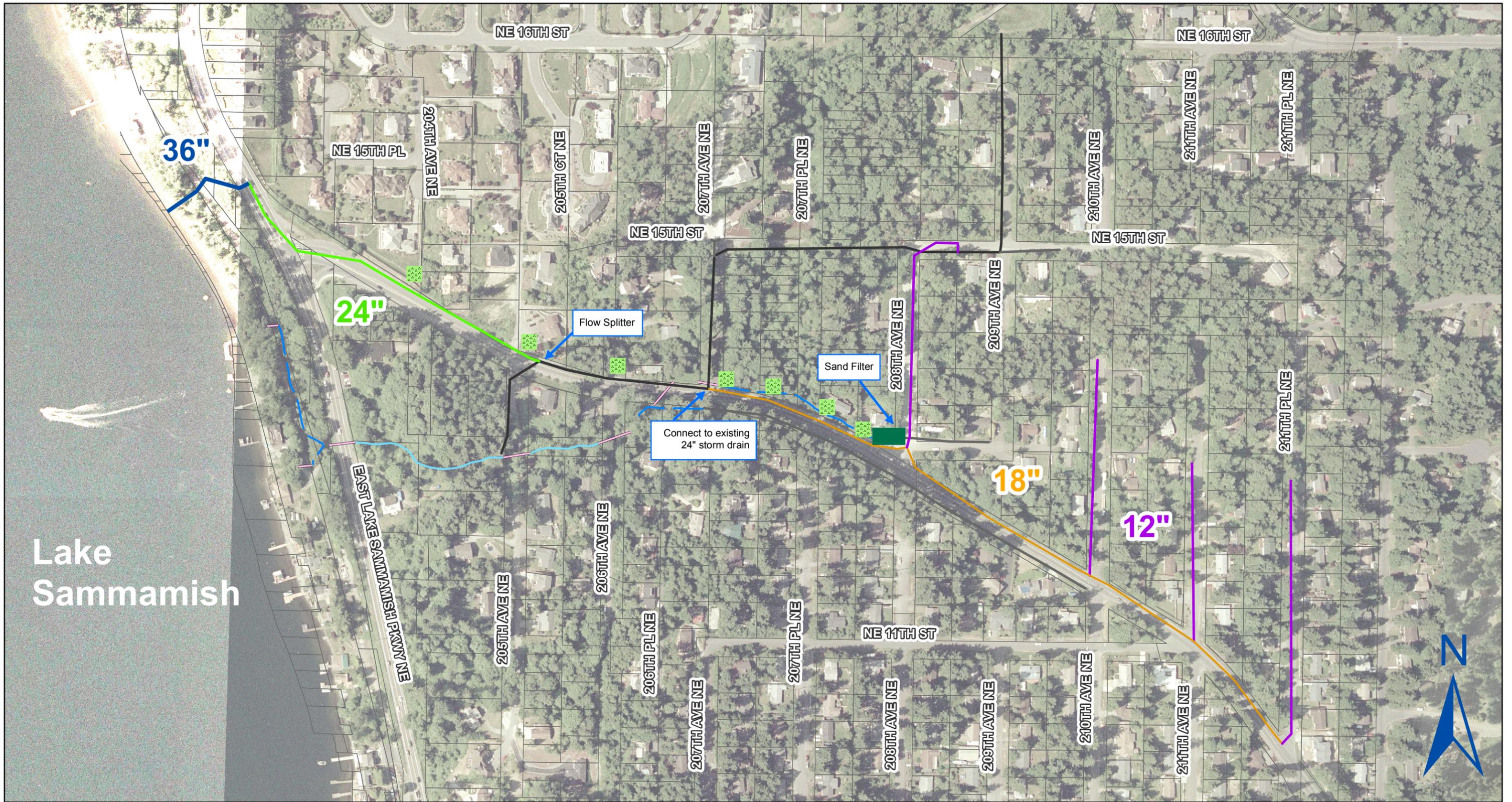
Schedule B

Schedule B Tax 9.5%

Sub Total Schedule B (District Project)

Bidder							Total Bid Price
1	Marshbank	\$ 3,575,086	\$ 813,980	\$ 79,770	\$ 893,750		\$ 4,468,836
2	Rodarte	\$ 4,313,928	\$ 692,505	\$ 65,788	\$ 758,293		\$ 5,072,222
3	Titan	\$ 4,350,070	\$ 747,050	\$ 70,970	\$ 818,020		\$ 5,169,090
4	A-1 Landscaping	\$ 4,362,687	\$ 856,910	\$ 81,406	\$ 938,316		\$ 5,301,003
5	Kar-Vel	\$ 4,597,735	\$ 774,225	\$ 73,551	\$ 847,776		\$ 5,445,511
6							
7							
8							





 36in Stormwater Pipe	 Existing 24-in pipe	 Parcels
 24in Stormwater Pipe	 Existing 12-in pipe	 Swale
 18in Stormwater Pipe	 Existing culvert	 Stream
 12in Stormwater Pipe	 Modular Wetland System (MWS)*	
 Sand Filter*		

\*All items symbolic only. Actual locations shall remain within right-of-way.

**Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project**  
Sammamish, WA





**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Public Works

**Clearances:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development    | <input type="checkbox"/> Parks & Recreation      |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                  |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT             | <input checked="" type="checkbox"/> Public Works |

**Subject:** Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project Engineering Services during Construction

**Action Required:** Authorize the City Manager to amend the Osborn Consulting consultant contract to include expanded scope of work

**Exhibits:**

1. Supplemental Agreement 6
2. Scope and budget
3. Map of project extents

**Budget:** The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project.

**Summary Statement:**

Osborn Consulting is currently under contract for an amount not-to-exceed \$337,510 to provide engineering and consulting services for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project. The proposed Supplemental Agreement will provide an expanded scope of work and budget for Osborn Consulting for construction engineering support. All provisions in the basic agreement will remain in effect except as expressly modified by this Supplemental Agreement.

**Background:**

The Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project will provide water quality treatment and a stormwater tightline system within the historic Inglewood neighborhood. The project also includes a bike lane and sidewalk on the north side of NE Inglewood Hill Road, connecting existing sidewalks on E Lake Sammamish Parkway to existing sidewalks on 212<sup>th</sup> Ave NE. The proposed construction contract includes a separate Schedule B, which provides for a watermain replacement in the area. An interlocal agreement with Sammamish Plateau Water is separately requested to cover reimbursements for costs associated with Schedule B.

Osborn Consulting completed the final plans, specifications, and estimates to allow Public Works to advertise the project for bid opening on March 31, 2016 and a rebid opening on May 5, 2016. The existing contract with Osborn Consulting does not include support for bid addendums, clarifications, change orders, requests for information, or review of contractor submittals. These items are typically needed during bid advertisement and construction. This supplemental agreement with Osborn Consulting will provide the City with additional engineering services to support the project through project construction, completion, and acceptance.

**Financial Impact:**

The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project. The original contract with Osborn Consulting is for an amount not-to-exceed \$337,510. The Supplemental Agreement request is for \$124,688, bringing the total contract amount to \$462,198.38.

**Recommended Motion:**

Authorize the City Manager to sign a Supplemental Agreement with Osborn Consulting for an amount not to exceed \$124,688.



## SUPPLEMENTAL AGREEMENT

Amendment Number: 6	Date: April 27, 2016
Project: Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project	City Project number: N/A
Consultant: Osborn Consulting	Contract Number: C2014-0128

The City of Sammamish desires to amend the agreement with Osborn Consulting for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project. All provisions in the basic agreement and as supplemented remain in effect except as modified by this agreement.

The changes to this agreement are described as Work Element 11 Construction Services and includes the following:

- A. Additional services prior to Ad Ready PS&E submittal
- B. Addendums during bidding
- C. Review and response to contractor questions, RFIs, and/or submittals
- D. Coordination with other utility providers during relocations and construction
- E. Attendance at construction meetings and/or site visits
- F. Addendum to the contract documents during construction
- G. Additional project management
- H. Subconsultant Budgets
- I. Re-Advertise PS&E

Original Contract Amount:	Current Contract Amount	Net Change This Amendment	Estimated Contract Total After Change
<b>\$275,000.00</b>	<b>\$337,510.38</b>	<b>\$124,688.00</b>	<b>\$462,198.38</b>
<i>Laura Ruppert</i> _____ (Osborn Consulting)		Approved: _____ _____ City of Sammamish	
<i>4-27-16</i> _____ Date		_____ Date	



**DATE** APRIL 27, 2016

**TO** TAWNI DALZIEL, SR. STORMWATER PROJECT MANAGER, CITY OF SAMMAMISH

**FROM** LAURA RUPPERT, PE, VICE PRESIDENT, OSBORN CONSULTING, INC.  
INGLEWOOD HILL STORMWATER RETROFIT AND NON-MOTORIZED IMPROVEMENT PROJECT

**SUBJECT** AMENDMENT 6  
ADD WORK ELEMENT 11 -CONSTRUCTION SERVICES

## SCOPE OF WORK

This scope amendment #6 requests additional budget to provide engineering services during bidding and construction. Bidding and Construction Support Services may include:

- A. Additional services prior to Ad Ready PS&E submittal** (services provided 2/16/16 ~ 3/10/16).
- The resulting Ad-Ready Plan Set included 89 sheets. The assumed sheet count per the original scope plus addendums was 65 sheets. This 37% increase in sheets resulted in additional level of effort to develop and QC. The number of sheets increased gradually with each submittal: 72 sheets at 60%, 78 sheets for the permit plan set, and 87 sheets at 100% design. The consultant team made a diligent effort to adsorb the increased level of effort based on the assumption that the proposed design was set; however, ongoing coordination with franchise utilities and King County resulted in design modifications with each submittal.
  - Storm drain alignment changes to accommodate the final Water line plans provided by Sammamish Plateau Water and Sewer District (Samm-Plat). OCI's alignment targeted providing minimum separation between the proposed Water line location and the existing asbestos concrete (AC) Water line location to be abandoned in place. Disruption of the to be abandoned Water line was avoided to limit the amount of expensive AC water line removal necessary.
    - Samm-Plat provided their design files 2-12-16. Along 210<sup>th</sup> Ave NE the storm alignment shifted from the east to the west side of the sheet to accommodate their design. Various adjustments to structure locations were necessary along 211<sup>th</sup> Ave Ne and 211<sup>th</sup> Pl. NE.
    - Samm-Plat Pothole information was received 2/22/16. Pothole information resulted in storm alignment adjustments at 207<sup>th</sup> Ave NE.
  - Curb ramp layout, grading and detailing revisions and updated Maximum Extent Feasible documentation resulting from late direction in asphalt overlay limits
  - Changes to pavement section thicknesses resulting in updates to details and cost estimates.
  - Incorporated spec and bid item comments provided by the City's selected Construction Management Consultant.
  - Coordination with Sammamish Plateau Water and Sewer to incorporate Schedule C PS&E into the contract. Work included file sharing and bid item coordination.
  - Additional coordination and comment response to WDFW questions/comments about the outfall design received 3/9/16.

**B. Addendums during bidding** (services provided 3/11/16 ~ 3/28/16).

- Addendum #1 involved PS&E changes associated with: base map revisions (gas and storm), pothole data, removal of outfall work, modifications to CB lids and gutter pan locations, fiber optic conduit changes, CB location adjustments, Schedule C revisions, and the consolidation of several bid items from Schedules B & C into Schedule A. Addendum #1 resulted in direct changes to 27 plan sheets and reissuance of the entire plan sheet with the updated base map. Addendum #1 was issued 3/24/16. The updated construction cost estimate was provided 3/25/16.
  - PSE Gas pothole information and power pole relocation design received 3/15/16.
  - King County comments received 3/17/16 documented a change in their parking lot design resulting in a conflict with our proposed outfall alignment. Outfall work was removed from the contract and an interim connection location identified on the plans.
  - City requested modifications to structure lid types, gutter pan locations, and changing from 4-inch fiber optic conduit to two 2-in conduits.
- Addendum #2 removed two additional Schedule A bid items from the contract and modified the measurement for one Schedule B bid item. Addendum #2 and updated construction cost estimate were issued 3/28/16.

**C. Review and response to contractor questions, RFIs, and/or submittals**

- At the City's request, OCI will review contractor questions, RFI's, and/or submittals and provide recommended responses to the City. Fee estimate assumes up to 20 responses by OCI and assumes up to 4-hrs per response.
- OCI assumes the City's Construction Management Consultant will lead the review and comment on the majority of the submittals and request review by OCI, as needed, for non-standard items.

**D. Coordination with other utility providers during relocations and construction**

- At the City's request, OCI will provide utility coordination with Franchise utility providers during the relocation of their existing utilities prior to construction and to address utility crossings identified during construction. Work may include correspondence, meetings, file sharing, and/or collaboration regarding relocations. Fee estimate assumes this work will occur April through September (6 months) and assumes up to 12 hours per month.

**E. Attendance at construction meetings and/or site visits**

- At the City's request, OCI will attend construction meetings and/or site visits. Fee estimate assumes this work will occur May through October (6 months) and assumes up to 8 hours per month.

**F. Addendum to the contract documents during construction**

- At the City's request, OCI will develop Addendum #3 – Stormwater Improvements at the east end of NE 15<sup>th</sup> Street. Addendum #3 will likely involve drainage design, plan and estimate development to tie existing runoff from the east end of NE 15<sup>th</sup> Street into existing Storm Drainage infrastructure located within the right-of-way. Fee estimate assumes this work will affect 2 to 3 plan sheets and utilize details and bid items currently within the contract.
- At the City's request, OCI will develop Addendum #4 – Outfall Redesign. This addendum will redesign the outfall conveyance plan and profile to accommodate King County's parking lot wall design and repackage this work as an additive work schedule to be constructed under a separate contract (likely an additive schedule to the King County parking lot contract).
  - This addendum will address 8 plan sheets (Sheets: 8, 27, 77, 78, and 86-89). The majority of the changes will occur on sheet 27 – Plan and Profile. Anticipated changes include storm drainage alignment and profile adjustments based on the wall design.

- Demo and TESC sheet 8 will be updated in accordance with the proposed alignment.
- Restoration sheets 86-89 will be updated by The Watershed Company in accordance with the new alignment.
- Additional geotechnical services by Aspect are not anticipated, and are not included in this fee estimate. It is assumed that storm drainage profile changes will either allow for the existing anchor design to be adjusted in profile or eliminate the need for pipe anchoring.
- A separate bid schedule for this work will be developed and provided for inclusion in contract documents compiled by others.
- Applicable special provisions for this work will be compiled and provided for inclusion in contract documents compiled by others.
- OCI's redesign will be based on King County 90% design files. OCI will submit PS&E updates for inclusion in the County's 100% package.
- OCI will incorporate one round of comments and submit final PS&E materials for inclusion in the County's bid documents.
- This work includes up to two, two hour meetings with City and County staff.

**G. Additional project management**

- Addition project management budget is added to cover project status reporting and coordination with the City's PM throughout the extended project duration. Fee estimate assumes this work will occur April through October (7 months) and assumes up to 4 hours per month.

**H. Subconsultant Budgets**

- Aspect Consulting, Inc. is available to address contractor questions and/or provide field inspection and/or recommendation with respect to geotechnical conditions and wall construction. Fee estimate assumes up to 40 hours of a staff level geotechnical engineer.
- The Watershed Co. is available to address contractor questions and/or provide field inspection, recommendation with respect to landscape and critical areas, and/or modify the restoration plan sheets in association with Addendum #4. Fee estimate assumes up to 60 hours of a staff biologist.

**I. Re-Advertise (services provided 4/10/16 ~ 4/20/16).**

- At the City's request, OCI provided services to support the City lead effort to re-advertise the project on April 21, 2016. OCI responded to City questions regarding sales tax, bid items, and special provisions. OCI updated the contract drawings to remove all clouding associated with addendums and modified the downstream connection location and provided updated electronic signed plans for re-advertisement (full and half size PDF). A paper submittal will also be made; this deliverable will include:
  - Paper (bond) full and half size, stamped and signed plans.
  - Paper contract documents (1 set, bound)

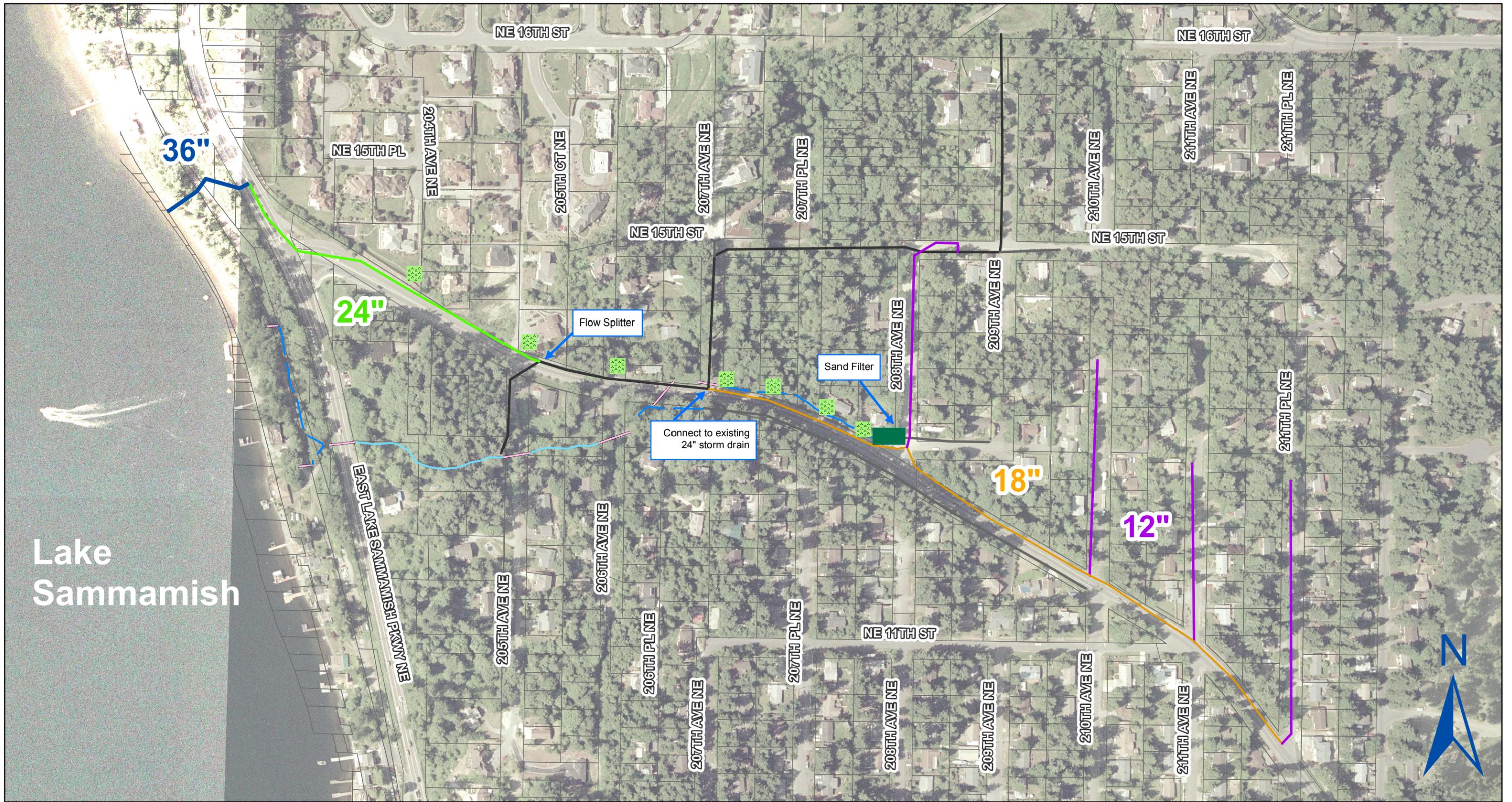
Exhibit 2

Osborn Consulting, Inc. - City of Sammamish Inglewood Neighborhood Drainage PS&E								
Firm	OCI							
Classification	PIC	PM	PE	CADD	CADD	EIT	Cost Estimate	
Hourly Rate	\$149.00	\$142.00	\$127.00	\$129.00	\$106.00	\$106.00		
Project Tasks	Hours Estimate						Cost Estimate	
A	Additional Services prior to Ad	8	80	100	20	60		60
B	Addendum 1 - during bidding	2	30	30	0	30	0	\$ 11,548
B	Addendum 2 - during bidding	0	4	0	0	0	0	\$ 568
C	Review of contractor RAM or RFI	10	20	40	0	10	0	\$ 10,470
D	Utility coordination	0	18	48	0	6	0	\$ 9,288
E	Site visits	0	24	24	0	0	0	\$ 6,456
F.1	Addendum 3 - East end of NE 15th St.	0	20	40	0	20	0	\$ 10,040
F.2	Addendum 4 - Outfall	6	38	60	0	20	0	\$ 16,030
G	Additional PM	0	28	0	0	0	0	\$ 3,976
I	Re-Advertise PS&E	0	8	0	0	4	0	\$ 1,560
Total OCI		26	270	342	20	150	60	\$ 110,488
H	Aspect	<i>fee is approx; oci to obtain fee estimate if desired</i>						\$ 5,500
H	Watershed Co.	<i>fee is approx; oci to obtain fee estimate if desired</i>						\$ 8,200
X	Expenses	reproductions and/or mileage						\$ 500
Total Contract Supplement								\$ 124,688

Authorization of amendment #6 will add \$124,688.00 to the contract for a total contract value of \$462,198.38.

Thanks,

Laura Ruppert  
 Vice President  
 Osborn Consulting, Inc.



 36in Stormwater Pipe	 Existing 24-in pipe	 Parcels
 24in Stormwater Pipe	 Existing 12-in pipe	 Swale
 18in Stormwater Pipe	 Existing culvert	 Stream
 12in Stormwater Pipe	 Modular Wetland System (MWS)*	
 Sand Filter*		

\*All items symbolic only. Actual locations shall remain within right-of-way.

**Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project**  
Sammamish, WA





**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Public Works

**Clearances:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development    | <input type="checkbox"/> Parks & Recreation      |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                  |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT             | <input checked="" type="checkbox"/> Public Works |

**Subject:** Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project Construction Management Services

**Action Required:** Authorize the City Manager to execute a Contract Agreement with Perteet, Inc. to provide construction management services

**Exhibits:**

1. Agreement For Services
2. Map of project extents

**Budget:** The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project.

**Summary Statement:**

The Public Works Department is seeking the services of Perteet, Inc. to provide construction management and observation for the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project. The scope of this project requires extensive construction observation, documentation and reporting. Public Works department staff resources are not available to perform this required work.

**Background:**

The Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project will provide water quality treatment and a stormwater tightline system within the historic Inglewood neighborhood. The project also includes a bike lane and sidewalk on the north side of NE Inglewood Hill Road, connecting existing sidewalks on E Lake Sammamish Parkway to existing sidewalks on 212<sup>th</sup> Ave NE. The proposed construction contract includes a separate Schedule B, which provides for a watermain replacement in the area. An interlocal agreement with Sammamish Plateau Water and Sewer District is separately proposed which will provide reimbursement of construction management services related to the District project.

This Contract Agreement covers the following tasks:

- Work Element 1: Project Management
- Work Element 2: Construction Observation
- Work Element 3: Construction Administration and Documentation

The City of Sammamish received two grants from King County for which Perteet, Inc. will assist in completing the required documentation for reimbursement.

**Financial Impact:**

The cost of this work is included in the adopted budget for this project and is an anticipated expense for this project. The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project.

The proposed Interlocal Agreement with Sammamish Plateau Water and Sewer District will provide an estimated \$40,516 in reimbursement for this contract.

**Recommended Motion:**

Authorize the City Manager to execute a Contract Agreement with Perteet, Inc. for an amount not to exceed \$506,453 for Professional Services for this project in association with the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project.

Authorize the City Manager to retain a management reserve of \$100,000 for unanticipated contract services needed to complete the project.

Exhibit 1

**CITY OF SAMMAMISH  
AGREEMENT FOR SERVICES**

Consultant:    Perteet, Inc.   

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and    Perteet, Inc   , hereinafter referred to as the "Consultant."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Consultant.** The Consultant shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Consultant shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Consultant shall submit invoices for work performed using the form set forth in Exhibit "B".

The City shall pay Consultant:

[Check applicable method of payment]

  X   According to the rates set forth in Exhibit " A "

    A sum not to exceed

    Other (describe): \_\_\_\_\_

The Consultant shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Consultant for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending December 31, 2017\_\_, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not

5. **Independent Contractor.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will solely be responsible for its acts and for the acts of its agents, employees, subconsultants, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

6. **Indemnification.** The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent acts, errors or omissions of the Consultant, in performance of this Agreement, except for injuries and damage caused by the sole negligence of the City. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity

## Exhibit 1

under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Furthermore, should subcontracting be agreed to by the parties, the Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as the Insurance Services Office Additional Insured endorsement CG 20 38 04 13.

### 7. Insurance.

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of such services, or bodily injury to persons or damages to property, caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

#### Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

#### Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

#### Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

## Exhibit 1

### Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

#### 8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

9. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

#### 10. Termination.

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

12. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. Conflict of Interest. The City insists on the highest level of professional ethics from its consultants. Consultant warrants that it has performed a due diligence conflicts check, and that there are no professional conflicts with the City. Consultant warrants that none of its officers, agents or employees is now working on a project for any entity engaged in litigation with the City. Consultant will not disclose any information obtained through the course of their work for the City to any third party, without written consent of the "City". It is the Consultant's duty and obligation to constantly update its due diligence with respect to conflicts, and not the City's obligation to inquire as to potential conflicts. This provision shall survive termination of this Agreement.

Exhibit 1

14. **Confidentiality.** All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. **Notices.** Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone number: (425) 295-0500

Notices to the Consultant shall be sent to the following address:

Company Name Perteet, Inc.  
Contact Name Mark Holmes, PE  
Street Address 505 Fifth Avenue South, Suite 300  
City, State Zip Seattle, WA 98104  
Phone Number 206.436.0515  
Email [MarkH@perteet.com](mailto:MarkH@perteet.com)

18. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

The Contractor will be required to obtain a City of Sammamish business license prior to performing any services and maintain the business license in good standing throughout the term of its agreement with the City. A city business license application can be found at: <http://www.bls.dor.wa.gov/cities/sammamish.aspx>."

19. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CITY OF SAMMAMISH, WASHINGTON

CONSULTANT

By: \_\_\_\_\_

By: 

Print Name: \_\_\_\_\_

Print Name: Rahmi Kutsal

Title: City Manager

Title: Vice President

Date: \_\_\_\_\_

Date: 4/12/2016

Attest/Authenticated: \_\_\_\_\_

Approved As To Form: \_\_\_\_\_

City Clerk

City Attorney

**EXHIBIT A  
Scope of Work**

**City of Sammamish  
Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project  
Construction Management Services**

**INTRODUCTION**

The Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project provides for the construction of storm drainage improvements and water quality retrofit within the Inglewood neighborhood in the City of Sammamish. Associated non-motorized improvements, and new water line infrastructure installation are included in the project.

The project includes removal of existing structures and obstructions, mitigation planting, asphalt and roadside restorations, and other work as noted in the contract documents.

Perteet Inc. (Consultant) will provide construction management services for the City of Sammamish (the City).

Consultant will endeavor to protect the City against defects and deficiencies in the work of the Contractor, but cannot guarantee the Contractor's performance and shall not be responsible for construction means, methods, techniques, sequences, procedures for safety precautions and programs in connection with the work.

**GENERAL SCOPE OF SERVICES**

This agreement includes professional services to provide construction management services including project management, construction inspection, construction administration and documentation and materials testing for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project as defined below.

The procedures outlined in the WSDOT Local Agency Guidelines (LAG manual) will be used during this project. The following is a description of services to be provided by Consultant.

Consultant's services shall be limited to those expressly set forth herein. If the service is not specifically identified herein, it is expressly excluded. Consultant shall have no other obligations, duties or responsibilities associated with the project except as expressly provided in this Agreement. This scope of work describes the Work Elements to be accomplished by the Consultant as summarized under each work element. This scope consists of the following work elements.

**TASK 1: PROJECT MANAGEMENT**

**TASK 2: CONSTRUCTION OBSERVATION**

**TASK 3: CONSTRUCTION ADMINISTRATION AND DOCUMENTATION**

## Exhibit 1

### **SCOPE OF SERVICES**

The scope of services by the Consultant for Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project are summarized below.

#### ***General Assumptions***

- The attached budget for the services detailed below is based on the services of full-time construction observation and administration on a 128 working day schedule for a 45-hour work week.
- The attached budget provides for approximately three weeks of part time work to prepare for construction and conduct the Pre-Construction meeting.
- The Contractor will provide a field office for the Construction Management team as specified in the Contract Documents.
- Additional effort beyond the reasonable industry standard for each task will be considered Extra Work.
- For the following services, labor allowances are an estimate only. The level of effort required for this work cannot be accurately predicted as it depends on issues outside of the Consultant team's control. Some of these issues include quality of Contractor submittals, number of submittals and if multiple reviews are required, and unforeseen conditions at the site. Allowance for multiple submittals due to unacceptable quality of the submittals is not included in the Labor Hours estimate.
- Consultant will prepare suspension letters and letters acknowledging substantial completion and final completion for City signature and approval.
- City will prepare and sign Notice to Proceed letter to Contractor.
- Management of the work during the PSIPE period is not included in this scope and will be handled by the City of Sammamish.
- Materials Documentation will be performed by HWA under a separate contract with the City and will not be included in this contract. Coordination with HWA regarding Materials Testing is included in this contract.
- Contractor will provide structural design and calculation for sand filter vault. Review will be for conformance with specification.

#### **1. PROJECT MANAGEMENT**

**1.1.** Provide project management of the Consultant team. This will include:

- Project staff management and coordination with outside subconsultants and services.
- Control of project budget and schedule.
- Preparation of monthly invoices and progress reports.

**1.2.** Maintain on-going contact with the City's Project Manager via informal meetings, telephone discussions, and electronic mail.

**1.3.** Manage subconsultants as required for site visits, project reporting, project reviews, and general project coordination.

**1.4.** Proactively work with the Construction Contractor.

## Exhibit 1

- 1.5. Monitor the project for potential claims or protests by the Construction Contractor, and advise the project team and City of potential claims and provide support on resolving conflicts and negotiations with contractor on contractor claims or protests if any arises.
- 1.6. Provide monthly reporting of project budget status, consultant budget status, and projected cost at completion.
- 1.7. Preconstruction Meeting – prepare agenda, run meeting, and issue meeting minutes
- 1.8. Weekly Construction Meetings – prepare agenda, run meeting, and issue meeting minutes
- 1.9. Manage and coordinate changes to the contract, including:
  - Coordinating with the Design team and/or answering Contractor Request for Information (RFIs)
  - Issuing field directives.
  - Negotiating and writing change orders.
- 1.10. Provide daily project summary reports to the City that summarizes work to be performed for the day.
- 1.11. Provide weekly project summary reports to the City that summarizes work scheduled to be completed in the upcoming week.
  - Coordinate with the City webmaster and provide regular updates to be posted on the City's website such as Critical Path and monthly schedule updates.
  - Work with the Sammamish Review and the Sammamish Reporter; along with other media outlets to provide information to public about estimated travel times and alternate detours.
- 1.12. Headlight – Consultant will provide a login for the City project manager to view our project “dashboard” online to view, search, sort our field observations in real time, and review Inspector’s Daily Reports as desired.

### **Task 1 Deliverables:**

- Monthly project budget status and consultant budget status reports.
- Preconstruction and weekly construction meeting minutes.
- Project RFIs, field directives, and change orders.
- Daily project summary report (e-mailed daily)
- Weekly project summary report (e-mailed weekly)
- Pavia Headlight login

## **2. CONSTRUCTION OBSERVATION**

Provide the services of full time Construction Observation to observe the technical conduct of the construction, including providing day-to-day contact with the Contractor and the City.

- 2.1. Provide on-site observation and monitoring to observe the technical conduct and progress of the construction. The Construction Observers shall not be responsible for the means, methods, techniques, or procedures of the construction selected by the Construction Contractor(s) or for any failure of Construction Contractor(s) to comply with laws, ordinances, rules, or regulations applicable to the construction work. The parties recognize that the Construction Contractor(s) is responsible for ensuring that construction is in accordance with the plans and specifications.

## Exhibit 1

- **Project Daily Report.** Prepare daily construction reports, detailing the Construction Contractor's operations performed for each day, and records decisions and observations of a general or specific nature in chronological order. Measure quantities of materials installed, log equipment and staff used, and other related items.
  - Verify in the daily report that the Contractor is working with the proper traffic control plans.
  - Document work being done on a force account basis.
  - Verify daily quantities separated by proper Schedules (A, B, and C), including "neat line estimation" of quantities as needed when bid item unit amount is uncertain.
  - Obtain written approval of quantities with representative of Sammamish Plateau Water when daily quantities include Schedule C work.
- Verify that material approval is complete (via ROM) prior to material being used on site.
- **Coordinate Materials Testing and Inspection.** Coordinate report and log the results for field sampling, field testing, and laboratory testing of soils, aggregates and concrete to determine compliance of those materials with construction contract requirements. In those instances where unsatisfactory test results are obtained, follow through with notification to the construction contractor and retesting of the materials after corrections are made.
- **Progress Payment Verification.**
  - Collect and tabulate all quantity delivery tickets.
  - Verify invoicing separated by proper Schedules (A, B, and C), including "neat line estimation" of quantities as needed when bid item unit amount is uncertain.
  - Prepare field note records in accordance with City and grant requirements.
  - Check that Manufactures Certifications and Certifications of Materials origins are received prior to payment.
- Verify acceptance sampling and testing frequencies reflect the actual quantities used.
- **Preconstruction Photographs/Video:**
  - Document existing site conditions by taking photographs/video of project prior to start of construction. Private properties, Inglewood Hill Road, and side streets will be documented.
- **Construction Photographs/Video:**
  - Take construction photographs/video tapes and progress photographs of construction activities on a daily basis to document progress of the work and job site conditions encountered. These photos will be integrated into Headlight and will be a part of all finalized Inspector Daily Reports.
- **Post-Construction Photographs:**
  - Take photographs/video of project at completion of construction.
- Verify that the contractor's work on the Sand Filter Vault meets the plans and specifications as well as the Contractor provided structural shop drawings and calculations.
- Provide review and acceptance of landscaping plants when they arrive on site.
- Provide review and acceptance of all irrigation installation.

## Exhibit 1

- Contact property owners within the project limits who will be directly affected by the construction activities and keep them apprised of project progress and when specific construction activities are expected to occur that would affect their property frontages and driveways.
- 2.2. Project closeout, formal acceptance, review and recommendation. Make recommendations to the City concerning operational acceptance, substantial completion, and final acceptance of the work. Include review of the requests for extension of time by the Construction Contractor. Include recommendation for assessment of liquidated damages, if applicable. Perform a final review and inspection of the construction work and prepare a final list of items to be corrected. After substantial completion of the project, verify completion of the punch list.
- 2.3. Record drawings. Review the Construction Contractor's Record Drawings on a bi-weekly basis (and upon completion of major tasks) to verify posted changes. Draft and stamp as-constructed records to be printed on full size archival quality paper at the completion of construction.

### **Task 2 Deliverables:**

- Daily Construction Reports
- Preconstruction, Construction, and Post-Construction Photographs/Video
- Project Punch List (Prepared list and completed list)

## **3. CONSTRUCTION ADMINISTRATION, DOCUMENTATION, AND GRANT ADMINISTRATION**

Provide documentation and record keeping in compliance with grant requirements. Consultant will be consistent with WSDOT Local Agency Guidelines as standard practice.

Standard forms will be used for records and reporting procedures. At completion of the project Consultant will provide electronic files of all documentation to the City. Additional paper files will be kept per grant requirements and will be provided to the City upon project completion.

### **3.1. Employment Documentation**

- Obtain and approve Request to Sublet.
- Obtain Intent to Pay Prevailing Wage and Affidavit of Wages Paid.
- Obtain certified payroll for prime and subcontractors, and verify that prevailing wage is being met.
- Conduct Employee Wage Interviews and review against certified payroll for compliance.

### **3.2. Material Documentation**

- Maintain a submittal and RFI tracking system to assure timely responses and minimize potential delays. Transmit submittals to appropriate Consultant and City for review. Return submittals to the Contractor upon completion of the review process.
- Review all Material Submittals (RAMs) from contractor and seek input from City and Design Engineer where appropriate. This includes all materials used on the project, including water, storm, landscaping, aggregates, pavement, concrete, and steel items.

## Exhibit 1

- Review all Shop Drawings submitted by the contractor. This includes review of Contractor prepared structural shop drawings and structural calculations for the Sand Filter Vault, handrails, and irrigation systems.
- Maintain a Record of Materials (ROM) to ensure proper approval of all materials incorporated into the project.
- Material Acceptance is incorporated on the Field Note Record (FNR) through a link to the ROM.
- Material testing is scheduled based on quantities and test results are tracked on the ROM.

### 3.3. Payment Documentation

- Bid Item quantities will be measured, verified, and agreed upon on a daily basis with the Contractor.
- Prepare monthly Progress Payments for review by the City and Contractor.
- Once the project is 1/4 complete, Consultant will prepare a Cost at Completion document for City review. This document will track paid quantities, expected quantity adjustments, executed change orders, and upcoming change orders.

### 3.4. Grant Reimbursement Documentation

- Prepare and submit all documents on behalf of the City for grant reimbursements for two grants.
  - King County Flood Reduction Grant (\$250,000)
  - King County Sub-Regional Opportunity Grant (\$851,078)

#### **Task 3 Deliverables:**

- All employment documentation (request to sublet, statement of intent to pay prevailing wages, affidavit of wages paid, completed certified payrolls/log, completed employee wage rate interviews).
- All materials documentation files (submittals/ROM, field documentation tickets, CMOs, material test reports).
- All payment documentation files (field note records, payment ledger, signed pay estimates, monthly cost at completion document).
- All reimbursement documentation on behalf of the City for the King County Flood Reduction Grant and King County Sub-Regional Opportunity Grant.

## Exhibit 1

### TIME FOR COMPLETION

All work under this contract shall be completed within 60 days following the substantial completion of the project.

The scope of this contract is based upon the Contractor completing all construction activity within the time frame specified in the Contract Documents and is based upon a 5 day 45-hour work week by one full-time Construction Manager, one Part Time Construction Observer, and a Construction Technician, as outlined in the budget. In support of this schedule, our contract provides 2 weeks of project set up time, \*\*\*128\*\*\* working days of full time representatives and support staff in addition to 4 weeks of project closure time (Closeout Record Preparation, Record Drawings, etc.). If the work schedule changes due to the contractor working weekends, extended hours, added working days due to change orders or weather delays, or if the construction activity extends beyond the contract time, the Consultant shall inform the City immediately to allow an opportunity for the City to authorize additional budget that will allow us to provide the required additional services. The additional services will be billed at the hourly rates established in the base agreement.



**Consultant Fee Determination Summary**

2707 Colby Avenue, Suite 900, Everett, WA 98201 | P 425.252.7700 | F 425.339.6018

Project: Inglewood Stormwater Retrofit and Non-motorized Improvement Project-CM  
 Client: City of Sammamish

Hourly Costs Plus Fixed Fee Estimate

<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Sr. Associate	592.00	62.25	\$36,852
Const Technician I	560.00	26.00	\$14,560
Construction Engineer II	1,442.00	36.00	\$51,912
Construction Engineer I	1,470.00	29.00	\$42,630
Construction Observer III	300.00	40.00	\$12,000
Accountant	10.00	31.50	\$315
<b>Total Direct Salary Costs</b>	<b>4,374.00</b>		<b>\$158,269</b>
<b>Overhead @</b>		183.13%	<b>\$289,838</b>
<b>Fixed Fee @</b>		32.00%	<b>\$50,646</b>
<b>Total Labor Costs</b>			<b>\$498,753</b>

Reimbursables

<u>Expenses</u>	<u>Amount</u>
Pavia Headlight System	\$5,700.00
Travel - Allowable	\$2,000.00
<b>Total Expenses</b>	<b>\$7,700.00</b>

<u>In-House Costs</u>	<u>Qty</u>	<u>Rate</u>	<u>Amount</u>
		\$	\$
<b>Total In-House Costs</b>			<b>0</b>

Other

<b>CONTRACT TOTAL</b>	<b>\$506,453.00</b>
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Rates shown reflect the typical compensation rate of employees assigned to the billing category listed. Each category may have multiple employees assigned to that billing category and each employee may have a different hourly rate of pay. Employee compensation is subject to adjustment in June of each calendar year.

Prepared By: Mark Holmes Date: April 12, 2016

EXHIBIT B



REQUEST FOR CONSULTANT PAYMENT

To: City of Sammamish  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone: (425) 295-0500  
FAX: (425) 295-0600

Invoice Number: \_\_\_\_\_ Date of Invoice: \_\_\_\_\_

Consultant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Contract Period: \_\_\_\_\_ Reporting Period: \_\_\_\_\_

Amount requested this invoice: \$ \_\_\_\_\_

Specific Program: \_\_\_\_\_

\_\_\_\_\_  
Authorized signature

*ATTACH ITEMIZED DESCRIPTION OF SERVICES PROVIDED*

*For Department Use Only*

Total contract amount	
Previous payments	
Current request	
Balance remaining	

Authorization to Consultant: \$
Account Number:
Date:

Approved for Payment by: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Finance Dept.</b>	
Check # _____	Check Date: _____

EXHIBIT C



TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Sammamish, you must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

Corporation                       Partnership                       Government Consultant  
 Individual/Proprietor                       Other (explain)

TIN No.: 91-1505037

Social Security No.: \_\_\_\_\_

Print Name: Rahmi Kutsal

Title: Vice President

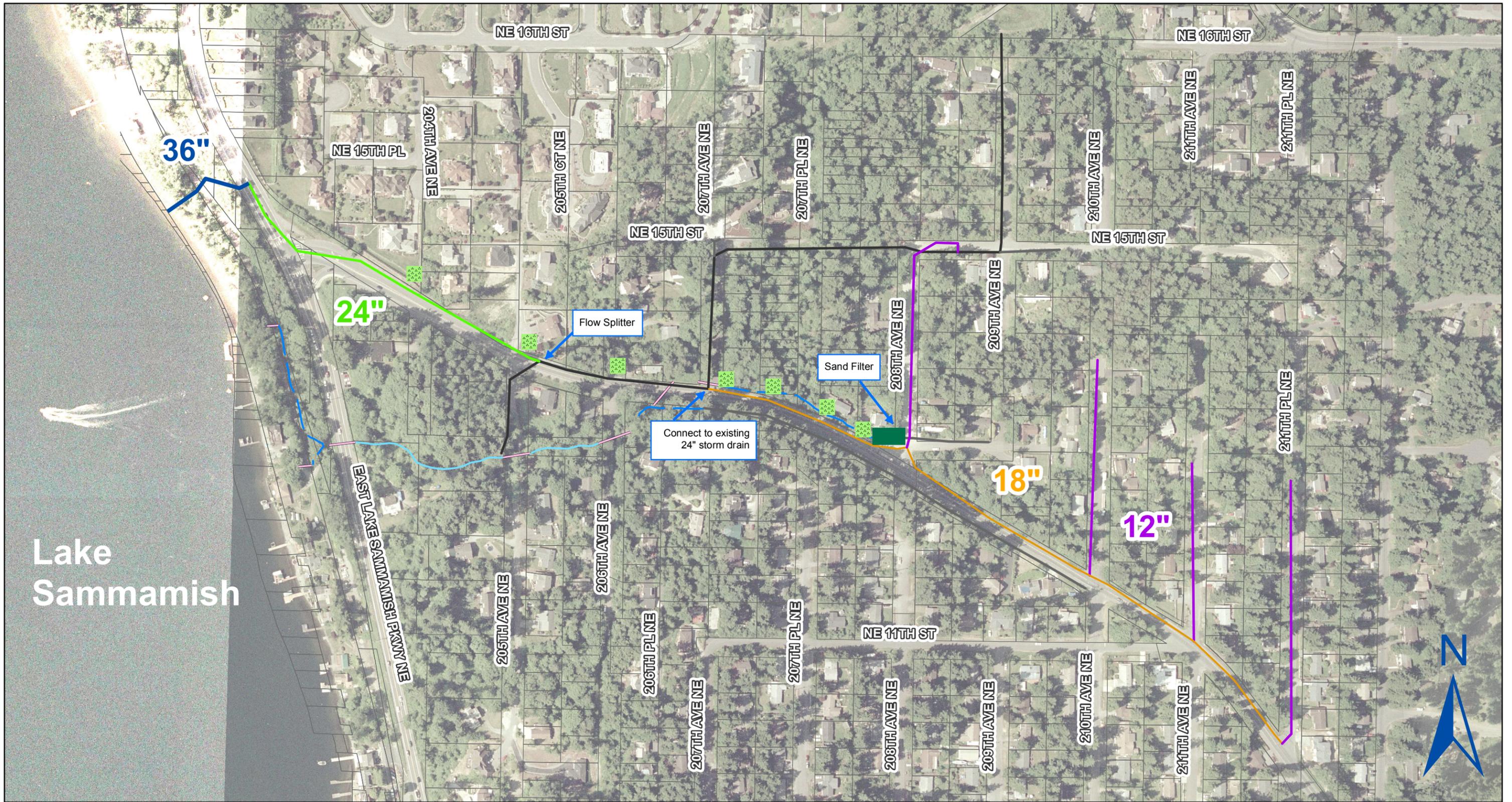
Business Name: Perteet, Inc.

Business Address: 2707 Colby Avenue, Suite 900, Everett, WA 98201

Business Phone: (425) 252-7700

4/12/2016  
Date

  
Authorized Signature (Required)



	36in Stormwater Pipe		Existing 24-in pipe		Parcels
	24in Stormwater Pipe		Existing 12-in pipe		Swale
	18in Stormwater Pipe		Existing culvert		Stream
	12in Stormwater Pipe		Modular Wetland System (MWS)*		
	Sand Filter*				

\*All items symbolic only. Actual locations shall remain within right-of-way.

**Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project**  
Sammamish, WA





**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Public Works

**Clearances:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Attorney     | <input type="checkbox"/> Community Development    | <input type="checkbox"/> Parks & Recreation      |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                  |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT             | <input checked="" type="checkbox"/> Public Works |

**Subject:** City of Sammamish and Sammamish Plateau Water and Sewer District Interlocal Agreement

**Action Required:** Authorize the City Manager to execute an Interlocal Agreement with Sammamish Plateau Water and Sewer District for construction of the Inglewood Hill Road at 211<sup>th</sup> Place NE Watermain Replacement Project as part of the City's Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project.

**Exhibits:**

1. Interlocal Agreement
2. Map of project extents

**Budget:** The 2015-16 Mid-Biennial Budget allocates \$2,978,314 in the Surface Water Capital Fund (Fund 438) and \$1,925,755 in the Transportation Capital Improvement Fund (Fund 340) for a total of \$4,904,069 for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project.

**Summary Statement:**

The Public Works Department is proceeding with the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project. Sammamish Plateau Water and Sewer District (District) proposes to proceed with replacing some of their watermain in the same project area. The City and the District can achieve cost savings and benefits in the public's interest by the City managing the execution of the District's work in conjunction with the construction of the Inglewood Hill stormwater project. The Interlocal Agreement is necessary to protect and clarify each party's interests and responsibilities.

The Public Works Department recommends that the City Council authorize the City Manager to execute the Interlocal Agreement with Sammamish Plateau Water and Sewer District for the construction of the Inglewood Hill Road at 211<sup>th</sup> Place NE Watermain Replacement Project as part of the City's Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project.

**Background:**

The project design team has conducted an extensive coordination process with Sammamish Plateau Water and Sewer District. Through this coordination, it became clear that there was a benefit to the public to incorporate the watermain improvements and utility relocates with the City’s construction contract. The work requires excavation in Inglewood Hill Road and adjacent lateral streets. Constructing this work under a separate contract would result in added delays to the neighborhood and traveling public if constructed in advance of the City’s construction contract. Increased coordination efforts and potential increased exposure to claims would result if these improvements are constructed simultaneously by a separate contractor. It is for these reasons, along with an expected cost savings, that the staff recommends executing the Interlocal Agreement to enable both projects to proceed under the City’s contract.

**Financial Impact:**

There is no net financial impact associated with incorporating the District project into the City’s construction contract. All costs to construct the utility improvements are passed on to Sammamish Plateau Water and Sewer District. The Agreement stipulates that the District will reimburse the City within 45 calendar days of receipt of the City’s invoice for reimbursement payment. Should a decision be made to not construct the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement project, the City is under no obligation to proceed with the District’s project.

Sammamish Plateau Water and Sewer District will reimbursement the City the full cost of the watermain replacement and utility relocates as agreed to by the executed Interlocal Agreement (estimated reimbursement to be \$945,679).

\$ 891,308	Marshbank Construction Contract for Schedule B work
\$ 40,516	Interlocal Agreement Exhibit B Construction Management
\$ 13,855	Interlocal Agreement Exhibit C Materials Testing

**Recommended Motion:**

Authorize the City Manager to execute the Interlocal Agreement with Sammamish Plateau Water and Sewer District for the construction of the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project and the Inglewood Hill Road at 211<sup>th</sup> Place NE Watermain Replacement Project.

**INTERLOCAL AGREEMENT**

**CITY OF SAMMAMISH AND  
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT**

**INGLEWOOD HILL STORMWATER RETROFIT AND NON-MOTORIZED  
IMPROVEMENT PROJECT**

**AND**

**INGLEWOOD HILL RD @ 211TH PL NE WATER MAIN REPLACEMENT PROJECT**

**RECITALS**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of Sammamish, a municipal corporation (the “City”), and the Sammamish Plateau Water and Sewer District, a municipal corporation (the “District”) (individually a “Party” and collectively the “Parties”), for the purposes set forth below.

WHEREAS, the City proposes to proceed with the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project (the “City Project”); and

WHEREAS, the District proposes to proceed with the Inglewood Hill Rd @ 211th PL NE Water Main Replacement Project (the “District Project”); and

WHEREAS, the District provides water and sewer service in the general area of the Project in accordance with applicable Washington State and King County laws, regulations and franchises; and

WHEREAS, the City and the District can achieve cost savings and benefits in the public’s interest by the City executing the work associated with the District Project, in conjunction with the construction of the City Project (hereinafter, collectively referred to as the “Project”); and

WHEREAS, the District provided the City with a design and specifications for the District Project (collectively, “District Plans”), and the City incorporated the District Plans into the City’s plans and provisions for the City Project (hereinafter, the “Project Construction Contract”<sup>1</sup>); and

WHEREAS, the City publicly bid the Project in accordance with applicable public works laws, received bids for the Project, and furnished the District with the complete bid of the bidder determined by the City to be the lowest responsive and responsible bidder, including all bid prices for the District Project; and

---

<sup>1</sup> The “Project Construction Contract” refers to the *Contract Plans and Contract Provisions for the Construction of the Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project*, dated May 2016, and any addendums thereto.

WHEREAS, the bidder determined by the City to be the lowest responsive and responsible bidder for the Project is acceptable to the District, and the District now desires to have the District Project included and performed as part of the Project, and to reimburse the City for the performance of the District Project as provided in this Agreement; and

WHEREAS, the City additionally proposes to provide Construction Management Services and Geotechnical Materials Testing for the Project, inclusive of the District Project, and the District agrees to reimburse the City for the performance of said services, as provided in this Agreement.

## AGREEMENT

NOW, THEREFORE, in consideration of the following terms and conditions, the Parties agree as follows:

### I. CONTRACT PERFORMANCE

A. The District hereby approves the lowest responsive and responsible bidder for the Project, inclusive of the District Project.

B. The City agrees to execute the work associated with the District Project as part of the Project, and to have the selected contractor perform the District Project. The Scope of Work and Cost Estimate for the District Project are attached as Exhibit A1 and A2, respectively. Actual costs will be determined as a result of approved contract bids and actual construction costs as provided for in this Agreement at Section III.

C. The District agrees to reimburse the City for work associated with the District Project as part of the Project, as well as for its proportionate share of the City's Construction Management and Geotechnical Materials Testing services, as provided in this Agreement.

### II. CONTRACT ADMINISTRATION

A. The City shall provide the necessary engineering, administrative, inspection, testing, and clerical services necessary for the Construction Management Services and Geotechnical Materials Testing of the Project, inclusive of District Project. The Project Scope and Fee Estimate for Construction Management Services are attached in Exhibit B. The Project Scope and Fee Estimate for Geotechnical Materials Testing are attached in Exhibit C. In providing such services, the City may exercise all the powers and perform all the duties as authorized by law and this Agreement.

B. The District will furnish, and the City will allow, an inspector to be on the District Project site to verify proper compliance with requirements set forth in the Project Construction

Contract while the Contractor is performing the work associated with the District Project. The District's inspector shall promptly advise the City of any deficiencies noted, pursuant to the provisions of Section II.I. of this Agreement.

C. The District and the City mutually recognize that the Project Construction Contract allows for 8 hour work days by the Contractor, Monday through Friday, with Saturday work allowed on the District Project upon request by the Contractor with City and District advanced approval. Availability of City and District personnel shall be considered prior to request approval. No work shall be allowed on Memorial Day, Fourth of July, Labor Day, and other City holidays.

D. The District shall provide necessary engineering support for the District Project including, but not limited to, preparation of change orders, resolution of claims, processing of shop drawings, and written communication with the Contractor. All written communication by the District with the Contractor shall be submitted to the City for final review and processing.

E. The District shall notify the City as soon as practicable, in writing, of any changes it wishes to make in the District Plans that may substantially change the scope of the District Project. The District will obtain the City's advance approval, in writing, of such changes. Similarly, the City will notify the District as soon as practicable, in writing, of any changes it wishes to make in the Project Construction Contract that may materially impact the scope of the District Project. The City will obtain the District's advance approval, in writing, of such changes. Notification and approval shall be given in writing prior to commencement of the changes. The cost of the change(s) to both Parties shall be borne by the Party proposing the change(s), and any cost savings shall benefit the Party proposing the change(s), provided that those cost savings are applicable to expenses that Party would otherwise have been subject to pay. The cost of any change(s) that impact both Parties shall be proportionately borne by both Parties and any cost savings shall proportionately benefit both Parties.

F. Both the City and the District shall approve change orders when change orders include the District Project.

G. Both the City and the District shall approve the Contractor's daily quantity reports when reports include the District Project. When daily work includes both the City Project and the District Project, the City and the District will agree through "neat line estimate measurement" of quantities.

H. Both the City and the District shall approve Contractor's monthly pay requests when pay requests include the District Project.

I. The City shall provide the District with written notice of completion of the District Project, together with draft as-built drawings based on final surveyed locations of the District Project. The District shall have ten (10) calendar days from receipt of the notice of completion to respond thereto, in one of the following ways:

1. The District may accept the District Project. If the District does not respond to the City within ten (10) calendar days from receipt of the notice of completion, the District's failure to respond within such time period will constitute final acceptance of the District Project.

2. The District's inspector may elect to perform a final inspection of the District Project; if the District elects to conduct a final inspection, the inspection shall occur within ten (10) working days of receipt of the notice of completion. The District shall, within ten (10) working days of receipt of the notice of completion, provide to the City final acceptance of the District Project, or alternatively, provide an itemized and detailed punchlist, detailing why final acceptance of the District Project was withheld. In the event the District provides an adequate and reasonable punchlist, the City shall then require the Contractor to complete the work identified on the District's punchlist. The costs for said work—if any—shall be proportionally allocated between the Parties, in accordance with the terms Section III herein. The District's inspector shall perform follow-up inspections within ten (10) working days of notification of completion of punchlist items.

J. The City agrees to assign to the District all rights, burdens, duties and obligations that it may have under the Project Construction Contract as it relates to the District Project, including but not limited to any warranty and maintenance requirements for the District Project. As a result of the assignment, City shall expressly be relieved of any and all responsibility and/or liability to the District, Contractor, Subcontractor(s) and any third party, for the District Project. This provision shall not alter the terms of Section IV. This assignment shall be made and become effective at the time the District tenders final payment to the City pursuant to Section III herein, without further acknowledgment by the Parties.

K. The City shall provide the District with final "as built" drawings of the District Project within 60 days after Project completion date. The "as-built" drawings format, type, and quantity shall be consistent with the Contract Documents Appendix F provisions.

### III. PAYMENT

A. The District shall reimburse the City for Actual Costs incurred by the City for any and all work stated on Schedule B of the Project Construction Contract. As used in this Agreement, the term "Actual Costs" means the dollar amount actually paid by the City to its contractor(s), in connection with construction of the Project, including any contract change orders

B. The District shall reimburse the City an additional eight (8) percent of the total Actual Costs incurred by the City for any and all work on the District Project, to compensate the City for the provision of Construction Management Services to the District for the District Project. Project Scope and Fee Estimate for Construction Management Services is attached in Exhibit B.

C. The District shall reimburse the City the Actual Costs incurred by the City for materials testing of the District Project. Project Scope and Fee Estimate for geotechnical materials testing is attached in Exhibit C.

D. Due to the high dollar value of the District's work that will be performed by the City, it is important that reimbursement be done in an expeditious manner. The City will provide the District with a monthly estimate of the Actual Costs incurred for that month, and that estimate will be provided at least seven (7) calendar days prior to the City Council meeting at which payment will be authorized (typically held on the first and third Tuesdays of every month). The City will provide the District with an invoice demanding payment within 10 working days after the City issues payment to the Contractor. Within forty-five (45) calendar days of receipt of the invoice, the District shall reimburse the City for the amount invoiced. Any past due amounts shall accrue simple interest at the rate of one-half percent (0.5%) per month until paid.

E. If the District disputes the dollar amount invoiced, the District shall provide the City with written notice of the dispute, with an explanation of the basis for the dispute no later than ten (10) days after the District's receipt of the invoice. The District's failure to provide timely written notice to the City disputing an invoice shall be deemed an approval by the District of the invoice. The Parties shall attempt to resolve any and all disputes regarding payment to the mutual satisfaction of both Parties by good faith discussions. If any dispute is not resolved through good faith discussions the Parties agree to mediate the matter with a mutually selected mediator, with the mediator's costs to be split equally between or among the Parties. If mediation does not result in a resolution to the dispute, the Parties will have the right to exercise any of its remedies available under law.

#### IV. INDEMNIFICATION AND HOLD HARMLESS

The District shall indemnify, defend, and hold harmless the City, its agents, and employees from and against any and all liability arising from injury or death to persons or damage to property resulting in whole or in part from negligent acts or omissions of the District, its agents, or employees arising out of, in connection with, or incident to the work performed under this Contract. It is further specifically and expressly understood that the indemnification provided herein constitutes the District's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The City shall indemnify, defend, and hold harmless the District, its agents, and employees from and against any and all liability arising from injury or death to persons or damage to property resulting in whole or in part from negligent acts or omissions of the City, its agents, or employees arising out of, in connection with, or incident to the work performed under this Contract. It is further specifically and expressly understood that the indemnification provided herein constitutes the City's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this Agreement.

V. INDEMNIFICATION OF DISTRICT AND INSURANCE

The City shall require the selected contractor to procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the contractor, its agents, representatives, employees or subcontractors, including the following:

1. Commercial Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per accident for bodily injury and property damage;
2. Commercial General Liability insurance written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$1,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if applicable; and employer's liability; and
3. Worker's Compensation insurance at the limits established by the State of Washington.

The City shall require that the City (including its officers, agents and employees) and the District (including its officers, agents and employees) are named as additional insured on all of the aforementioned policies, work performed by or on behalf of the selected contractor.

The City shall obtain from the selected contractor either a certified copy of all policies with endorsements attached, or a Certificate of Insurance with endorsements attached as are necessary to comply with the contract specifications. The City shall provide the District with copies of all such policies and documents received from the selected contractor, upon demand from the District.

The City shall require that the selected contractor defend, indemnify and hold the District, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, arising out of or in connection with the contractor's participation in the Project, except for injuries and damages caused by the sole negligence of the District. The City shall require that the selected contractor waive the Contractor's immunity under Washington's Industrial Insurance Act, RCW Title 51, solely for the purposes of this indemnification.

The City shall require that the selected contractor shall assume sole and complete responsibility for safety and safety conditions at the job site, including the safety of all persons and property during the Project. The City shall require that the contractor comply with all applicable federal, state and local regulations, ordinances, orders and codes.

VI. OTHER PROVISIONS

A. The City shall retain ownership of and usual maintenance responsibility for work completed by the Project. The District shall retain the rights of exclusive use, regulation, and control of the completed District Project and full ownership of the completed District Project including, but not limited to, the right to sell, transfer, or assign its rights in the completed District Project.

B. This Agreement contains the entire agreement of the Parties and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either Party. This Agreement may be amended only in writing, signed by both Parties. Either Party may request changes to the Agreement. Proposed changes that are mutually agreed upon shall be incorporated by written amendments to this Agreement.

C. Nothing contained herein is intended to, nor shall be construed to create any rights in any third party, or to form the basis for any liability on the part of the Parties or their officials, officers, employees, agents or representative, to any third party.

D. If any provision of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby and shall continue in full force and effect if such remainder would then continue to serve the purposes and objectives of the Parties.

E. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the Parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing Party in any such action shall be entitled to its attorneys' fees and costs of suit from the other Party.

F. This Agreement shall be effective whether signed by both Parties on the same document or whether signed in counterparts.

G. The Recitals set forth above are incorporated herein in full by this reference. This agreement is authorized under RCW 39.34.080. Nothing herein shall be construed to create a partnership or joint venture between the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective as of the date last written below.

CITY OF SAMMAMISH

SAMMAMISH PLATEAU  
WATER AND SEWER  
DISTRICT

\_\_\_\_\_  
Signature

Lyman Howard, City Manager

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

John C. Krauss, General Manager

  
\_\_\_\_\_  
Date

**EXHIBIT A**

**SCOPE OF WORK AND COST ESTIMATE**

**INGLEWOOD HILL RD @ 211TH PL NE WATER MAIN REPLACEMENT PROJECT**

**SAMMAMISH PLATEAU WATER AND SEWER DISTRICT**

**SCOPE OF WORK**

- Construct approximately 1700 lineal feet of 8-inch diameter DI water main and 1000 lineal feet 4-inch DI water main within Inglewood Hill Rd NE, 211th PL NE, 212th PL NE.
- Installation of 40 replacement 1-inch water services and reconnection of the customer water supply line after testing and acceptance of the water main.
- Construct water appurtenances including 12 8-inch gate valves, one 4-inch gate valve, four fire hydrant assemblies, three 2-inch air & vacuum relief valve assemblies, four type II blow-off assemblies, and one type I blow-off assembly.
- Reconnection of four existing 1-inch service lines to the new 4-inch DI water in 211th PL NE.
- Construction of six connections to the existing water system.
- Abandonment of the existing AC and galvanized steel water mains.
- Restoration of the existing asphalt roadways with permanent HMA trench patch
- Restoration of the existing gravel roadway on 212th PL NE with 2" CSTC.
- Restoration of landscaping and surfaces impacted by water and sewer constructions
- Adjustment of an existing manhole along Inglewood Hill Road to match the finished grade of the sidewalk.
- Adjustment of two valve boxes along Inglewood Hill Road to match finished grade
- Relocation of two fire hydrants along Inglewood Hill Road
- Adjustment of two PRV vaults along Inglewood Hill Rd to match the finished grade of the sidewalk.
- Relocation of one water service along Inglewood Hill Rd.

<b>Sammamish Plateau Water Sewer District</b> <b>Inglewood Hill Rd @ 211th Pl NE Water Main Replacement</b> <b>Engineer's Estimate Final Design Submittal</b>					
NO	DESCRIPTION OF ITEM	QUANTITY	UNITS	UNIT PRICE	AMOUNT
B1	Mobilization, Cleanup & Demobilization	1	LS	\$55,000.00	\$55,000.00
B2	Trench Safety System	1	LS	\$2,500.00	\$2,500.00
B3	Temporary Erosion and Sediment Control Measures	1	LS	\$3,000.00	\$3,000.00
B4	Traffic Control	1	LS	\$50,000.00	\$50,000.00
B5	Potholing	1	LS	\$5,000.00	\$5,000.00
B6	Abandonment of Existing Water Main	1	LS	\$2,500.00	\$2,500.00
B7	Connection to Existing Water Main	6	EA	\$4,000.00	\$24,000.00
B8	8-Inch Ductile Iron Pipe Installation	1,710	LF	\$67.00	\$114,570.00
B9	4-Inch Ductile Iron Pipe Installation	1,000	LF	\$63.00	\$63,000.00
B10	8-Inch Gate Valve Installation	13	EA	\$1,200.00	\$15,600.00
B11	4-Inch Gate Valve installation	1	EA	\$1,000.00	\$1,000.00
B12	Fire Hydrant Assembly	4	EA	\$5,500.00	\$22,000.00
B13	1-inch Service Installation w/ Single 3/4" Meter Setter	40	EA	\$1,300.00	\$52,000.00
B14	2-Inch Air-Vacuum Relief Valve Assembly	3	EA	\$3,500.00	\$10,500.00
B15	Type I Blow-Off Assembly	1	EA	\$2,500.00	\$2,500.00
B16	Type II Blow-Off Assembly	3	EA	\$3,500.00	\$10,500.00
B17	Reconnect 1-Inch Water Service	4	EA	\$700.00	\$2,800.00
B18	6-Inch PVC Side Sewer Installation	235	LF	\$40.00	\$9,400.00
B19	Structure Excavation Class B. Incl. Haul	1,550	CY	\$15.00	\$23,250.00
B20	Crushed Surfacing Top Course	310	TN	\$22.00	\$6,820.00
B21	Crushed Surfacing Base Course	440	TN	\$22.00	\$9,680.00
B22	Select Import Backfill Material	1,200	TN	\$22.00	\$26,400.00
B23	Controlled Density Fill	10	CY	\$130.00	\$1,300.00
B24	Permanent Hot Mix Asphalt Trench Patch	805	TN	\$125.00	\$100,625.00
B25	Landscape & Surface Restoration	1	LS	\$10,000.00	\$10,000.00
B26	Monument Replacement	1	EA	\$1,500.00	\$1,500.00
B27	Adjust Existing Manhole Frames	1	EA	\$500.00	\$500.00
B28	Adjust Existing Valve Boxes	2	EA	\$500.00	\$1,000.00
B29	Relocate Existing Fire Hydrant Assemblies	2	EA	\$2,000.00	\$4,000.00
B30	Adjust Existing PRV Vault	2	EA	\$2,000.00	\$4,000.00
B31	Relocate Existing Water Service	1	EA	\$1,000.00	\$1,000.00

<b>Subtotal</b>	<b>\$635,945</b>
<b>Sales Tax (9.5%)</b>	<b>\$60,415</b>
<b>Total</b>	<b>\$696,360</b>

~~EXHIBIT A~~  
Scope of Work

City of Sammamish  
Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project  
Construction Management Services

**INTRODUCTION**

The Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project provides for the construction of storm drainage improvements and water quality retrofit within the Inglewood neighborhood in the City of Sammamish. Associated non-motorized improvements, and new water line infrastructure installation are included in the project.

~~The project includes removal of existing structures and obstructions, mitigation planting, asphalt and roadside restorations, and other work as noted in the contract documents.~~

Pertect Inc. (Consultant) will provide construction management services for the City of Sammamish (the City).

Consultant will endeavor to protect the City against defects and deficiencies in the work of the Contractor, but cannot guarantee the Contractor's performance and shall not be responsible for construction means, methods, techniques, sequences, procedures for safety precautions and programs in connection with the work.

**GENERAL SCOPE OF SERVICES**

This agreement includes professional services to provide construction management services including project management, construction inspection, construction administration and documentation and materials testing for the Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project as defined below.

The procedures outlined in the WSDOT Local Agency Guidelines (LAG manual) will be used during this project. The following is a description of services to be provided by Consultant.

Consultant's services shall be limited to those expressly set forth herein. If the service is not specifically identified herein, it is expressly excluded. Consultant shall have no other obligations, duties or responsibilities associated with the project except as expressly provided in this Agreement. This scope of work describes the Work Elements to be accomplished by the Consultant as summarized under each work element. This scope consists of the following work elements.

**TASK 1: PROJECT MANAGEMENT**

**TASK 2: CONSTRUCTION OBSERVATION**

**TASK 3: CONSTRUCTION ADMINISTRATION AND DOCUMENTATION**

## SCOPE OF SERVICES

The scope of services by the Consultant for Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project are summarized below.

### *General Assumptions*

- The attached budget for the services detailed below is based on the services of full-time construction observation and administration on a 128 working day schedule for a 45-hour work week.
- The attached budget provides for approximately three weeks of part time work to prepare for construction and conduct the Pre-Construction meeting.
- The Contractor will provide a field office for the Construction Management team as specified in the Contract Documents.
- Additional effort beyond the reasonable industry standard for each task will be considered Extra Work.
- For the following services, labor allowances are an estimate only. The level of effort required for this work cannot be accurately predicted as it depends on issues outside of the Consultant team's control. Some of these issues include quality of Contractor submittals, number of submittals and if multiple reviews are required, and unforeseen conditions at the site. Allowance for multiple submittals due to unacceptable quality of the submittals is not included in the Labor Hours estimate.
- Consultant will prepare suspension letters and letters acknowledging substantial completion and final completion for City signature and approval.
- City will prepare and sign Notice to Proceed letter to Contractor.
- Management of the work during the PSiPE period is not included in this scope and will be handled by the City of Sammamish.
- Materials Documentation will be performed by HWA under a separate contract with the City and will not be included in this contract. Coordination with HWA regarding Materials Testing is included in this contract.
- Contractor will provide structural design and calculation for sand filter vault. Review will be for conformance with specification.

### **1. PROJECT MANAGEMENT**

1.1. Provide project management of the Consultant team. This will include:

- Project staff management and coordination with outside subconsultants and services.
- Control of project budget and schedule.
- Preparation of monthly invoices and progress reports.

1.2. Maintain on-going contact with the City's Project Manager via informal meetings, telephone discussions, and electronic mail.

1.3. Manage subconsultants as required for site visits, project reporting, project reviews, and general project coordination.

1.4. Proactively work with the Construction Contractor.

## Exhibit 1

- 1.5. Monitor the project for potential claims or protests by the Construction Contractor, and advise the project team and City of potential claims and provide support on resolving conflicts and negotiations with contractor on contractor claims or protests if any arises.
- 1.6. Provide monthly reporting of project budget status, consultant budget status, and projected cost at completion.
- 1.7. Preconstruction Meeting – prepare agenda, run meeting, and issue meeting minutes
- 1.8. Weekly Construction Meetings – prepare agenda, run meeting, and issue meeting minutes
- 1.9. Manage and coordinate changes to the contract, including:
  - Coordinating with the Design team and/or answering Contractor Request for Information (RFIs)
  - Issuing field directives.
  - Negotiating and writing change orders.
- 1.10. Provide daily project summary reports to the City that summarizes work to be performed for the day.
- 1.11. Provide weekly project summary reports to the City that summarizes work scheduled to be completed in the upcoming week.
  - Coordinate with the City webmaster and provide regular updates to be posted on the City's website such as Critical Path and monthly schedule updates.
  - Work with the Sammamish Review and the Sammamish Reporter; along with other media outlets to provide information to public about estimated travel times and alternate detours.
- 1.12. Headlight – Consultant will provide a login for the City project manager to view our project “dashboard” online to view, search, sort our field observations in real time, and review Inspector's Daily Reports as desired.

### **Task 1 Deliverables:**

- Monthly project budget status and consultant budget status reports.
- Preconstruction and weekly construction meeting minutes.
- Project RFIs, field directives, and change orders.
- Daily project summary report (e-mailed daily)
- Weekly project summary report (e-mailed weekly)
- Pavia Headlight login

## **2. CONSTRUCTION OBSERVATION**

Provide the services of full time Construction Observation to observe the technical conduct of the construction, including providing day-to-day contact with the Contractor and the City.

- 2.1. Provide on-site observation and monitoring to observe the technical conduct and progress of the construction. The Construction Observers shall not be responsible for the means, methods, techniques, or procedures of the construction selected by the Construction Contractor(s) or for any failure of Construction Contractor(s) to comply with laws, ordinances, rules, or regulations applicable to the construction work. The parties recognize that the Construction Contractor(s) is responsible for ensuring that construction is in accordance with the plans and specifications.

- Project Daily Report. Prepare daily construction reports, detailing the Construction Contractor's operations performed for each day, and records decisions and observations of a general or specific nature in chronological order. Measure quantities of materials installed, log equipment and staff used, and other related items.
  - Verify in the daily report that the Contractor is working with the proper traffic control plans.
  - Document work being done on a force account basis.
  - Verify daily quantities separated by proper Schedules (A, B, and C), including "neat line estimation" of quantities as needed when bid item unit amount is uncertain.
  - Obtain written approval of quantities with representative of Sammamish Plateau Water when daily quantities include Schedule C work.
- Verify that material approval is complete (via ROM) prior to material being used on site.
- Coordinate Materials Testing and Inspection. Coordinate report and log the results for field sampling, field testing, and laboratory testing of soils, aggregates and concrete to determine compliance of those materials with construction contract requirements. In those instances where unsatisfactory test results are obtained, follow through with notification to the construction contractor and retesting of the materials after corrections are made.
- Progress Payment Verification.
  - Collect and tabulate all quantity delivery tickets.
  - Verify invoicing separated by proper Schedules (A, B, and C), including "neat line estimation" of quantities as needed when bid item unit amount is uncertain.
  - Prepare field note records in accordance with City and grant requirements.
  - Check that Manufactures Certifications and Certifications of Materials origins are received prior to payment.
- Verify acceptance sampling and testing frequencies reflect the actual quantities used.
- Preconstruction Photographs/Video:
  - Document existing site conditions by taking photographs/video of project prior to start of construction. Private properties, Inglewood Hill Road, and side streets will be documented.
- Construction Photographs/Video:
  - Take construction photographs/video tapes and progress photographs of construction activities on a daily basis to document progress of the work and job site conditions encountered. These photos will be integrated into Headlight and will be a part of all finalized Inspector Daily Reports.
- Post-Construction Photographs:
  - Take photographs/video of project at completion of construction.
- Verify that the contractor's work on the Sand Filter Vault meets the plans and specifications as well as the Contractor provided structural shop drawings and calculations.
- Provide review and acceptance of landscaping plants when they arrive on site.
- Provide review and acceptance of all irrigation installation.

## Exhibit 1

- Contact property owners within the project limits who will be directly affected by the construction activities and keep them apprised of project progress and when specific construction activities are expected to occur that would affect their property frontages and driveways.
- 2.2. Project closeout, formal acceptance, review and recommendation. Make recommendations to the City concerning operational acceptance, substantial completion, and final acceptance of the work. Include review of the requests for extension of time by the Construction Contractor. Include recommendation for assessment of liquidated damages, if applicable. Perform a final review and inspection of the construction work and prepare a final list of items to be corrected. After substantial completion of the project, verify completion of the punch list.
- 2.3. Record drawings. Review the Construction Contractor's Record Drawings on a bi-weekly basis (and upon completion of major tasks) to verify posted changes. Draft and stamp as-constructed records to be printed on full size archival quality paper at the completion of construction.

### Task 2 Deliverables:

- Daily Construction Reports
- Preconstruction, Construction, and Post-Construction Photographs/Video
- Project Punch List (Prepared list and completed list)

### 3. CONSTRUCTION ADMINISTRATION, DOCUMENTATION, AND GRANT ADMINISTRATION

Provide documentation and record keeping in compliance with grant requirements. Consultant will be consistent with WSDOT Local Agency Guidelines as standard practice.

Standard forms will be used for records and reporting procedures. At completion of the project Consultant will provide electronic files of all documentation to the City. Additional paper files will be kept per grant requirements and will be provided to the City upon project completion.

#### 3.1. Employment Documentation

- Obtain and approve Request to Sublet.
- Obtain Intent to Pay Prevailing Wage and Affidavit of Wages Paid.
- Obtain certified payroll for prime and subcontractors, and verify that prevailing wage is being met.
- Conduct Employee Wage Interviews and review against certified payroll for compliance.

#### 3.2. Material Documentation

- Maintain a submittal and RFI tracking system to assure timely responses and minimize potential delays. Transmit submittals to appropriate Consultant and City for review. Return submittals to the Contractor upon completion of the review process.
- Review all Material Submittals (RAMs) from contractor and seek input from City and Design Engineer where appropriate. This includes all materials used on the project, including water, storm, landscaping, aggregates, pavement, concrete, and steel items.

## Exhibit 1

- Review all Shop Drawings submitted by the contractor. This includes review of Contractor prepared structural shop drawings and structural calculations for the Sand Filter Vault, handrails, and irrigation systems.
- Maintain a Record of Materials (ROM) to ensure proper approval of all materials incorporated into the project.
- Material Acceptance is incorporated on the Field Note Record (FNR) through a link to the ROM.
- Material testing is scheduled based on quantities and test results are tracked on the ROM.

### 3.3. Payment Documentation

- Bid Item quantities will be measured, verified, and agreed upon on a daily basis with the Contractor.
- Prepare monthly Progress Payments for review by the City and Contractor.
- Once the project is 1/4 complete, Consultant will prepare a Cost at Completion document for City review. This document will track paid quantities, expected quantity adjustments, executed change orders, and upcoming change orders.

### 3.4. Grant Reimbursement Documentation

- Prepare and submit all documents on behalf of the City for grant reimbursements for two grants.
  - King County Flood Reduction Grant (\$250,000)
  - King County Sub-Regional Opportunity Grant (\$851,078)

#### Task 3 Deliverables:

- All employment documentation (request to sublet, statement of intent to pay prevailing wages, affidavit of wages paid, completed certified payrolls/log, completed employee wage rate interviews).
- All materials documentation files (submittals/ROM, field documentation tickets, CMOs, material test reports).
- All payment documentation files (field note records, payment ledger, signed pay estimates, monthly cost at completion document).
- All reimbursement documentation on behalf of the City for the King County Flood Reduction Grant and King County Sub-Regional Opportunity Grant.

**TIME FOR COMPLETION**

All work under this contract shall be completed within 60 days following the substantial completion of the project.

The scope of this contract is based upon the Contractor completing all construction activity within the time frame specified in the Contract Documents and is based upon a 5 day 45-hour work week by one full-time Construction Manager, one Part Time Construction Observer, and a Construction Technician, as outlined in the budget. In support of this schedule, our contract provides 2 weeks of project set up time, \*\*\*128\*\*\* working days of full time representatives and support staff in addition to 4 weeks of project closure time (Closeout Record Preparation, Record Drawings, etc.). If the work schedule changes due to the contractor working weekends, extended hours, added working days due to change orders or weather delays, or if the construction activity extends beyond the contract time, the Consultant shall inform the City immediately to allow an opportunity for the City to authorize additional budget that will allow us to provide the required additional services. The additional services will be billed at the hourly rates established in the base agreement.

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### Consultant Fee Determination Summary

2707 Colby Avenue, Suite 900, Everett, WA 98201 | P 425.252.7700 | F 425.339.6018

Project: Inglewood Stormwater Retrofit and Non-motorized Improvement Project-CM  
 Client: City of Sammamish

**Hourly Costs Plus Fixed Fee Estimate**

<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Sr. Associate	592.00	62.25	\$36,852
Const Technician I	560.00	26.00	\$14,560
Construction Engineer II	1,442.00	36.00	\$51,912
Construction Engineer I	1,470.00	29.00	\$42,630
Construction Observer III	300.00	40.00	\$12,000
Accountant	10.00	31.50	\$315
<b>Total Direct Salary Costs</b>	<b>4,374.00</b>		<b>\$158,269</b>
<b>Overhead @</b>		183.13%	<b>\$289,838</b>
<b>Fixed Fee @</b>		32.00%	<b>\$50,646</b>
<b>Total Labor Costs</b>			<b>\$498,753</b>

**Reimbursables**

<u>Expenses</u>	<u>Amount</u>
Pavia Headlight System	\$5,700.00
Travel - Allowable	\$2,000.00
<b>Total Expenses</b>	<b>\$7,700.00</b>

<u>In-House Costs</u>	<u>Qty</u>	<u>Rate</u>	<u>Amount</u>
		\$	\$
<b>Total In-House Costs</b>			<b>0</b>

**Other**

**CONTRACT TOTAL** **\$506,453.00**

Rates shown reflect the typical compensation rate of employees assigned to the billing category listed. Each category may have multiple employees assigned to that billing category and each employee may have a different hourly rate of pay. Employee compensation is subject to adjustment in June of each calendar year.

Prepared By: Mark Holmes Date: April 12, 2016

HWA Ref: 2016-P043  
Date: 2-May-16  
Prepared By: BKH  
Revised: SEG

**HWA GEOSCIENCES INC.**

Project Cost Estimate  
Inspection and QA Testing  
Inglewood Hill - Schedule A: Storm Drainage and Non-Motorized  
Sammamish, Washington  
Prepared For: Tawni Dalziel: City of Sammamish

**PROPOSED WORK SCOPE:**

This cost estimate is based on quantities and specifications provided by Perteeet.

1. Attend the Preconstruction meeting.
2. Sampling and testing for trench backfill and roadway repair materials.
3. Inspection and testing of compacted backfill and road base materials.
4. Concrete inspection and testing including: Slump, Air and Compressive Strength. Laboratory testing of concrete aggregates for acceptance.
5. Inspection and testing of HMA placement and compaction.
6. Testing of HMA will include Sampling at the Plant, Laboratory testing for Theoretical Rice Density & Bitumen Content (Non-Statistical).
7. Monitor rock wall and Ultrablock wall construction.
8. QA review; reporting, construction meetings and submittal review.

**ESTIMATED HWA LABOR:**

WORK TASK DESCRIPTION	2016 BILLING RATES							TOTAL AMOUNT
	Principal \$190.00	Proj. Eng \$170.00	Geotech Engr \$105.00	Inspector \$85.00	Clerical \$72.00	TOTAL HOURS	TOTAL	
Soils Inspection and Testing, including: Preconstruction Meeting		4					4	\$680
Gravel Borrow and Embankment Fill Placement and Compaction (8 visits)				64			64	\$5,440
Roadbase Materials Placement and Compaction (8 visits)				64			64	\$5,440
Aggregate Sampling at the Plant or Site (4 visits for Min. Agg & Conc. Agg.)				16			16	\$1,360
Geotechnical Observation during Wall Construction (4 site visits)			24				24	\$2,520
Asphalt Inspection and Testing, including: Monitoring and Testing during Placement of HMA (8 visits)				80			80	\$6,800
Asphalt Sampling for Ignition Oven Correction (1 visit)				4			4	\$340
Sampling HMA & Aggregate at Batch Plant During Placement (4 visits)				16			16	\$1,360
Concrete Testing and Inspection Misc. Concrete (10 visits)				60			60	\$5,100
Geotechnical Consultation & Project Management								
Geotechnical Consultation		16					16	\$2,720
QA Review, Reporting, Submittal Reviews, and Report Distribution	6	28					34	\$5,900
<b>TOTAL LABOR:</b>	<b>6</b>	<b>48</b>	<b>24</b>	<b>304</b>	<b>0</b>	<b>382</b>	<b>382</b>	<b>\$37,660</b>

**LABORATORY TESTING ESTIMATE:**

WORK TASK DESCRIPTION	Est. No. Tests	Unit Test Cost	Total Cost
Acceptance Testing for CSBC & CSTC (GS, SE, FF)	2	\$210	\$420
Acceptance Testing for Gravel Borrow & Embankment Fill (GS, SE)	2	\$175	\$350
Acceptance Testing for HMA Aggregate (Unc Void, FF, SE)	2	\$245	\$490
Proctor Tests on all Materials to be Compacted	2	\$215	\$430
Acceptance Testing for Concrete Aggregates (GS)	2	\$95	\$190
HMA Ignition Oven Correction Factor	3	\$90	\$270
HMA Testing for Rice, Extraction and Grading	2	\$240	\$480
Concrete Compressive Strength Tests (Cylinders)	40	\$25	\$1,000
		Lab Total:	\$3,630

**ESTIMATED DIRECT EXPENSES:**

Mileage to job site IRS rate	\$1,000
Mileage for Sampling Aggregates and HMA at Sources IRS rate 0.58/mile	\$400
Nuclear Gauge Rental: 20 days @ \$30/day	\$600
<b>TOTAL DIRECT EXPENSES:</b>	<b>\$2,000</b>

**ESTIMATED PROJECT TOTALS AND SUMMARY:**

Total Labor Cost	\$37,660
Laboratory Testing	\$3,630
Direct Expenses	\$2,000
<b>ESTIMATED TASK TOTAL:</b>	<b>\$43,290</b>

**Assumptions:**

1. These estimates may require adjustment due to the Contractor's rate of construction, weather delays, night work and/or other factors beyond our control.
2. The HWA PM reserves the right to shift hours between the various subtasks as required.
3. The HWA work scope does not include safety assessment nor work pertaining to any environmental issues.
4. This cost estimate was prepared with the understanding that the Client will schedule inspection as needed.
5. All night work is charged at an 8 hour minimum segment.
6. Does not include geoenvironmental services.

(2 OF 4)

HWA Ref: 2016-P043  
 Date: 2-May-16  
 Prepared By: BKH  
 Revised: SEG

**HWA GEOSCIENCES INC.**



Project Cost Estimate  
 Inspection and QA Testing  
 Inglewood Hill - Schedule B: Water Line  
 Sammamish, Washington  
 Prepared For: Tawni Dalziel: City of Sammamish

**PROPOSED WORK SCOPE:**

This cost estimate is based on quantities and specifications provided by Pertect.

1. Attend the Preconstruction meeting.
2. Sampling and testing for Select Import and CSBC.
3. Inspection and testing of compacted backfill and road base materials.
4. Inspection and testing of HMA placement and compaction.
5. Testing of HMA will include Sampling at the Plant, Laboratory testing for Theoretical Rice Density & Bitumen Content (Non-Statistical).
6. QA review, reporting, construction meetings and submittal review.

**ESTIMATED HWA LABOR:**

WORK TASK DESCRIPTION	2016 BILLING RATES						TOTAL HOURS	TOTAL AMOUNT
	Principal \$190.00	Proj. Eng. \$170.00	Geotech Engr \$105.00	Inspector \$85.00	Clerical \$72.00			
Soils Inspection and Testing, including: Preconstruction Meeting		4					4	\$680
CSBC and Select Import Placement and Compaction (8 visits)				64			64	\$5,440
Aggregate Sampling at the Plant (2 visits for Min. Agg)				8			8	\$680
Geotechnical Observation during Structural Foundation Excavation							0	\$0
Asphalt Inspection and Testing, including: Monitoring and Testing during Placement of HMA (2 visits)				20			20	\$1,700
Sampling HMA & Aggregate at Batch Plant During Placement (1 visits)				4			4	\$340
Geotechnical Consultation & Project Management								
Geotechnical Consultation		4					4	\$680
QA Review, Reporting, Submittal Reviews, and Report Distribution	2	12					14	\$2,420
<b>TOTAL LABOR:</b>	<b>2</b>	<b>20</b>	<b>0</b>	<b>96</b>	<b>0</b>	<b>0</b>	<b>118</b>	<b>\$11,940</b>

(3 of 4)

**LABORATORY TESTING ESTIMATE:**

WORK TASK DESCRIPTION	Est. No. Tests	Unit Test Cost	Total Cost
Acceptance Testing for CSTC and CSBC (GS, SE, FF)	2	\$210	\$420
Acceptance Testing For Select Borrow (GS, SE)	1	\$175	\$175
Proctor Tests on all Materials to be Compacted	2	\$215	\$430
HMA Testing for Rice, Extraction and Grading	1	\$240	\$240
Lab Total:			\$1,265

**ESTIMATED DIRECT EXPENSES:**

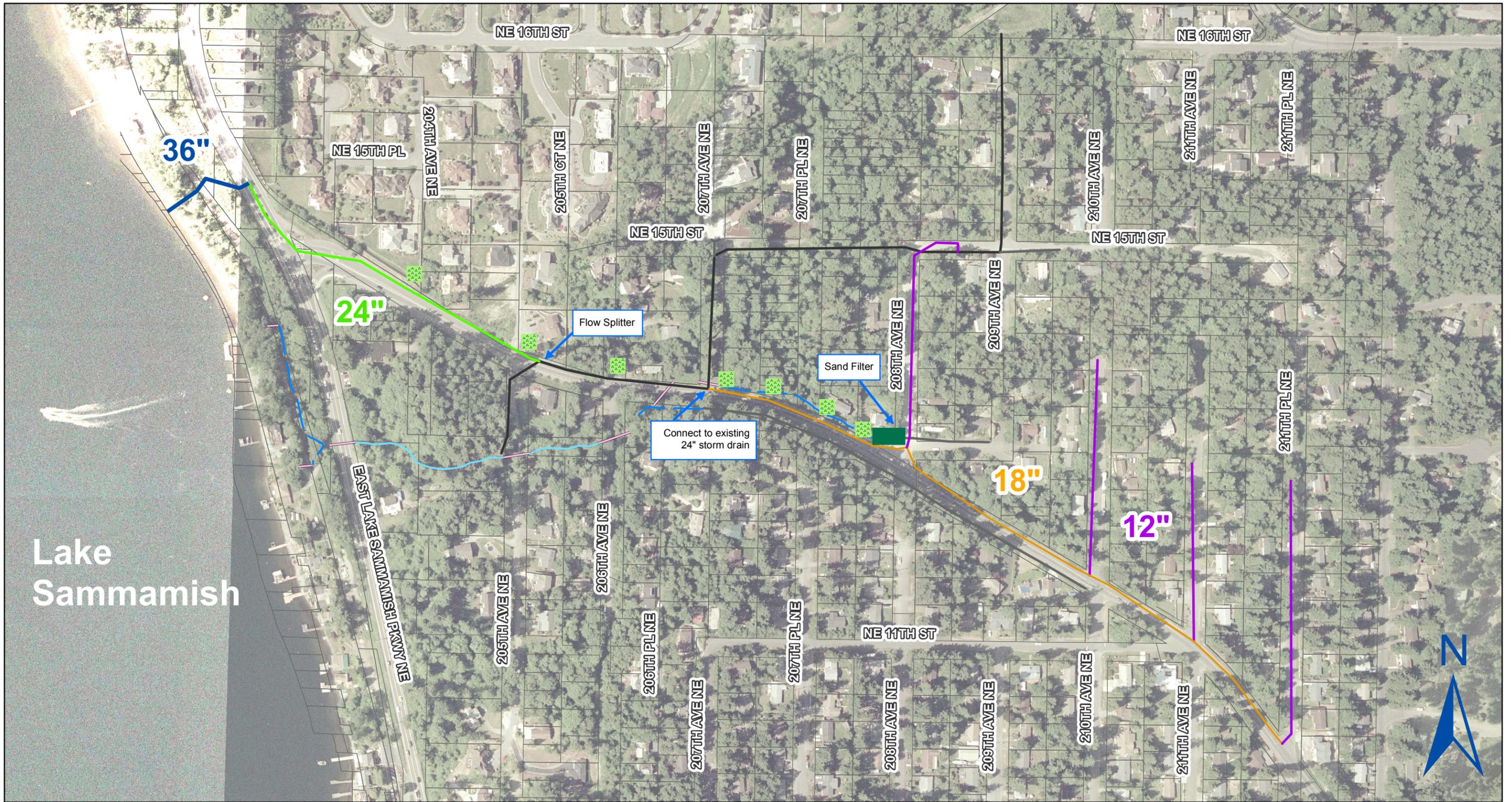
Mileage to job site IRS rate	\$250
Mileage for Sampling, Aggregates and HMA at Sources IRS rate 0.58/mile	\$100
Nuclear Gauge Rental: 10 days @ \$30/day	\$300
<b>TOTAL DIRECT EXPENSES:</b>	<b>\$650</b>

**ESTIMATED PROJECT TOTALS AND SUMMARY:**

Total Labor Cost	\$11,940
Laboratory Testing	\$1,265
Direct Expenses	\$650
<b>ESTIMATED TASK TOTAL:</b>	<b>\$13,855</b>

**Assumptions:**

1. These estimates may require adjustment due to the Contractor's rate of construction, weather delays, night work and/or other factors beyond our control.
2. The HWA PM reserves the right to shift hours between the various subtasks as required.
3. The HWA work scope does not include safety assessment nor work pertaining to any environmental issues.
4. This cost estimate was prepared with the understanding that the Client will schedule inspection as needed.
5. All night work is charged at an 8 hour minimum segment.
6. We assume that the HMA will be accepted by non-statistical means.
7. Does not include geoenvironmental services.
8. Assumes same source for HMA will used as for Schedule A.



	36in Stormwater Pipe		Existing 24-in pipe		Parcels
	24in Stormwater Pipe		Existing 12-in pipe		Swale
	18in Stormwater Pipe		Existing culvert		Stream
	12in Stormwater Pipe		Modular Wetland System (MWS)*		
	Sand Filter*				

\*All items symbolic only. Actual locations shall remain within right-of-way.

**Inglewood Hill Stormwater Retrofit and Non-Motorized Improvement Project**  
Sammamish, WA





**Meeting Date:** May 17, 2016

**Date Submitted:** May 6, 2016

**Originating Department:** Parks and Recreation

**Clearances:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Attorney                | <input type="checkbox"/> Community Development               | <input checked="" type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services          | <input checked="" type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                        |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT                        | <input type="checkbox"/> Public Works                  |

**Subject:** Contract with Wolverine West Fireworks for a fireworks display at the Fourth on the Plateau Event.

**Action Required:** Authorize the City Manager to execute a contract with Wolverine West Fireworks for a fireworks display at the Fourth on the Plateau Event.

**Exhibits:** 1. Contract

**Budget:** 2016: \$25,000 for fireworks display  
(Recreation Division: Professional Services)

**Summary Statement:**

This authorization is for a fireworks display at the Fourth on the Plateau event. Staff solicited proposals in 2010 and received responses from two fireworks companies. Wolverine West Fireworks was selected based on cost, experience with similar events, quality of their previous shows, professional references from other municipalities and the number of fireworks effects their proposal included. Wolverine has provided consistently great fireworks shows since 2010 and we recommend contracting for services again in 2016.

**Background:**

The Fourth on the Plateau Event began in 2007 and has been a popular annual event drawing over 10,000 people each year to the Sammamish Commons. The fireworks display is a vital component of this event.

Parks Department staff worked with Wolverine West Fireworks and Eastside Fire & Rescue to identify a new launch site for the 2016 show. This was necessary due to the recent opening of the Community and Aquatic Center, which was built on top of the previous launch site. Staff also desired to explore launch site options that would allow the trail from the Upper Commons to the Lower Commons to remain open during the entire event.

The new launch site (shown on the map of the Sammamish Commons) is on the western border of the Lower Commons. The launch site area is roughly depicted by the red circle shown on the graphic. The new launch site has been unused during previous Fourth on the Plateau events, so none of the event elements will be displaced. Popular seating areas, shown in orange, will still be available for event attendees.

The new launch site also meets clearance requirements for the show. The area within a 100' radius of the launch site must remain clear (no public access) at all times. During the fireworks show, the clearance zone increases to 300-feet.

One of the primary benefits of the new location is that the trail between the Upper and Lower Commons will remain open throughout the event. This has not been possible in previous years due to clearance zone requirements during the show. The grassy areas adjacent to the trail, will provide additional seating areas and may actually prove to be the “best seat in the house.”



**Financial Impact:**

The total cost for the fireworks display is \$25,000.00 (including W.S.S.T.). This is the same amount paid for the fireworks display in 2015.

**Recommended Motion:**

Authorize the City Manager to execute a contract with Wolverine West Fireworks in the amount of \$25,000.00 for a fireworks display at the Fourth on the Plateau Event.



**CITY OF SAMMAMISH  
AGREEMENT FOR SERVICES**

Contractor: Wolverine West Fireworks

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Wolverine West Fireworks, hereinafter referred to as the "Contractor."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Contractor to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Contractor.** The Contractor shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Contractor shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Contractor shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Contractor shall submit invoices for work performed using the form set forth in Exhibit "B".

The City shall pay Contractor:

[Check applicable method of payment]

According to the rates set forth in Exhibit \_\_\_\_\_

A sum not to exceed: \$25,000

Other (describe): \_\_\_\_\_

The Contractor shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Contractor for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** The Agreement shall be in full force and effective for a period commencing upon execution through December 31, 2016. The contract may be renewed for two (2) additional one-year terms if both parties agree in writing. If both parties cannot agree to any terms or conditions, the contract will be re-bid. By submitting a proposal, the Contractor agrees that at renewal dates, cost of service will not be adjusted beyond the Seattle Consumer Price Index-Urban (CPI-U) rate for the preceding year. This provision does not guarantee renewal to the contractor, nor does it prevent the contractor from agreeing to renew at a lower adjustment.

4. **Additional Services.** If additional work or services is desired by either the City or the Contractor, a Discretionary Work Request Form as found in Exhibit "D" shall be used. The additional work or services requested should be specified by the City and the Contractor shall provide a quote on the cost of providing such additional work or services. Written approval by the City must be obtained prior to the start of any additional work or the provision of additional services.

5. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Contractor in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not.

## Exhibit 1

6. **Independent Contractor.** The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. The Contractor will solely be responsible for its acts and for the acts of its agents, employees, subcontractors, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

7. **Indemnification.** The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent, reckless, or intentional acts, errors or omissions of the Contractor, in performance of this Agreement, specifically including the improper or illegal use of copyrighted materials as referenced in paragraph 7 of this Agreement.

8. **Copyrights.** The Contractor agrees to refrain from the improper use of copyrighted materials and to otherwise abide by all laws relating to the use of copyrighted materials in the performance of this Agreement. Contractor agrees to indemnify City for any liability arising out of the improper use of copyrighted materials by Contractor.

### 9. **Insurance.**

A. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

#### **Minimum Scope of Insurance**

Contractor shall obtain insurance of the types described below:

1. **Automobile Liability** insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. **Commercial General Liability** insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. **Workers' Compensation** coverage as required by the Industrial Insurance laws of the State of Washington.

#### **Minimum Amounts of Insurance**

Contractor shall maintain the following insurance limits:

1. **Automobile Liability** insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. **Commercial General Liability** insurance shall be written with limits no less than \$3,000,000 each occurrence, \$3,000,000 general aggregate.

## Exhibit 1

### Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Contractor's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
2. The Contractor's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

### Verification of Coverage

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

### 10. Record Keeping and Reporting.

A. The Contractor shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Contractor shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

11. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

### 12. Termination.

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Contractor pursuant to this Agreement shall promptly be submitted to the City

B. In the event this Agreement is terminated or suspended, the Contractor shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Contractor's insurance coverage is canceled for any reason, or if the Contractor is unable to perform the services called for by this Agreement.

D. The Contractor reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

13. Discrimination Prohibited. The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

Exhibit 1

14. **Assignment and Subcontract.** The Contractor shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

15. **Conflict of Interest.** The Contractor represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Contractor is asked to perform services for a project with which it may have a conflict, Contractor will immediately disclose such conflict to the City.

16. **Confidentiality.** All information regarding the City obtained by the Contractor in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Contractor shall be grounds for immediate termination.

17. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Contractor and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

18. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

19. **Notices.** Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish  
801- 228<sup>th</sup> Avenue SE  
Sammamish, Washington 98075  
(425) 295-0500.

Notices to the Contractor shall be sent to the following address:

Wolverine West Fireworks  
PO Box 628  
Chehalis, WA 98532  
(206) 459-0917

20. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

21. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

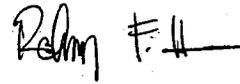
Exhibit 1

CITY OF SAMMAMISH:

CONTRACTOR:

By: \_\_\_\_\_

By: \_\_\_\_\_



Digitally signed by Rodney Hash  
Date: 2016.05.09 11:53:19 -07'00'

**Rodney F. Hash**

Title: City Manager

Title: **Partner**

Date: \_\_\_\_\_

Date: **5/9/16**

Attest/Authenticated: \_\_\_\_\_

Approved As To Form: \_\_\_\_\_

City Clerk

City Attorney



Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
49's Quick Red Comet to Titanium Reports (4 sec. duration)	49	2	2	98	0	144	405	165	130	0	0	0
100's Quick Assorted Whistles (4 sec. duration)	100	2	2	200								
100's Assorted Chry + Titanium Salute	100	1	1	100								
100's Sea Blue & Orange & Grass Green Peony + Salute	100	1	1	100								
100's (9672-100A) Asst. Glittering Tails to RWB Peony	100	1	1	100								
2.5" 36's Color Crackling	36	1	1			36						
2.5" 36's Color Peony w/Tail	36	1	1			36						
2.5" 36's Titanium Salute w/Silver Tails	36	1				36						
2.5" 36's Pink & Grass Green Chry, 1/2 Blue 1/2 Red Peony, Sea Blue & Orange Peony, 1/2 Purple 1/2 Green Peony, Color Peony, Brocade Crown	36	1				36						

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
3" 25's Mix Shots	25	1			0	144	405	165	130	0	0	0
3" 25's Titanium Salute w/Tails	25	1					25					
3" 25's 1/2 Mixed Color 1/2 Salutes	25	1					25					
<b>Finale Chains</b>												
3" Assorted Finale Shells w/Gold Tail - A (10/1)	10	3					30					
3" Assorted Finale Shells w/Gold Tail - B (10/1)	10	3					30					
3" Red, White, Blue Finale Shells w/Silver Tail - RWB (10/1)	10	3					30					
5" Dancing Finale Chain (3/1)	3	5						15				
<b>Salutes</b>												
3" Titanium Salute (Ball) w/Tail + One White Peony	X	18					18					
3" Cylinder Salute + One White Peony	X	18					18					
<b>Peanut Shells</b>												
3" Gold Wave/Purple Wave	2	2					4					

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
3" Gold Wave Red/Gold Wave Green	2	2					4					
3" Palm Tree/Cherry Blossom w/Whistle	2	2					4					
4" Gold Wave Red/Gold Wave Green	2	2						4				
4" Palm Tree/Cherry Blossom w/Whistle	2	2						4				
<b>Cylinder Shells</b>												
3" Palm w/Crackle Cyl.	<del>X</del>	3					3					
4" Whistles & Stars Cyl.	<del>X</del>	2						2				
4" Fish & Whistles Cyl.	<del>X</del>	2						2				
<b>Ball Shells</b>												
3" Lidu Ball Asst. "A" w/Tails (36 Variety)	<del>X</del>											
Red Peony w/Tail	<del>X</del>	2					2					
Yellow To Purple Peony w/Tail	<del>X</del>	2					2					
Green Crossette w/Tail	<del>X</del>	2					2					
Blue Crossette w/Tail	<del>X</del>	2					2					

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Golden Peony w/Tail	<del>X</del>	2					2					
Silver Spider w/Tail	<del>X</del>	2					2					
Purple Peony w/Tail	<del>X</del>	2					2					
Red & Blue Peony w/Tail	<del>X</del>	2					2					
Red & Green Peony w/Tail	<del>X</del>	2					2					
Red To Yellow Peony w/Tail	<del>X</del>	2					2					
Red To Silver Peony w/Tail	<del>X</del>	2					2					
Golden Flashing w/Tail	<del>X</del>	2					2					
White Flashing w/Tail	<del>X</del>	2					2					
Silver To Purple Peony w/Tail	<del>X</del>	2					2					
Golden Wave To Silver w/Tail	<del>X</del>	2					2					
Blue Peony W/Coconut Pistil w/Tail	<del>X</del>	2					2					
Time Rain Coconut Tree w/Tail	<del>X</del>	2					2					
Colors Dahlia w/Tail	<del>X</del>	2					2					
Silver Willow w/Tail	<del>X</del>	2					2					
Silver Wave To Green w/Tail	<del>X</del>	2					2					
Silver Wave To Blue w/Tail	<del>X</del>	2					2					
Purple To Golden Crackling Chry Flower w/Tail	<del>X</del>	2					2					

Exhibit 1

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Green To Crackling Willow w/Tail	X	2					2					
Golden & Silver Peony w/Tail	X	2					2					
Green To Silver Peony w/Tail	X	2					2					
Silver To Golden Peony w/Tail	X	2					2					
Silver To Blue Peony w/Tail	X	2					2					
Red To Crackling w/Tail	X	2					2					
Yellow To Crackling w/Tail	X	2					2					
Blue To Crackling w/Tail	X	2					2					
Green To Crackling w/Tail	X	2					2					
Silver To Crackling w/Tail	X	2					2					
Yellow To White Peony w/Tail	X	2					2					
Blue To Red Peony w/Tail	X	2					2					
Green & Purple Peony w/Tail	X	2					2					
Color Peony w/Tail	X	2					2					
3" Lidu Ball Asst. "B" w/Tails (36 Variety)	X											
Red To Golden Crackling Chry Flower w/Tail	X	1					1					

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Green To Golden Crackling Chry Flower w/Tail	X	1					1					
Blue To Golden Crackling Chry Flower w/Tail	X	1					1					
Yellow To Golden Crackling Chry Flower w/Tail	X	1					1					
Purple To Golden Crackling Chry Flower w/Tail	X	1					1					
Silver Crackling Stars w/Tail	X	1					1					
Dragon Eggs w/Tail	X	1					1					
Red Ball w/Tail	X	1					1					
Green Ball w/Tail	X	1					1					
Blue Ball w/Tail	X	1					1					
Sea Blue Peony w/Tail	X	1					1					
Pink Peony w/Tail	X	1					1					
Red Peony W/Coconut Pistil w/Tail	X	1					1					
Green Peony W/Coconut Pistil w/Tail	X	1					1					

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Blue Peony W/Coconut Pistil w/Tail	X	1					1					
Grass Green Peony w/Tail	X	1					1					
Orange Peony w/Tail	X	1					1					
Half Red & Green Peony w/Tail	X	1					1					
Half Purple & Green Peony w/Tail	X	1					1					
Brocade Red w/Tail	X	1					1					
Brocade Yellow w/Tail	X	1					1					
Brocade Crown w/Tail	X	1					1					
Diadem Chry W/Coconut Tree Core w/Tail	X	1					1					
Brocade Crown W/Strobe Pistil w/Tail	X	1					1					
Golden Willow w/Tail	X	1					1					
Diadem Chry To Blue w/Tail	X	1					1					
Willow To Silver Crown w/Tail	X	1					1					
Silver Crown w/Tail	X	1					1					
Golden Kamuro w/Tail	X	1					1					
Green Flashing w/Tail	X	1					1					

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
White Flashing w/Tail	X	1					1					
Golden Flashing w/Tail	X	1					1					
Sea Blue Flashing w/Tail	X	1					1					
Yellow Flashing w/Tail	X	1					1					
Brocade Green w/Tail	X	1					1					
Blue & Silver Glittering w/Tail	X	1					1					
3" Lidu Ball Asst. "C" w/Tails (36 Variety)	X											
Red To Silver Crackling Stars w/Tail	X	1					1					
Green To Silver Crackling Stars w/Tail	X	1					1					
Blue To Silver Crackling Stars w/Tail	X	1					1					
Yellow To Silver Crackling Stars w/Tail	X	1					1					
White To Silver Crackling Stars w/Tail	X	1					1					
Purple To Silver Crackling Stars w/Tail	X	1					1					

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Golden Palm Tree w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Silver Coconut Tree w/Tail	X	1					1					
Crackling Willow w/Tail	X	1					1					
Golden Wave To Silver w/Tail	X	1					1					
Golden Wave To Red w/Tail	X	1					1					
Golden Wave To Blue w/Tail	X	1					1					
Golden Wave To Purple w/Tail	X	1					1					
Red Coconut Tree w/Tail	X	1					1					
Time Rain Coconut Tree w/Tail	X	1					1					
Red Wave w/Tail	X	1					1					
Green Wave w/Tail	X	1					1					
Blue Wave w/Tail	X	1					1					
Red To Time Rain Chry w/Tail	X	1					1					
Green To Time Rain Chry w/Tail	X	1					1					
Blue To Time Rain Chry w/Tail	X	1					1					
Purple To Time Rain Chry w/Tail	X	1					1					
Yellow To Purple Peony w/Tail	X	1					1					
Golden To Blue Peony w/Tail	X	1					1					
Red To Blue Peony w/Tail	X	1					1					
Green To Golden Peony w/Tail	X	1					1					

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Yellow To Green Peony w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Red Chry. w/Tail	X	1					1					
Yellow Chry. w/Tail	X	1					1					
Purple Chry. w/Tail	X	1					1					
Silver Chry. w/Tail	X	1					1					
Red & Silver Glittering w/Tail	X	1					1					
Blue & Silver Glittering w/Tail	X	1					1					
Color Chry. w/Tail	X	1					1					
Golden Wave w/Tail	X	1					1					
Silver Wave w/Tail	X	1					1					
3" Dancing Red Chry w/Blue Pistil	X	6					6					
3" Dancing Blue Chry w/Yellow Pistil	X	3					3					
3" Dancing Silver Chry w/Red Pistil	X	6					6					
3" Dragon Head Brocade Crown w/Blue	X	6					6					

Exhibit 1

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
3" Dragon Head Brocade Crown w/Red	X	6					6					
3" Dragon Head Blue Peony w/Coconut Pistil	X	6					6					
3" Vulcan Brocade	X	12					12					

4" Lidu Ball Asst. "A" w/Tails (18 Variety)	X											
Red Peony w/Tail	X	-2						2				
Yellow Peony w/Tail	X	2						2				
Blue Peony w/Tail	X	2						2				
Green To Golden Flashing w/Tail	X	2						2				
Golden To Crackling w/Tail	X	2						2				
White Flashing W/Red Pistil w/Tail	X	2						2				
Red To Yellow Peony w/Tail	X	2						2				
Blue To Red Peony w/Tail	X	2						2				
Green To Yellow Peony w/Tail	X	2						2				
Golden Wave To Purple w/Tail	X	2						2				

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Glittering Red To Crackling w/Tail	X	2						2				
Glittering Red To Green Flashing w/Tail	X	2						2				
Glittering W/Crackling Pistil w/Tail	X	2						2				
Dahlia Yellow w/Tail	X	2						2				
Brocade Golden w/Tail	X	2						2				
Diadem Chrys W/Strobing Pistil w/Tail	X	2						2				
Golden Spider w/Tail	X	2						2				
Silver Spider w/Tail	X	2						2				
4" Lidu Ball Asst. "B" w/Tails (18 Variety)	X											
Red To Crackling w/Tail	X	2						2				
Blue To Crackling w/Tail	X	2						2				
Silver To Crackling w/Tail	X	2						2				
Red Peony W/Palm Core w/Tail	X	2						2				
Blue Peony W/Palm Core w/Tail	X	2						2				

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Green Peony W/Palm Core w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To Purple Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Blue Chry w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To Silver Chry w/Tail	<input checked="" type="checkbox"/>	2						2				
Silver Wave To Red w/Tail	<input checked="" type="checkbox"/>	2						2				
Green Wave W/Coconut Tree Pistil w/Tail	<input checked="" type="checkbox"/>	2						2				
Red & Green Chry. w/Tail	<input checked="" type="checkbox"/>	2						2				
Red & Purple Glittering w/Tail	<input checked="" type="checkbox"/>	2						2				
Dahlia Green w/Tail	<input checked="" type="checkbox"/>	2						2				
Diadem Chry To Red w/Tail	<input checked="" type="checkbox"/>	2						2				
Diadem Chry W/Coconut Tree Core w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To Silver Crown w/Tail	<input checked="" type="checkbox"/>	2						2				
Coconut Tree W/Silver Tail	<input checked="" type="checkbox"/>	2						2				
4" Lidu Ball Asst. "C" w/Tails (18 Variety)	<input checked="" type="checkbox"/>											
Blue To Green Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To Green Willow w/Tail	<input checked="" type="checkbox"/>	2						2				

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Blue To White Strobe w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To White Flashing w/Tail	<input checked="" type="checkbox"/>	2						2				
Glittering Blue To Silver w/Tail	<input checked="" type="checkbox"/>	2						2				
Dispark Chry w/Tail	<input checked="" type="checkbox"/>	2						2				
Golden Crackling Flower Chry w/Tail	<input checked="" type="checkbox"/>	2						2				
Red To Golden Crackling Chry Flower w/Tail	<input checked="" type="checkbox"/>	2						2				
Green To Golden Crackling Chry Flower w/Tail	<input checked="" type="checkbox"/>	2						2				
Blue To Golden Crackling Chry Flower w/Tail	<input checked="" type="checkbox"/>	2						2				
Purple To Golden Crackling Chry Flower w/Tail	<input checked="" type="checkbox"/>	2						2				
Sea Blue Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Grass Green Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Orange Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Pink Peony w/Tail	<input checked="" type="checkbox"/>	2						2				
Brocade Crown W/Green Flashing Pistil w/Tail	<input checked="" type="checkbox"/>	2						2				

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Silver Crown W/Red Pistil w/Tail	X	2						2				
Silver Crackling Stars W/Coconut Pistil w/Tail	X	2						2				
4" Dragon Head Green Wave w/Crackling	X	3						3				
4" Dragon Head Red Strobe w/Blue Pistil	X	3						3				
4" Dragon Head Red Wave w/Crackling	X	3						3				
4" Dancing Silver Strobe	X	6						6				
4" Dancing Blue Dahlia	X	6						6				
4" Wolverine Gold Chry	X	3						3				
4" Wolverine Red Peony	X	3						3				
4" Wolverine Yellow Peony	X	3						3				
4" Wolverine Green Peony	X	3						3				
4" Wolverine Blue Peony	X	3						3				
4" Wolverine Purple Peony	X	3						3				
4" Wolverine Orange Peony	X	3						3				
4" Wolverine Variegated Peony	X	3						3				

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
5" Lidu Ball Asst. "A" w/Tails (18 Variety)	X											
Silver To Golden Peony w/Tail	X	1							1			
Red To Yellow To Blue Peony w/Tail	X	1							1			
Golden Wave To Red To Green w/Tail	X	1							1			
Golden Wave To Red To Blue w/Tail	X	1							1			
Red To Green Flashing Big Willow w/Tail	X	1							1			
Red Wave To Small Color Flower w/Tail	X	1							1			
Red Crossette w/Tail	X	1							1			
Golden Crossette w/Tail	X	1							1			
Golden Spider W/Green Strobe Pistil w/Tail	X	1							1			
Half Red & Green Peony w/Tail	X	1							1			

Exhibit 1.

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Red To Green Peony W/Silver Pistil w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Silver Time Rain Coconut Tree w/Tail	X	1							1			
Blue To Red To Green Flashing w/Tail	X	1							1			
Green To Silver W/Red Pistil w/Tail	X	1							1			
Red To Time Rain Chry w/Tail	X	1							1			
Blue To Time Rain Chry w/Tail	X	1							1			
White Flashing Dahlia w/Tail	X	1							1			
Green Flashing Dahlia w/Tail	X	1							1			
5" Lidu Ball Asst. "B" w/Tails (18 Variety)	X											
Red Peony W/Coconut Tree Pistil w/Tail	X	1							1			
Silver Peony W/Red Pistil w/Tail	X	1							1			
Red To Blue To Silver Peony w/Tail	X	1							1			
Half Silver & Red Peony w/Tail	X	1							1			

Name	Cake Effects	Qty	Cake									
			Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
White Flashing Big Willow w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Brocade Golden w/Tail	X	1							1			
Brocade Crown W/Strobe Pistil w/Tail	X	1							1			
Silver Time Rain Crossette w/Tail	X	1							1			
Golden Spider W/Green Strobe Pistil w/Tail	X	1							1			
Grass Green Peony w/Tail	X	1							1			
Golden Wave To Purple W/Golden Flashing Pistil w/Tail	X	1							1			
Orange Peony w/Tail	X	1							1			
Yellow Chry W/Green Pistil w/Tail	X	1							1			
Glitter Coconut Tree w/Tail	X	1							1			
Brocade Crown Horse Tail w/Tail	X	1							1			
Silver Crown Horse Tail w/Tail	X	1							1			
Color Bees W/Multi-Salute w/Tail	X	1							1			
Blue To White Flashing Big Willow w/Tail	X	1							1			

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
5" Lidu Ball Asst. "C" w/Tails (18 Variety)			18	2,028	0	144	405	165	130	0	0	0
Dispark Chry w/Tail	X	1							1			
Silver Coconut Tree w/Tail	X	1							1			
Golden Flashing To Crossette w/Tail	X	1							1			
Red Ring W/ White Strobe To Salute w/Tail	X	1							1			
Red To Golden Crackling Chry Flower w/Tail	X	1							1			
Green Chry W/Red Pistil w/Tail	X	1							1			
Red To Silver Crown w/Tail	X	1							1			
Purple Tail To Silver Crackling Stars w/Tail	X	1							1			
Blue To Golden Crackling Chry Flower w/Tail	X	1							1			
Purple Chry W/Silver Pistil w/Tail	X	1							1			
Colors Dahlia w/Tail	X	1							1			
Green To Golden W/Crackling Pistil w/Tail	X	1							1			

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Silver Wave To Red To White Flashing w/Tail	X	1							1			
Silver Wave To Green To Green Flashing w/Tail	X	1							1			
Half Orange & Grass-Green Peony w/Tail	X	1							1			
Saturn Ring & Dark Peony w/Tail	X	1							1			
Brocade Crown To Crackling Willow w/Tail	X	1							1			
New Color Crossette w/Tail	X	1							1			
5" Lidu Ball Asst. "A-B" w/Tails (18 Variety)												
Red Peony W/Coconut Tree Pistil w/Tail	X	1							1			
Silver Peony W/Red Pistil w/Tail	X	1							1			
Red To Blue To Silver Peony w/Tail	X	1							1			
1/2 Silver & Red Peony w/Tail	X	1							1			
White Flashing Big Willow w/Tail	X	1							1			

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Brocade Golden w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Brocade Crown W/Strobe Pistil w/Tail	X	1							1			
Silver Time Rain Crossette w/Tail	X	1							1			
Golden Spider W/Green Strobe Pistil w/Tail	X	1							1			
Grass Green Peony w/Tail	X	1							1			
Golden Wave To Purple W/Golden Flashing Pistil w/Tail	X	1							1			
Orange Peony w/Tail	X	1							1			
Yellow Chry W/Green Pistil w/Tail	X	1							1			
Glittering Coconut Tree w/Tail	X	1							1			
Brocade Crown Horse Tail w/Tail	X	1							1			
Silver Crown Horse Tail w/Tail	X	1							1			
Color Bees W/Multi-Salute w/Tail	X	1							1			
Blue To White Flashing Big Willow w/Tail	X	1							1			
5" Lidu Ball Asst. "B-A" w/Tails (18 Variety)	X											

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
Red Chrysanthemum w/Tail	X	1	18	2,028	0	144	405	165	130	0	0	0
Blue Chrysanthemum w/Tail	X	1							1			
White Chrysanthemum w/Tail	X	1							1			
Color Chrysanthemum w/Tail	X	1							1			
Dragon Eggs w/Tail	X	1							1			
1/2 Purple & 1/2 Yellow Peony w/Tail	X	1							1			
Golden Wave to Silver to Purple w/Tail	X	1							1			
White Glittering Peony w/Pistil w/Tail	X	1							1			
Pink & Sea Blue Peony w/Tail	X	1							1			
Purple Peony w/Orange Pistil w/Tail	X	1							1			
Red & White Double Ring w/Tail	X	1							1			
Crackling Willow w/Tail	X	1							1			
Glittering Crossette w/Tail	X	1							1			
Golden Palm Tree w/Tail	X	1							1			
Golden Willow w/Green Strobe Pistil w/Tail	X	1							1			

Exhibit 1.

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Golden Wave to Purple to Crackling w/Tail	X	1							1			
Blue Diadem to Yellow w/Green Pistil w/Tail	X	1							1			
Brocade Crown to Color w/Tail	X	1							1			
5" Lidu Ball Asst. "WW1" w/Tails (18 Variety)	X											
Red Peony w/Tail	X	1							1			
Blue Peony w/Tail	X	1							1			
White Peony w/Tail	X	1							1			
Blue to Red to White Flashing w/Tail	X	1							1			
Blue Peony w/Coconut Tree Pistil w/Tail	X	1							1			
Red Chrysanthemum w/Tail	X	1							1			
Blue Chrysanthemum w/Tail	X	1							1			
White Chrysanthemum w/Tail	X	1							1			
Silver Chrysanthemum w/Tail	X	1							1			
Silver Wave to Red w/Tail	X	1							1			

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
			18	2,028	0	144	405	165	130	0	0	0
Silver Wave to Blue w/Tail	X	1							1			
1/2 Red & 1/2 Blue Chrysanthemum w/Tail	X	1							1			
Red Dark Red w/Sea Blue Crossette Pistil w/Tail	X	1							1			
Blue Dark Red Peony w/Tail	X	1							1			
Silver Crown w/Tail	X	1							1			
Red Bees Comet w/Report w/Tail	X	1							1			
White Strobe to Report w/Tail	X	1							1			
Blue Falling Leaves w/Tail	X	1							1			
5" Dragon Head Brocade Ring w/Blue Pistil	X	1							1			
5" Dragon Head Glittering Water Shell	X	1							1			
5" Dragon Head Red Crackling Crossette	X	1							1			
5" Dragon Head Ring w/Coconut Pistil & Salute	X	1							1			

Exhibit 1

Name	Cake		Cake									
	Effects	Qty	Cakes	Effects	1.75"	2.5"	3"	4"	5"	6"	8"	10"
5" Dragon Head Red Coconut Tree w/Silver Crackling	X	1	18	2,028	0	144	405	165	130	0	0	0
5" Hasu Silver Strobe Willow Horse Tail	X	1							1			
5" US Designers Crackling Kamuro Chry	X	1							1			
Totals			18	2,028	0	144	405	165	130	0	0	0

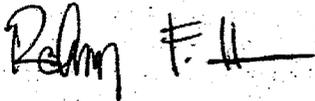
**Total Price Including WSST \$25,000.00**

The display will be fired by a Washington State Licensed Pyrotechnician. We carry display general liability insurance in the amount of 5 million and products liability insurance in the amount of 1 million.

The proposal includes; labor, materials, equipment, cleanup, permit fees, WSST.

If you have any questions please contact us at 206.459.0917. Thank you for the opportunity to provide you this bid.

Sincerely,



Rod Hash, Partner



**EXHIBIT B**  
City of Sammamish  
Billing Invoice

To: City of Sammamish  
801 228<sup>th</sup> Avenue SE  
Sammamish, Washington 98075  
Phone: (425) 295-0500  
FAX: (425) 295-0600

Invoice Number: **1288** Date of Invoice: **7/4/16**

Contractor: **Wolverine West, LLC**

Mailing Address: **PO Box 628, Chehalis, WA 98532**

Telephone: ( ) **206.459.0917**

Contract Period: **7/4/16 - 12/31/16** Reporting Period: **Q3**

Amount requested this invoice: \$ **25,000.00**

Attach itemized description of services provided. **Invoice #1288 - see contract for itemized proposal**

Specific Program: **4th of July Fireworks Display**

\_\_\_\_\_  
Authorized signature

*For Department Use Only*

-----  
BUDGET SUMMARY

Total contract amount	
Previous payments	
Current request	
Balance remaining	

Approved for Payment by: \_\_\_\_\_

Date: \_\_\_\_\_

**Wolverine West, LLC**

PO Box 628  
Chehalis, WA 98532  
(360)2624866  
rod@wolverinewest.com  
wolverinewest.com



**INVOICE**

**BILL TO**  
City of Sammamish  
801 - 228th, Ave SE  
Sammamish, WA 98075

**INVOICE # 1288**  
DATE 07/04/2016  
DUE DATE 08/03/2016  
TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Pyrotechnic Display</b> 4th of July fireworks display at Sammamish Commons.	1	22,831.05	22,831.05T

9-WA-041-51-6J-00002

SUBTOTAL 22,831.05  
TAX (9.5%) 2,168.95  
TOTAL 25,000.00  
BALANCE DUE **\$25,000.00**

**EXHIBIT C**  
CITY OF SAMMAMISH  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone: (425) 295-0500  
FAX: (425) 295-0600

**TAX IDENTIFICATION NUMBER**

In order for you to receive payment from the City of Sammamish, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

Corporation                       Partnership                       Government Contractor  
 Individual/Proprietor               Other (explain)

TIN No.: **91-1959710**

Social Security No.: \_\_\_\_\_

Print Name: **Rodney F. Hash**

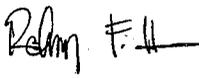
Title: **Partner**

Business Name: **Wolverine West, LLC**

Business Address: **PO Box 628, Chehalis, WA 98532**

Business Phone: **206.459.0917**

**5/9/16**  
Date

  
Digitally signed by Rodney Hash  
Date: 2016.05.09 11:54:50 -07'00'  
\_\_\_\_\_  
Authorized Signature (Required)

**EXHIBIT D**  
City of Sammamish

**DISCRETIONARY WORK/SERVICE REQUEST FORM**

**To Be Completed by the City:**

Additional work/services are requested for the following:

Date of Submittal: \_\_\_\_\_

Location: \_\_\_\_\_

Date of Work/Service: \_\_\_\_\_

Estimate Needed: \_\_\_\_\_ YES \_\_\_\_\_ NO

Complete Description of Work/Service: \_\_\_\_\_

City Contact Person: Recreation Coordinator Phone: 425-295-0588

**To Be Completed by the Contractor:**

Estimated Cost: \_\_\_\_\_

Contractor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

-----  
City Use Only

Work/Service Confirmed for the following (Date and Time): \_\_\_\_\_

City Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Parks and Recreation

**Clearances:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Attorney       | <input type="checkbox"/> Community Development    | <input checked="" type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police                        |
| <input type="checkbox"/> City Manager   | <input type="checkbox"/> Finance & IT             | <input type="checkbox"/> Public Works                  |

**Subject:** Contract with Live Sound and Stage for sound and production services at the summer special event performances

**Action Required:** Authorize the City Manager to execute a contract with Live Sound and Stage for sound and production services at the summer special event performances.

**Exhibits:** 1. Contract and Scope of Work

**Budget:** \$31,000 for Sound and Production Services  
(Recreation Division)

**Summary Statement:**

This authorization is for sound and production services at the summer special event performances. Events include Teen Skate Competition, Fourth on the Plateau, Concerts in the Park and Sammamish Days.

A Request for Proposals was issued to 5 eligible sound and production vendors in April 2015. Live Sound and Stage was the sole company to respond to the RFP and was selected based on experience with similar projects, quality of previous work, professional references and their overall quote for sound and production services. Live Sounds and Stage also provided sound and production services for the City of Sammamish in 2012 and 2013. The contract was issued for a one (1) year period with the option to renew up to three (3) years. This is the first renewal.

**Background:**

The Parks and Recreation Department hosts a number of summer events that require professional sound and production services. These include the following:

- Teen Skate Competition - The Parks and Recreation Department hosts an end-of-the-school year skate competition at the Sammamish Commons skate park on June 3, 2016. A sound system is needed for announcements and playing music throughout the event.

- Fourth on the Plateau - The City's annual 4<sup>th</sup> of July event and fireworks display includes live music, children's activities and food vendors beginning at 6:00 pm. A large fireworks show happens at 10:00 pm. Sound and production services are needed at the main stage to support two bands that play during the event.
- Concerts in the Park - The Parks and Recreation Department offers a free concert series (total of 8 performances) at Pine Lake Park Thursday evenings in July and August. The concerts include a live musical performance, along with food vendors and sponsor give-a-ways. Sound and production services are needed to support a variety of bands.
- Sammamish Days – On August 20, 2016, the Department is hosting Sammamish Days, an event celebrating culture and community. This event features live music, dance, cultural performances, food vendors and children's activities.

**Financial Impact:**

The 2016 Recreation Division budget includes \$31,000 for special event sound and production services. The requested authorization amount is \$15,950.00 + W.S.S.T.

**Recommended Motion:**

Authorize the City Manager to execute a contract with Live Sound and Stage for \$15,950.00 + W.S.S.T. for sound and production services at the summer special events.

**CITY OF SAMMAMISH  
AGREEMENT FOR SERVICES**

Contractor: Live Sound and Stage

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Live Sound and Stage, hereinafter referred to as the "Contractor."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Contractor to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Contractor.** The Contractor shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Contractor shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Contractor shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Contractor shall submit invoices for work performed using the form set forth in Exhibit "B".

The City shall pay Contractor:

[Check applicable method of payment]

According to the rates set forth in Exhibit " A "

A sum not to exceed: \_\_\_\_\_

Other (describe): \_\_\_\_\_

The Contractor shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Contractor for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** The Agreement shall be in full force and effective for a period commencing upon execution through December 31, 2016. If both parties cannot agree to any terms or conditions, the contract will be re-bid. By submitting a proposal, the Contractor agrees that at renewal dates, cost of service will not be adjusted beyond the Seattle Consumer Price Index-Urban (CPI-U) rate for the preceding year. This provision does not guarantee renewal to the contractor, nor does it prevent the contractor from agreeing to renew at a lower adjustment.

4. **Additional Services.** If additional work or services is desired by either the City or the Contractor, a Discretionary Work Request Form as found in Exhibit "D" shall be used. The additional work or services requested should be specified by the City and the Contractor shall provide a quote on the cost of providing such additional work or services. Written approval by the City must be obtained prior to the start of any additional work or the provision of additional services.

5. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Contractor in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not.

## Exhibit 1

6. **Independent Contractor.** The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. The Contractor will solely be responsible for its acts and for the acts of its agents, employees, subcontractors, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

7. **Indemnification.** The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent, reckless, or intentional acts, errors or omissions of the Contractor, in performance of this Agreement, specifically including the improper or illegal use of copyrighted materials as referenced in paragraph 7 of this Agreement.

8. **Copyrights.** The Contractor agrees to refrain from the improper use of copyrighted materials and to otherwise abide by all laws relating to the use of copyrighted materials in the performance of this Agreement. Contractor agrees to indemnify City for any liability arising out of the improper use of copyrighted materials by Contractor.

9. **Insurance.**

A. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

### Minimum Scope of Insurance

Contractor shall obtain insurance of the types described below:

1. **Automobile Liability** insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. **Commercial General Liability** insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. **Workers' Compensation** coverage as required by the Industrial Insurance laws of the State of Washington.
4. **Professional Liability** insurance appropriate to the Contractor's profession.

### Minimum Amounts of Insurance

Contractor shall maintain the following insurance limits:

1. **Automobile Liability** insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. **Commercial General Liability** insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. **Professional Liability** insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

## Exhibit 1

### **Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Contractor's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
2. The Contractor's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City.

### **Verification of Coverage**

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

### **10. Record Keeping and Reporting.**

A. The Contractor shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Contractor shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

11. **Audits and Inspections.** The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

### **12. Termination.**

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Contractor pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Contractor shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Contractor's insurance coverage is canceled for any reason, or if the Contractor is unable to perform the services called for by this Agreement.

D. The Contractor reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

13. **Discrimination Prohibited.** The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

Exhibit 1

14. **Assignment and Subcontract.** The Contractor shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

15. **Conflict of Interest.** The Contractor represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Contractor is asked to perform services for a project with which it may have a conflict, Contractor will immediately disclose such conflict to the City.

16. **Confidentiality.** All information regarding the City obtained by the Contractor in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Contractor shall be grounds for immediate termination.

17. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Contractor and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

18. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

19. **Notices.** Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish  
Parks and Recreation Director  
801- 228<sup>th</sup> Avenue SE  
Sammamish, Washington 98075  
(425) 295-0500

Notices to the Contractor shall be sent to the following address:

Live Sound and Stage  
c/o Dean Saunders  
PO Box 4067  
Everett, WA 98204  
(425) 308-2868

20. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

21. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

Exhibit 1

CITY OF SAMMAMISH:

By: \_\_\_\_\_

Title: City Manager

Date: \_\_\_\_\_

Attest/Authenticated:

\_\_\_\_\_  
City Clerk

CONTRACTOR:

By: *L. D. Star*

Title: member/manager

Date: 4-26-16

Approved As To Form:

\_\_\_\_\_  
City Attorney

# Exhibit 1

## Exhibit A City of Sammamish Scope of Services

### A. Total Compensation.

Total Compensation for this Agreement is not to exceed \$15,950.00 + W.S.S.T.

### B. Scope of Services.

- i. The contractor shall provide a lighting system, monitoring system, mixing console, compressor/limiters, crossover, microphones, speakers, subwoofers, and snake. D.I.'s to meet specific needs of performers (individual bands to provide stage plot one-week in advance of the performance date).
- ii. The system shall include redundancy capability such that any malfunction of critical components can be quickly overcome.
- iii. Equipment shall be sufficient to accommodate up to an eighty-piece orchestra.
- iv. The contractor, personnel and equipment must be set up and ready for sound check 60-minutes prior to the performance.
- v. The contractor shall adhere to the performance schedule.
- vi. All electrical equipment shall adhere to relevant safety codes and be secured from public access.
- vii. All cable shall adhere to relevant safety codes and be safely secured to stage decking.
- viii. The contractor shall provide a stage power distribution system for all equipment. The City of Sammamish shall provide the power supply for each event.
- ix. The contractor shall be fully responsible for set-up and breakdown of the equipment.
- x. The contractor shall serve as the stage manager during performances.
- xi. The contractor shall perform consulting and logistical services such as contacting the artist and/or their representative in advance of the performance regarding the technical, equipment and back-up lines needed.
- xii. The contractor and crew shall conduct themselves in a professional manner at all times.

### C. Events.

Live Sound shall provide sound, lighting and production services for the following events and according to the respective fees identified for each event:

- i. Sammamish End of School Year Teen Event  
Location: Sammamish Commons Skate Park  
Date: Friday, June 3, 2016  
Event Time: 5:00 – 8:00pm  
Fee: \$750.00 + W.S.S.T

## Exhibit 1

- ii. Summer Concert Series  
Location: Pine Lake Park  
Dates: Thursday, July 17, July 14, July 21, July 28, August 4, August 11, August 18 and August 25, 2016  
Event Time: 6:30 – 8:00pm  
Fee: \$7,600.00 + W.S.S.T.
- iii. Fourth on the Plateau  
Location: Sammamish Commons Plaza  
Date: Monday, July 4, 2016  
Event Time: 6:00pm – 10:30pm  
Fee: \$3,400.00 + W.S.S.T
- iv. Sammamish Days and Nights  
Location: Sammamish Commons Plaza  
Date: August 20, 2016  
Event Time: 10:00am-2:00pm and 6:00-10:00pm  
Fee: \$4,200 + W.S.S.T

Total All Events: \$15,950.00 + W.S.S.T.

**EXHIBIT C**  
CITY OF SAMMAMISH  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone: (425) 295-0500  
FAX: (425) 295-0600

**TAX IDENTIFICATION NUMBER**

In order for you to receive payment from the City of Sammamish, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

- Corporation                       Partnership                       Government Contractor  
 Individual/Proprietor               Other (explain) LLC

TIN No.: 45-5576845

Social Security No.: \_\_\_\_\_

Print Name: Leroy Dean Saunders

Title: member/manager

Business Name: Live Sound & Stage LLC

Business Address: PO Box 4067 Everett WA 98204

Business Phone: 425-308-2868

4-26-16  
Date

[Signature]  
Authorized Signature (Required)



**Meeting Date:** May 17, 2016

**Date Submitted:** May 11, 2016

**Originating Department:** Public Works

**Clearances:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Attorney       | <input type="checkbox"/> Community Development | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Finance & IT          | <input type="checkbox"/> Public Works  |
| <input type="checkbox"/> City Manager   | <input type="checkbox"/> Parks & Recreation    |  |

**Subject:** SE 4<sup>th</sup> Street TIB Grant, Fuel Tax Grant Distribution Agreement

**Action Required:** Authorize the City Manager to enter into agreement with the State of Washington Transportation Improvement Board (TIB) to receive grant funds in the amount of \$4,000,000 for the construction phase of the SE 4<sup>th</sup> Street Improvement Project.

**Exhibits:**

1. Project Location Map
2. Transportation Improvement Board Agreement

**Budget:** \$4,000,000 will be contributed to the City's Transportation Capital budget (Fund 340) by this TIB grant.

**Summary Statement:**

The city has received a grant award in the amount of \$4 million from the Washington State Transportation Improvement Board to help fund the construction phase of the city's SE 4<sup>th</sup> Street Improvement Project. One of the necessary steps in securing this grant is for the city to enter into a grant award agreement with the TIB.

**Background:**

The City actively searches and applies for grants to assist with project funding. In November 2015, SE 4<sup>th</sup> St was selected by the Washington State Transportation Improvement Board for an Urban Arterial Grant in the amount of \$4,000,000.

**Financial Impact:**

The grant funding will provide \$4,000,000 to help fund the SE 4<sup>th</sup> Street construction costs.

Two important deadlines to prevent grant termination are:

- By November 20, 2016, the City must certify full funding of the project; and
- By May of 2017, the construction contract must be awarded.

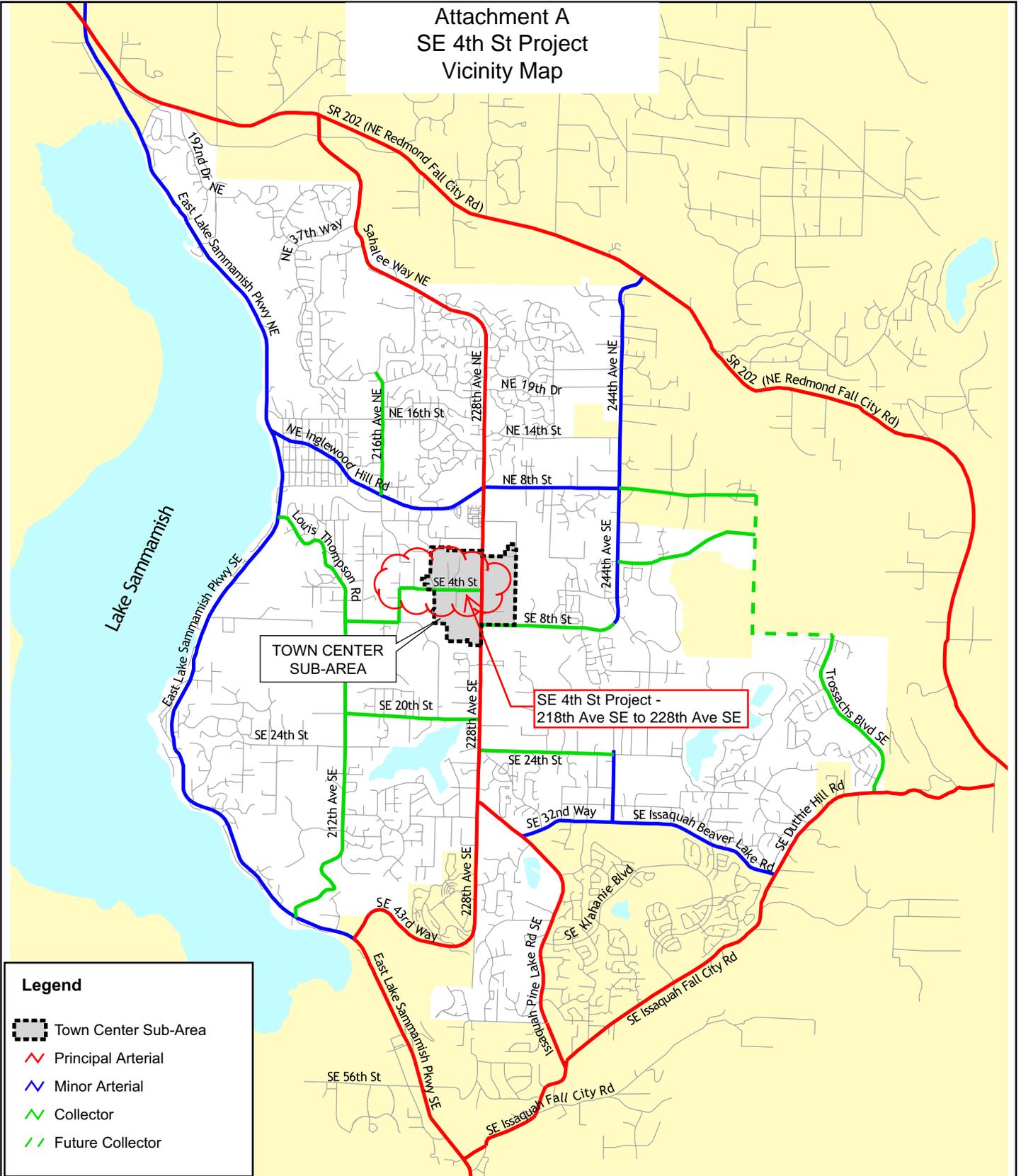
Item	Cost
Current Project Estimate <sup>(1)</sup>	\$13,250,000
<i>Project Funding</i>	
TIB Grant	\$ 4,000,000
Traffic Impact Fees	\$ 6,909,900
Stormwater Capital Funds	\$ 1,500,000
Other Transportation Capital Funds	\$ 840,100
<b>Total Project Funding</b>	<b>\$13,250,000</b>

(1) Current project estimate is based on current proposed design and may change based on final design selection.

**Recommended Motion:**

Authorize the City Manager to enter into an agreement with the State of Washington Transportation Improvement Board to receive grant funding for the purpose of improving SE 4<sup>th</sup> Street from 218<sup>th</sup> Avenue SE to 228<sup>th</sup> Avenue SE.

### Attachment A SE 4th St Project Vicinity Map

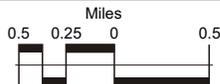


**Legend**

- Town Center Sub-Area
- Principal Arterial
- Minor Arterial
- Collector
- Future Collector



File name: Fig00\_rdwyclclass.ai  
 Created/last edited by: JAB  
 Date last updated: 03/22/06  
 Reference: 25164



Map data are the property of the sources listed below.  
 Inaccuracies may exist, and Adolphson Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.  
 SOURCE: King County GIS, 2002 and City of Sammamish, 2002.

**EXISTING ROADWAY FUNCTIONAL CLASSIFICATIONS**  
 SAMMAMISH TOWN CENTER EXISTING CONDITIONS REPORT  
 CITY OF SAMMAMISH, WASHINGTON





City of Sammamish  
8-1-207(002)-1  
SE 4th Street  
218th Avenue SE to 228th Avenue SE

STATE OF WASHINGTON  
TRANSPORTATION IMPROVEMENT BOARD  
AND  
City of Sammamish  
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the SE 4th Street, 218th Avenue SE to 228th Avenue SE (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Sammamish, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

### 1.0 PURPOSE

TIB hereby grants funds in the amount of \$4,000,000 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

### 2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT'S Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

### 3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT'S submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

### 4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

#### 5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

#### 6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

#### 7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

#### 8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

#### 9.0 DEFAULT AND TERMINATION

##### 9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

##### 9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

### 9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

### 9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

### 10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

### 11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



## 12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

## 13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

## 14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
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15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form  
Attorney General

By:

Signature on file

Guy Bowman  
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Print Name

Print Name



City of Sammamish  
8-1-207(002)-1  
SE 4th Street  
218th Avenue SE to 228th Avenue SE

STATE OF WASHINGTON  
TRANSPORTATION IMPROVEMENT BOARD  
AND  
City of Sammamish  
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the SE 4th Street, 218th Avenue SE to 228th Avenue SE (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Sammamish, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

### 1.0 PURPOSE

TIB hereby grants funds in the amount of \$4,000,000 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

### 2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT'S Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

### 3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT'S submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

### 4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

#### 5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

#### 6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

#### 7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

#### 8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

#### 9.0 DEFAULT AND TERMINATION

##### 9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

##### 9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

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If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form  
Attorney General

By:

Signature on file

\_\_\_\_\_  
Guy Bowman  
Assistant Attorney General

Lead Agency

Transportation Improvement Board

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

*COUNCIL*  *MINUTES*

**Regular Meeting**  
**April 19, 2016**

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:**

Mayor Don Gerend  
Deputy Mayor Ramiro Valderrama  
Councilmember Tom Hornish  
Councilmember Kathy Huckabay  
Councilmember Bob Keller  
Councilmember Christie Malchow  
Councilmember Tom Odell

**Staff present:**

Lyman Howard, City Manager  
John Cunningham, Interim Public Works Director  
Cheryl Paston, Deputy Public Works Director  
Andrew Zagars, City Engineer  
Sam Park, Project Engineer  
Kyle Endelman, Deputy Parks Director  
Susan Cezar, Parks Special Projects Manager  
Tim Larson, Communications Manager  
David Linehan, Assistant City Attorney  
Lita Hachey, Deputy City Clerk

**Roll Call/Pledge of Allegiance**

Roll was called. Troop 699 led the pledge and flag ceremony.

**Approval of Agenda**

**MOTION:** Deputy Mayor Valderrama moved to approve the agenda. Councilmember Malchow seconded. Motion carried unanimously 7-0.

**Student Liaison Report** - None

## Presentations/Proclamations

### ➤ NE 42<sup>nd</sup> Barricade Process

Interim Public Works Director, John Cunningham and Deputy Public Works Director, Cheryl Paston gave a staff report and showed a PowerPoint presentation (*presentation available on the City's website at [www.sammamish.us](http://www.sammamish.us)*).

John Cunningham stated that Council asked staff to bring back the current barricade process that Council adopted in 2014 for evaluating the various barricades. The idea was to look at the current process and determine if this is the process Council would like to follow to evaluate the NE 42<sup>nd</sup> Street barricade and to also provide some modification options.

Councilmember Huckabay would like the Council involved when picking the area of influence based on traffic modelling with regards the NE 42<sup>nd</sup> Street study.

Councilmember Odell shares Councilmember Huckabay's concerns. He would like to know more about hiring a traffic engineering consultant for a \$150,000 study and what would they be doing. Ms. Paston stated that the consultant costs would include the analysis, mitigation and communications plans. An online open-house is also an option for citizens.

Councilmember Hornish asked if the consultant evaluation should be based on the total cost analysis. He feels we should be getting our insurance company involved to evaluate the safety risks. These items should be brought back to Council before the Open House.

John Cunningham showed a slide showing the Projected Volumes with the gate open for years 2020 and 2035 (part of PowerPoint presentation)

Councilmember Keller asked about the area of influence and if it would go all the way to SR202. He asked about the "after opening" data for SE 32<sup>nd</sup> Street barricade.

Councilmember Malchow questioned the margin of error for the projected volumes slide.

Deputy Mayor Valderrama asked about the amount of times this topic has been brought back to the Council and why is it back again? How much has already been spent on this study and how much more do we need to spend on future studies?

Councilmember Huckabay asked about the legal documents and what weight those carry. Every new Council can act independently on future decisions. She would like the real facts, real mitigation costs and real dollar amounts.

Mayor Gerend suggested that we need to look a mitigation of the existing road to determine if it is too dangerous. He would like to see traffic data for SE 32<sup>nd</sup> Street and compare it to the previous projection for the area before the barricade was removed. Possibly a traffic model run for the NE 51<sup>st</sup> Street barricade too.

Councilmember Odell feels that Council has spent enough time on this project and feels it cannot be fixed at this time.

Councilmember Keller stated that the element of safety is the primary factor and should be investigated further.

Councilmember Hornish would like to know if we are going to decide on a process and if so, how are we going to do that process.

Deputy Mayor Valderrama stated that King County deemed NE 42<sup>nd</sup> Street unsafe. Citizens feel it is currently unsafe. He referenced a previous safety report by ACCUFACTS. He feels Council should move on to other business.

Councilmember Huckabay stated that Council needs to look at safety improvements for this roadway now, for all emergency vehicles that are currently using it.

Deputy Mayor Valderrama requested a five-minute recess at 7:45 pm

### **Public Comment**

**Mary Wictor, 408 208th AVE NE,** spoke regarding the Tamarack Stormwater Improvement Project and show a PowerPoint presentation. *(available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

**Johan Wictor, 408 208th AVE NE,** spoke regarding the Tamarack Stormwater Improvement Project and show a PowerPoint presentation. *(available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

**Todd Southwick, 413 209<sup>th</sup> Ave NE,** spoke regarding the Tamarack Stormwater Improvement Project and show a PowerPoint presentation. *(available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

**Ken Taylor, 250 208<sup>th</sup> Ave NE,** spoke regarding the Tamarack Stormwater issues.

**Raylene Canby, 4818 192<sup>nd</sup> Dr.,** spoke regarding the NE 42<sup>nd</sup> Street barricade and showed a PowerPoint presentation. *(available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

**Karan Soi, 1913 NE 51<sup>st</sup> Street,** spoke in favor of keeping the NE 42<sup>nd</sup> Street barricade in place due to safety reasons

**Kavita Dave, 4643 192<sup>nd</sup> Dr.,** spoke about the NE 42<sup>nd</sup> Street barricade and leaving it in place for safety reasons for children and wildlife.

**Karishana Kiri, 19167 NE 43<sup>rd</sup> Ct, representing the Waterbrook HOA,** spoke regarding the NE 42<sup>nd</sup> Street barricade and leaving it closed for safety reasons. She and her community would like to put this study to rest.

**Robert Orr, 4720 192<sup>nd</sup> Dr. NE,** spoke in favor of keeping the NE 42<sup>nd</sup> Street barricade closed. There is no way to make this roadway safe. Traffic would not travel at the 25 mile per hour speed limit.

**Akheil Kaza, 4815 192<sup>nd</sup> Dr. NE,** spoke in favor of keeping the NE 42<sup>nd</sup> Street barricade closed. He has bought signs to try to slow traffic down and has witnessed numerous accidents. Would like better noticing for this in future

**Neeva Soi, 19130 NE 51<sup>st</sup> Street,** spoke in favor of keeping the NE 42<sup>nd</sup> Street barricade closed permanently. Suggested the Council come out and walk the hill if they haven't already.

**Deb Sogge, 704 228<sup>th</sup> Ave NE, President of the Sammamish Chamber of Commerce:** Safeway is having its grand opening tomorrow morning and Mayor Gerend will be in attendance. She welcomed the citizens of Sammamish to come out to the Farmer's Market on May 11<sup>th</sup> and spoke about the new vendors and activities. April 28<sup>th</sup> is progressive business day. April 30<sup>th</sup> is the Grand Opening of the Sammamish Community and Aquatic Center. After a short retirement, the maker of "Sammamish Maps" is updating the current map.

**Kunal Dave, 4643 NE 91<sup>st</sup> Street,** spoke regarding the NE 42<sup>nd</sup> Street barricade and his concerned about security and safety.

**Nick Garito, 19164 NE 42<sup>nd</sup> Ct**, he would like to see the NE 42<sup>nd</sup> Street barricade in kept in place. There are numerous reasons to keep it closed.

**Sue Garito, 19164 NE 42<sup>nd</sup> Ct**, same comments as the above.

**Bob Seidensticker, 19836 NE 42 St**, spoke regarding the NE 42<sup>nd</sup> Street barricade and showed a PowerPoint presentation. (available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )

**Sandy Hargraves, Board member of Hidden Ridge**: he is concerned about the speed if the NE 42<sup>nd</sup> Street barricade is opened. He feels that no one would respect the speed sign. He feels the barricade should remain closed.

Mayor Gerend requested that the Radar Speed signs be placed to detect the current speeds in the vicinity of the NE 42<sup>nd</sup> Street barricade.

**Greg Reynolds, 4329 210<sup>th</sup> Place NE**, he spoke regarding opening the barricade for use of the citizens on the other side of the barricade. He submitted a comment letter to be presented to Council (submitted written comments which are available upon request of City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us))

**Nancy Baer, 20013 NE 42<sup>nd</sup> St.**, spoke regarding retaining the NE 42<sup>nd</sup> Street barricade and showed a PowerPoint presentation. (available upon request to the City Clerk @ [manderson@sammamish.us](mailto:manderson@sammamish.us) )

**Amit Sheth, 4539 194<sup>th</sup> Way NE**, spoke regarding the NE 42<sup>nd</sup> Street barricade and leaving it in place, once and for all leaving this issue alone. He feels the biggest issue will be burglary, safety and high costs.

**Dorota Rahn, 21130 NE 43<sup>rd</sup> Place**, spoke regarding the NE 42<sup>nd</sup> Street barricade and feels that we should leave it in place. Would like it used only on special occasions.

**Shira Paul, 4636 194<sup>th</sup> Way**, spoke regarding the NE 42<sup>nd</sup> Street barricade. She would like to see it remain closed. She would like it to remain a walkable community and feel safe.

**Melissa Grimaldi, Timberline Community HOA**, she feels that the community has spoken here tonight and the NE 42<sup>nd</sup> Street barricade needs to remain closed. Please make the barricade permanent.

**Alex Fath, 20012 NE 39<sup>th</sup> Lane**, he spoke in favor of removing the NE 42<sup>nd</sup> Street barricade and to address this access and take a serious approach for accesses off the plateau. We need options in Sammamish.

Mayor Gerend stated that Council would like more data before instituting a barricade process. City Manager Lyman Howard requested that Council let him know what specific data they would like to see. Councilmember Huckabay feels that that the process is no longer an issue if we don't plan to open the NE 42<sup>nd</sup> Street barricade. Deputy Mayor Valderrama feels the Council should just vote and not spend any more time this issue.

Councilmember Odell feels that we should be done with this issue and adopt this process for the other barricades in the City. Traffic mitigation still needs to be done. Emergency traffic needs to get through the opticom gate. We should work with the agencies using the gate and create a profile of use by these various groups.

Councilmember Hornish feels that the Council has made the decision tonight to not proceed with the removal of the opticom gate. He asked if Council even want to revisit this issue.

Councilmember Keller stated that the traffic numbers were enlightening and feels that it has helped him make the decision tonight. The homeowners in this area need a final decision on this issue.

Councilmember Malchow agreed that the neighborhood accidents must all be local. There is no money in the budget for further research.

Councilmember Huckabay would like to know how often the NE 42<sup>nd</sup> Street barricade has been opened in the past year to traffic when there have been issues in the City.

Mayor Gerend instructed the City Manager to place on the agenda the process for all barricades in Sammamish. City Manager Howard will place this on the Agenda Calendar under Parked Items.

**MOTION: Deputy Mayor Valderrama moved to reject the proposed study on the NE 42<sup>nd</sup> Street barricade and reaffirm past Council's decisions to leave the barricade on 42<sup>nd</sup> Street alone. Councilmember Hornish seconded. Motion carried 6-1, with Councilmember Huckabay opposing.**

**MOTION: Councilmember Odell moved to direct the City Manager to permanently close the NE 42<sup>nd</sup> Street opticom gate based upon additional information. No second. Motion was withdrawn.**

Odell would like to reinstate his motion.

**MOTION: Councilmember Odell moved to direct the City Manager continue to evaluate the Opticom gate, determine who is using it for emergency purposes, to help Council determine if the NE 42<sup>nd</sup> Street gate should be permanently closed within the next six months. Deputy Mayor Valderrama seconded. Councilmember Odell withdrew the motion**

Councilmember Odell requested that the data be generated to study the NE 42<sup>nd</sup> Street barricade and have a meaningful discussion at the Transportation and Public Safety Committee meetings so they could bring forth a recommendation to Council for action.

Councilmember Keller feels this is issue is too controversial to be discussed only by the Transportation Committee. He feels it needs to be more transparent to the public.

**MOTION: Deputy Mayor Valderrama moved to adopt the main motion to direct City Manager to permanently close the barricade and with subsequent evaluation to change it to the park. No second. Motion failed.**

Councilmember Keller feels that the access through NE 42<sup>nd</sup> St is important for emergency vehicles.

Councilmember Malchow would like more information and data before a permanent closure.

Councilmember Huckabay would like to understand what would be involved first before closing it permanently.

Lyman Howard stated, from an Emergency Management perspective, there must be an option for the gate to remain open, as needed, for emergency purposes.

Lyman Howard will put the issue on the Parking Lot section of the Agenda Calendar.

Councilmember Huckabay would like to know when the overall barricade process issue will be coming back to the City Council. Councilmember Malchow would like clarified, what agencies are using the opticom gate? Eastside Fire & Rescue, Redmond Fire, Aid Cars?

Councilmember Keller requested a data comparison of what the existing roads standards are and what our new Public Works standards would recommend, for the entire route through Hidden Ridge, from

SR202 to the barricade. He would like Public Works to perform this study. John Cunningham suggested a current road classification and standards comparison.

Councilmember Hornish asked if any topics could be removed from the current agenda.

**MOTION:** Councilmember Malchow moved to extend the meeting until 10:30 pm. Deputy Mayor Valderrama seconded. Motion passed unanimously 7-0.

Council recessed for 5 minutes at 9:55 pm

**MOTION:** Deputy Mayor Valderrama moved to approve the Consent Agenda as amended. Councilmember Malchow seconded. Motion carried unanimously 5-0.

### **Consent Agenda**

Payroll for period ending March 31, 2016 for pay date April 5, 2016 in the amount of \$ 387,249.85

**Approval:** Claims For Period Ending April 19, 2016 In The Amount Of \$2,122,788.41 For Check No. 44058 Through 4416

**Approval:** Minutes for March 22, 2016 Special Meeting

**Public Hearing** - None

**Unfinished Business** - None

### **New Business**

**Update:** Issaquah Fall City Road Project 10% Design

Interim Public Works Director John Cunningham and City Engineer, Andrew Zagars gave the staff report and showed a PowerPoint presentation (*presentation available on the City's website at [www.sammamish.us](http://www.sammamish.us)*).

John Cunningham stated that this is in the early stages in the project and staff proposes to create a communications plan and engage Council in future discussions. There is a planned Open House in mid-May and at the May 24, 2016 Joint/Special meeting staff hopes to bring to Council the issues that need addressing. Mr. Zagars introduced Sam Parks, Senior Project Engineer, Molly Toy and Steve Lewis, consultants for HW Lochner.

Councilmember Odell would like this topic added to the Transportation Committee Meeting Councilmember Malchow requested a cost estimate for the building a culvert crossing vs a bridge. Sharing sidewalks with bikes and pedestrians could be a problem in this design. Huckabay would like an estimate of pedestrian usage for these sidewalks. Riding a bike on a shared sidewalk has problems and she prefers a sidewalk with a bike lane on the other side of the road.

Deputy Mayor Valderrama requested the usage by bikers and pedestrians.

Mayor Gerend would like to see the Aashto grade on profile at stream slide. Do we need to use this to apply for Public Funding?

**MOTION: Deputy Mayor Valderrama moved to extend the meeting until 11:00 pm. Councilmember Odell seconded. Motion passed unanimously 7-0.**

**Bid Rejection:** Inglewood Stormwater Trunkline Project

Interim Public Works Director John Cunningham gave the staff update.  
Assistant City Attorney, David Linehan stated this will be discussed in the Executive Session.

### **Council and Committee Reports**

Councilmember Odell will be attending a Transportation Committee meeting on Monday, April 25<sup>th</sup> at 1:30 pm.

Councilmember Keller reported on the Sound Cities Association, Public Issues Committee (PIC) meeting. He has emailed Council the action item and they will be asked to vote on the Sound Transit 3 plan. The Council will need to weigh in on this issue before the next PIC meeting the second week of May.

Councilmember Malchow will attend the Communication Meeting tomorrow morning and she attended a webinar called "Going Social and Local Government" which discussed various social media practices and records retention. *(Submitted written report available upon request to the City Clerk.)*

Deputy Mayor Ramiro Valderrama attended a Public Safety Committee meeting today at 9:30 am. Captain Sullivan presented on the rape kit testing. With regards to the Tamarack neighborhood, he asked City Attorney, David Linehan, about use of Public Funds. He asked if a study could be done about the use of public funds for a private use infrastructure. Mr. Linehan stated that there will be future discussion about this matter at a Study Session on May 10, 2016. Deputy Mayor Ramiro Valderrama would also like to know about the drainage impact study and funding implications for the Tamarack project.

**MOTION: Deputy Mayor Valderrama moved that before we process with other studies that a Tamarack drainage impact study be performed starting at the creeks and Lake Sammamish first and them up towards Tamarack. Councilmember Malchow seconded. Motion was not completed.**

City Manager Howard explained that Tamarack project does not flow into any other basin but the Monahan basin. The flow is north of Zaccuse creek and does not go into it. It is a separate culvert. A staff update and report will be given at the May 10<sup>th</sup> Study Session.

Deputy Mayor Ramiro Valderrama discussed Dr. Pereyra's letter to Council and he would like to understand the funding and implications. He stated that we have had utility local improvement district (ULID) done for Pine Lake and King County and to look at those models.

Councilmember Kathy Huckabay took a tour as a legacy member of the new Sammamish Aquatic and Community Center last Sunday.

Mayor Don Gerend discussed the \$10 million dollar loan from the Public Works Trust Fund at .5% interest over twenty years will pay back \$10.24 million . The City saved over \$6 million dollars by using this fund.

Councilmember Malchow added that the Council was looking to challenge the City of Issaquah in the Eastside Baby Corner Diaper Derby. This has been put on hold due to health issues with Mayor Butler and she would like to continue instead with councilmembers, community and city staff.

### **City Manager Report**

~~SE 4<sup>th</sup> Street Detour~~ – removed from Agenda

~~Sammamish Plateau Wetland Bank Payment~~ – removed from Agenda

~~2017-2022 Transportation Improvement Projects Timeline~~ - removed from Agenda

City Manager, Lyman Howard requested to discuss only one item in his scheduled report. He would like to change to the long term calendar for the Joint meeting with the City of Redmond on May 24<sup>th</sup>, 2016. This meeting will become a Special meeting to bring back the information gathered from the Open House for the Issaquah Fall City Road improvements and get further direction from Council.

Councilmember Huckabay would like to understand what the communication plan is for the Metro Sound Transit Open House. Will they be coming in to communicate with bus riders or community members? City Manager Lyman stated that this will be discussed tomorrow morning at the Communications Committee Meeting.

**MOTION:** Mayor Gerend moved to extend the meeting until 11:15 pm. Councilmember Malchow seconded. Motion passed unanimously 7-0.

### **Executive Session**

~~Potential Property Acquisition pursuant to RCW 42.30.110(1)(c)~~ was removed from Agenda. Litigation pursuant to RCW 42.30.110(1)(i) and a discussion about the Inglewood Stormwater Trunkline Project bid rejection was added.

**MOTION:** Councilmember Hornish moved to authorize the City Manager to reject all bids submitted and publically opened on March 31, 2016 for Inglewood Hill Stormwater Retrofit and Non-motorized Improvement Project. Councilmember Malchow seconded. Motion was approved unanimously 7-0.

**MOTION:** Councilmember Keller moved to authorize the City Attorney to file a joinder in King County's motion to the Shoreline Hearings Board motion regarding the Hearing Examiner's jurisdiction over the appeal of the Shoreline Substantial Development Permit number 2015-00071. Councilmember Huckabay seconded. Motion failed 3-3 with Councilmember Hornish abstaining.

Deputy Mayor Valderama is opposed to this motion and believes we should side with our Hearing Examiner.

Councilmember Hornish abstained due to conflict of interest as he lives on the lake, along the Sammamish Trail.

Councilmember Odell agreed with Deputy Mayor Valderrama's comments.

Meeting adjourned at 11:18 pm

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Lita Hachey, Deputy City Clerk

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Donald J. Gerend, Mayor



*COUNCIL*  *MINUTES*

**Regular Meeting**  
**May 3, 2016**

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:**

Mayor Don Gerend  
Deputy Mayor Ramiro Valderrama  
Councilmember Tom Hornish  
Councilmember Kathy Huckabay  
Councilmember Bob Keller  
Councilmember Christie Malchow  
Councilmember Tom Odell

**Staff present:**

Lyman Howard, City Manager  
Jessi Bon, Parks & Recreation Director  
Steve Leniszewski, Public Works Director  
Jeff Thomas, Community Development Director  
Beth Goldberg, Director of Administrative Services  
Mike Kenyon, City Attorney  
Melonie Anderson, City Clerk

**Roll Call/Pledge of Allegiance**

Roll was called. Shannon Malchow sang the National Anthem and led the pledge on honor of her 6<sup>th</sup> Birthday.

**Approval of Agenda**

**MOTION:** Deputy Mayor Valderrama moved to approve the Agenda. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

**Presentations/Proclamations**

- King County Metro – Victor Obeso, King County Dept. of Transportation/Transit General Manager and Graydon Newman, Transportation Planner w/King County Dept. of Transportation/Transit Strategy and Performance gave the presentation
- Sound Transit ST3 – Ric Ilgenfritz, Executive Director of Planning, Environment and Project Development gave the presentation

(The presentations can be viewed on the City's website at  
<https://www.sammamish.us/tools/VideoPlayer.aspx?eventID=3743>)

### **Student Liaison Report**

Eastlake High School – Colin James: Last week the school had “Welcome to the Pack Night” for incoming freshmen. Spring sports are wrapping up. The boys’ soccer team is in the play-offs. Advanced Placement exams will be given next week. Today was the Student Recognition Awards Day sponsored by the PTA. Senior Prom is June 4, graduation is June 9, and the last day of school is June 15.

### **Public Comment**

Nicki Hellencamp, Housing Development Consortium for King County, thanked the Council for proclaiming Affordable Housing Week tonight.

Del Goehner, 25206 SE 28<sup>th</sup> Street, spoke regarding the Nightmare at Beaver Lake and the Rotary/City Partnership.

Cindy Taylor, 250 208<sup>th</sup> Avenue NE, spoke regarding the Tamarack storm water issues.

Jeeta Sahota, 402 209<sup>th</sup> Avenue NE, spoke regarding the Tamarack storm water issues (A copy of the comments are available upon request of the City Clerk).

Todd Southwick, 413 209<sup>th</sup> Avenue NE, spoke regarding the Tamarack storm water issues and showed a PowerPoint presentation (*available upon request of the City Clerk*)

Mary Victor, 408 208<sup>th</sup> Avenue NE, spoke regarding the Tamarack storm water issues and showed a PowerPoint presentation (*available upon request of the City Clerk*)

Deb Sogge, 704 228<sup>th</sup> Avenue NE, Representing the Sammamish Chamber of Commerce, spoke regarding the transit presentations. She feels both plans will take too many years to provide additional service to Sammamish.

Tyler Zanyeytia, 2413 NE 3<sup>rd</sup> Place, spoke regarding the Hope Festival and showed a PowerPoint presentation (*available upon request of the City Clerk*).

Elizabeth Maupin, 110 Big Bear Place NW, Issaquah, thanked to Council for making the proclamation regarding Affordable Housing Week tonight.

### **Consent Agenda**

- Payroll for period ending April 15, 2016 for pay date April 20, 2016 in the amount of \$341,927.37

**Approval:** Claims For Period Ending May 3, 2016 In The Amount Of \$534,446.72 For Check No. 44170 Through 44294

**Proclamation:** National Prevention Week – Substance Abuse and Mental Health Issues

**Proclamation:** Affordable Housing Week

**Contract:** 2016 Overlay Construction Support/KBA

**Approval:** Minutes for April 5, 2016 Joint Meeting with Parks & Recreation/Regular Meeting

**Approval:** Notes for April 12, 2016 Study Session

**MOTION:** Deputy Mayor Valderrama moved to approve the Consent Agenda. Councilmember Malchow seconded. Motion carried unanimously 7-0.

Council recessed for 5 minutes.

**Public Hearing**

**Ordinance:** First Reading Of The City Of Sammamish, Washington, Pertaining To The Protection And Regulation Of Environmentally Critical Areas In The Sammamish Shoreline Master Program And In The Environmentally Critical Areas Regulations, Amending Chapters 25.01, 25.02, And 25.08 And 21a.15 And 21a.50 Of The Sammamish Municipal Code.

Director of Community Development Jeff Thomas and Evan Maxim, Senior Planner gave an overview of the ordinance. The details of each amendment will be discussed in more depth at the May 11, 2016 Study Session.

Public Hearing opened at 9:30 pm and was continued to May 17, 2016 with no public comment.

**Unfinished Business****New Business****Bid Award:** 2016 Overlay Program

City Engineer, Andrew Zagars gave the staff report and showed a PowerPoint presentation (*available on the City's website at [www.sammamish.us](http://www.sammamish.us)*).

**MOTION:** Councilmember Odell moved to authorize the City Manager to award and execute a contract with *Watson Asphalt Paving Co., Inc.* for construction of the 2016 Pavement Program – Overlays Project in an amount of \$ 3,033,069.10 and to administer a construction contingency in the amount of \$ 300,000.00. Deputy Mayor Valderrama seconded. Motion carried unanimously 7-0.

**MOTION:** Councilmember Odell moved to extend the meeting 11:00 pm. Councilmember Malchow seconded. Motion carried unanimously 7-0.

**Council Reports/Committee Reports**

Councilmember Odell reported on the Transportation Meeting that was held on April 29, 2016 (minutes of the Transportation Committee meeting will be posted to the website at [www.sammamish.us](http://www.sammamish.us)). He recommended that Council meet with representatives from both Sound Transit and King County Metro. He is in favor of moving forward on the Tamarack drainage issue.

Councilmember Keller announced that Sound Cities Association is looking for recommendations from cities as to whether they should support the Metro/Sound Transit long range plans. He

attended a Fire Operations Training. He reported the Eastside Fire & Rescue will be giving advanced warnings regarding overtime use by firefighters and will be looking for ways to reduce overtime.

Councilmember Malchow showed a YouTube promoting the Diaper Derby, which is being held to collect diapers for Eastside Baby Corner. Since the derby is based on horseracing, each participant is encouraged to name their "horse". Council chose to name their horse *Sammamish Rein*. She also reported the new website design is moving forward and should be ready by July.

Councilmember Huckabay attended the Sound Cities Association Regional Transportation meeting. She would like the barricade removal process brought back before Council soon.

Councilmember Hornish attended Eastside Fire & Rescue's DUI simulation at Skyline High School. Human Service Committee is meeting tomorrow. Friday Council will be taking a trip to Bothell to see their Town Center.

Mayor Gerend attended the Puget Sound Regional Council Executive Board.

### **City Manager Report**

City Manager Lyman Howard gave a short update on the Mars Hill Church. Central Washington University is still moving forward on their plan to open a branch college in the building. Bellevue College has some siting and territorial concerns.

- Year End Financial Report
- 2015/16 Carry Forward Requests

Interim Director of Finance Chris Gianini gave the staff report and showed a PowerPoint presentation (presentation available on the City's website at [www.sammamish.us](http://www.sammamish.us)).

**Executive Session** – – Potential Property Acquisition pursuant to RCW 42.30.110(1)(b) and Potential Litigation pursuant to RCW 42.30.220(1)

Councilmember moved to extend the meeting to 11:15 pm. Councilmember seconded. Motion carried unanimously 7-0.

Council retired to Executive Session at 10:38 pm and returned at 11:28 pm. No action was taken.

Meeting adjourned at 11:28 pm

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor



# STUDY SESSION NOTES

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## Study Session May 10, 2016

Mayor opened the study session of the Sammamish City Council at 6:30 p.m.

### **Public Comment**

*This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

Rob Lytle, 420 209<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*written comments submitted and available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Jeeta Sahota, 402 209<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*written comments submitted and available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Todd Southwick, 413 209<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*showed a video and PowerPoint presentation available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Tom Ebersole, 416 208<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*showed a PowerPoint presentation available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Cindy Taylor, 250 208<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*showed a PowerPoint presentation available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Mary Wictor, 408 208<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project (*showed a PowerPoint presentation available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

John Adair, 21026 NE 4<sup>th</sup> St, spoke regarding the Tamarack Stormwater Improvement Project (*showed a PowerPoint presentation available upon request to the City [Clerk/manderson@sammamish.us](mailto:Clerk/manderson@sammamish.us)* )

Mark Cross, 247 208<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project

Ilene Stahl, Sammamish WA, spoke regarding the Critical Areas Updates/Shoreline Master Plan

Megan Gee, 22201 NE 28<sup>th</sup> St, spoke regarding the Critical Areas Updates/Shoreline Master Plan

Charles Madden, 255 208<sup>th</sup> Ave NE, spoke regarding the Tamarack Stormwater Improvement Project

**Topics**

- Update: Tamarack Stormwater Improvement Project
- Update: Town Center
- Discussion: Critical Areas Updates/Shoreline Master Plan
- Sound Transit ST3 Guidance for Sound Cities Association

**Adjournment**

11:00 pm



**Meeting Date:** May 17, 2016

**Date Submitted:** May 11, 2016

**Originating Department:** Community Development

**Clearances:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney     | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue         | <input type="checkbox"/> Police             |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Finance & IT          | <input type="checkbox"/> Public Works       |

**Subject:** Public Hearing and First Reading for an Ordinance adopting the 2015 State Building Codes including amendments to Chapter 16.05 and Chapter 16.20 of the Sammamish Municipal Code, Buildings and Construction.

**Action Required:** Open Public Hearing and complete First Reading of the ordinance.

**Exhibits:** 1. Ordinance with attachments A and B

**Budget:** N/A

**Summary Statement:**

The Washington State Building Code Act (RCW 19.27) requires that the City of Sammamish adopt and begin administering the new 2015 State Building Codes by July 1, 2016. These codes include the International Building Code, International Residential Code, International Existing Building Code and a variety of related code documents.

Because building codes are technical and engineering documents, the City may consider local amendments within certain parameters only. The amendments to the Sammamish Municipal Code, Title 16 in this packet fall within those parameters and reflect the staff's recommendations and the consensus of building officials within the E-Gov Alliance. A summary of key amendments is provided below.

**Background:**

The State of Washington adopts and amends the building and construction codes every three years and requires all cities to adopt, administer and enforce those codes. Cities are allowed to further amend these codes provided the amendment does not result in a code less restrictive than that adopted by the State. Sammamish has historically made local amendments to the administrative portions only.

During this adoption cycle many of the E-Gov Alliance cities (Bellevue, Issaquah, Kirkland, Mercer Island, Renton, Sammamish, Snoqualmie, and Woodinville) worked together to update their administrative

provisions and to craft a common set of amendments. A shared goal was to promote consistency within the E-Gov Alliance cities, while allowing for local differences where needed. The majority of Sammamish's changes are minor clarifications and necessary updates. Key amendments are discussed below:

Key amendments:

1. International Existing Building Code Adoption (IEBC). The IEBC is no longer an option when designing for an existing structure, it is mandatory. Where the option was allowed previously in Chapter 34 of the International Building Code, it has now been removed. The new IEBC is to apply for residential structures as well.
2. International Swimming Pool and Spa Code Adoption. This new code now covers both residential and public swimming pools, except for barriers in public swimming pools which are regulated through the Washington Administrative Code. Previously residential pools were covered in the International Residential Code Appendix G.
3. Code Conflicts Resolution. This section within Chapter 16.05 Construction Codes, was added to give more clarity to the process of enforcement of the codes. It provides an explanation as to hierarchy of which code governs over the other.
4. Recycle Materials for Commercial Buildings: There is now a requirement that requires all new commercial buildings to have provisions for storage of recycled materials, compost, and solid waste. This section in our administrative code also defines compost and recycled materials.
5. Chapter 16.05 clean-up. Chapters 16.05.070 - International Building Code and 16.05.130 - International Fire Code had many redundant code language that has been removed. All of the code language that has been removed has been adopted within the IBC and IFC codes. The design criteria tables for the IBC and IRC were removed and replaced with a different format for consistency with other jurisdictions.
6. Minimum Habitable Room Area. The residential code's requirement for at least one habitable room with a minimum floor area of 120 square feet has been removed. The code now requires habitable rooms to be a minimum floor area of 70 square feet. This change appears to have been advocated by proponents for minimalist living; minimalist dwellings are often referred to as "tiny houses".
7. Smoke Alarms. Battery-operated smoke alarms are now permitted for satisfying the smoke alarm power requirements when alterations, repairs, and additions occur. Household fire alarm systems no longer require monitoring by an approved supervising station. New provisions address smoke alarms requiring greater distance away from bathrooms and cooking appliances.
8. Energy Credit Revisions. Mandatory energy efficiency requirements are regulated by complying with sufficient options in order to achieve a minimum number of credits. These numbers more than doubled in the 2015 code, therefore increasing energy efficiency in homes and additions.

Customer Preparedness:

To help prepare our staff and customers for these changes, classes were offered as followed:

- March 21: Existing Building Code Training
- March 22: Mechanical/Plumbing Code Training
- March 23: Firestopping Code Training
- March 24: Building (commercial) Code Training
- March 25: Residential Code Training
- June 1: Summary of Significant Code changes for all Stakeholders.
- June 6-10th: IBC & IRC Training @ Sammamish through MBP.com

- June 28: Energy Code training

**Financial Impact:**

Costs for staff training, new code books and other technical resources are included in the adopted 2015-2016 budget.

**Recommended Motion:** This is the first reading of the ordinance. No action is recommended at this time.



**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2016 \_\_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING TITLE 16, BUILDINGS AND  
CONSTRUCTION, OF THE SAMMAMISH MUNICIPAL  
CODE BY AMENDING CHAPTER 16.05, CONSTRUCTION  
CODES; AND 16.20, CONSTRUCTION ADMINISTRATIVE  
CODE.**

WHEREAS, the City Council of the City of Sammamish has adopted by reference numerous building codes for the health, safety and welfare of the citizens as set forth in the Sammamish Municipal Code Title 16; and

WHEREAS, the State of Washington established the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, a new version of the State Building Code will go into effect on July 1, 2016; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare,

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

Section 1. Title 16 SMC, Amended. Chapters 16.05 and 16.20 of the Sammamish Municipal Code are hereby amended to read as indicated in Attachment A and Attachment B, respectively, which are hereby incorporated by this reference.

Section 2. 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 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force July 1, 2016.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

CITY OF SAMMAMISH

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Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Michael R. Kenyon, City Attorney

Filed with the City Clerk:	May 11, 2016
Public Hearing:	May 17, 2016
First Reading:	May 17, 2016
Passed by the City Council:	
Date of Publication:	
Effective Date:	

## Chapter 16.05 CONSTRUCTION CODES

Sections:

- [16.05.010](#) Short title.
- [16.05.020](#) Purpose.
- [16.05.030](#) Hours of construction.
- [16.05.040](#) Referenced codes.
- ~~[16.05.050](#) *Repealed.*~~
- ~~[16.05.060](#) *Repealed.*~~
- [16.05.070](#) International Building Code adopted.
- [16.05.080](#) International Residential Code adopted.
- [16.05.090](#) Mechanical code adopted.
- [16.05.100](#) National Fuel Gas Code (NFPA 54) adopted.
- [16.05.110](#) Liquefied Petroleum Gas Code (NFPA 58) adopted.
- [16.05.120](#) International Fuel Gas Code adopted.
- [16.05.130](#) International Fire Code adopted.
- [16.05.140](#) Uniform Plumbing Code adopted.
- ~~[16.05.150](#) *International Energy Conservation Washington State Energy*~~ Code adopted.
- ~~[16.05.155](#) *International Existing Building Code adopted*~~
- ~~[16.05.157](#) *International Swimming Pool and Spa Code adopted*~~
- [16.05.160](#) Documents to be filed and available for public inspection.
- [16.05.170](#) Violation.
- [16.05.180](#) Adoption of additional state codes.
- [16.05.190](#) Code conflicts resolution.
- [16.05.200](#) Liability.

**16.05.010 Short title.**

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This chapter shall constitute the City building code and may be cited as such. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

**16.05.020 Purpose.**

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The purpose of the codes and regulations adopted by this title is to regulate building and construction within the City and to protect the public health, safety, and welfare of the general public, and not to create or otherwise

## Exhibit 2

establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations. More specifically, this chapter is designed to effectuate the following purposes, objectives and standards:

(1) To set forth minimum performance standards and requirements for construction and construction materials, consistent with nationally accepted standards of engineering and fire and life safety.

(2) To permit the use of current technical methods, devices and improvements.

(3) To eliminate restrictive, obsolete, conflicting, duplicative and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(4) To provide standards and specifications for making buildings and facilities accessible to and usable by physically challenged persons.

(5) To consolidate the administration and enforcement of building and construction codes.

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

### **16.05.030 Hours of construction.**

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Except as approved by the City manager, or designee, to minimize overall public impact and/or inconvenience or otherwise provided in this chapter, the activities and construction noise regulated by this chapter shall be limited to the following hours:

(1) Monday through Friday: 7:00 a.m. to 8:00 p.m.

(2) Saturdays: 9:00 a.m. to 6:00 p.m.

(3) Sundays: no construction.

(4) Holidays: No construction will be allowed on the following holidays – New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

When an exception is granted by the City manager, or manager’s designee, a notice that an exception has been granted shall be provided to affected property owners/residents and to the police department. Notice may be provided by one or more of the following methods: verbal; written; or by posted signage. The method or

## Exhibit 2

methods used shall depend upon the scope and duration of the exception. (Ord. O2013-353 § 1 (Att. A); Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2008-247; Ord. O2004-148 § 2)

### **16.05.040 Referenced codes.**

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The codes adopted in Title 16 SMC are collectively referred to as the State Building Code. The State Building Code Act, Chapter 19.27 RCW, delegates to the Washington State Building Code Council the power to adopt and maintain the State Building Code. The State Building Code Act also requires that the City of Sammamish enforce the State Building Code within its jurisdiction, as adopted and amended by the Washington State Building Code Council and the State Legislature. Accordingly, all amendments to the State Building Code adopted by the Washington State Building Council from time to time are hereby, upon the effective date of such amendments, incorporated in Title 16 SMC as though fully set forth herein. In the event that any provisions of the State Building Code are renumbered, any reference in this Title to such provision shall refer to such provision as renumbered.

Specific codes referenced in the general codes adopted by this chapter shall be as follows:

(1) Any and all reference to the International Plumbing Code shall be replaced with the Uniform Plumbing Code as adopted in SMC [16.05.140](#).

(2) Any and all reference to the International Property Maintenance Code shall be replaced with the Sammamish Building and Property Maintenance Code as adopted in Chapter [16.25](#) SMC.

(3) Any and all reference to the International Electrical Code shall be replaced with the National Electrical Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **~~16.05.050 Earthquake shutoff valve required.~~**

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~~Repealed by Ord. O2013-345. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)~~

### **~~16.05.060 Automatic sprinkler systems required.~~**

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~~Repealed by Ord. O2013-345. (Sec 16.05.130(16) section 903.2. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)~~

### **16.05.070 International Building Code adopted.**

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## Exhibit 2

The ~~2012~~ 2015 Edition of the International Building Code, as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, including Appendix Chapter E (Accessibility), ICC A117.1-2003 (Accessible Standards), and Appendix Chapter H (Signs), excluding Chapter 1, Administration, is hereby adopted by the City of Sammamish, together with the following amendments and additions.

~~The 2009 2015 International Existing Building Code (IEBC) is included in the adoption of the International Building Code as provided by IBC Section 3401.5 101.4.2 and amended in WAC 51-50-480000, excluding Chapter 1, Part 2, Administration. The Construction Administrative Code, as set forth in Chapter 16.20 SMC, shall be used in place of IEBC Chapter 1, Part 2, Administration.~~

Exceptions. (1) The provisions of this code shall not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

(2) The provisions of this code shall not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under Chapter 70.114A RCW. "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" as defined and regulated by state law (RCW) and Washington Administrative Code.

(3) The provisions of this code do not apply to vendor carts. "Vendor cart" means a mobile, portable means of containing or transporting merchandise, vegetables, fruits, or other inventory for the purpose of retail sales. "Vendor cart" shall not mean a building or structure, as defined in this code. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required.

(4) Recyclable materials, compost, and solid waste storage. For the purposes of this section, the following definitions shall apply:

COMPOST means biodegradable solid wastes that are separated for composting such as food waste, food soiled paper and yard waste.

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RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdictions shall require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

(5) Add new stand-alone section as follows Amend Design Criteria shall be as follows:

AND ROOF SNOW LOAD: 25 PSF

SEISMIC DESIGN CATEGORY: D

WIND SPEED: ~~70 mph sustained with 85 mph 3 sec. gust~~ Risk category I: 100 mph; Risk category II: 110 mph; Risk category III and IV: 115 MPH

WIND EXPOSURE: Site Specific. See IBC Section 1609.4

SOIL BEARING: Site specific. See IBC Chapter 18

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 26°F

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See SMC 15.10

AIR FREEZING INDEX: 145°F- days

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MEAN ANNUAL TEMPERATURE: 50 °F.

Design Criteria shall be as follows:

GROUND AND ROOF SNOW LOAD	SEISMIC DESIGN CATEGORY	WIND SPEED	WIND EXPOSURE	SOIL BEARING	WEATHERING	FROST LINE DEPTH	TERMIT E	DECAY	WINTER DESIGN TEMPERATURE	ICE SHIELD UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	ANNUAL TEMPERATURE
25-PSF	D	70-mph sustained with 85-mph gust	Site Specific. See IBC Section 1609.4	Site specific. See IBC Chapter 18	Moderate	42 inches	Slight to moderate	Slight to moderate	26-degrees Fahrenheit	No	See-SMC 15-10	445-MEAN	50-degrees Fahrenheit

(26) **New** Section 107.2.5.1, Design Flood Elevations.

Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

(3) ~~IBC Section 403.2.1.1 No. 2 is amended to read as follows~~

~~403.2.1.1 Type of construction. The following reductions in the minimum fire-resistance rating of the building elements in Table 601 shall be allowed as provided in Section 403.3:~~

~~(a) For buildings not greater than 420 feet (128 m) in height, the fire-resistance rating of the building elements in Type IA construction shall be allowed to be reduced to the minimum fire-resistance ratings for the building elements in Type IB.~~

~~Exception: The required fire-resistance rating of columns supporting floors shall not be permitted to be reduced.~~

~~(b) In other than Groups F-1, M and S-1 occupancies, the fire-resistance rating of the building elements in Type IB construction shall be permitted to be reduced to the fire-resistance ratings in Type IIA.~~

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~~(c) The building height and building area limitations of a building containing building elements with reduced fire resistance ratings shall be permitted to be the same as the building without such reductions.~~

~~(4) Section [F] 403.4.7, Standby emergency power, is amended to read as follows:~~

~~A standby power system complying with Chapter 27 shall be provided for standby power loads specified in Section 403.4.7.2.~~

~~(5) New Section 403.4.8.1, Special Requirements for Standby Power~~

~~If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 403.4.7.1.1 and Section 707 or horizontal assemblies constructed in accordance with Section 712, or both. System supervision with manual start and transfer features shall be provided at the fire command center.~~

~~(6) New Section 403.4.7.1.1, Penetrations.~~

~~Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system. Such penetrations shall be protected in accordance with Section 713.~~

~~Exception allowed for: Metallic piping with no joints or openings where it passes through the standby power system room.~~

~~(7) Amend Section 403.15, Smoke control. Chapter 4 of the IBC is amended and supplemented by the addition of a new Section 403.15 to read as follows:~~

~~403.15 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings on occupied floors more than 75 feet above the lowest level of fire department vehicle access.~~

~~(8) Section 405.8, Standby power, is amended to read as follows:~~

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~~Section 405.8 — Standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 405.8. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the fire code official.~~

~~(9) (7) Table 508.4, Required Separation of Occupancies (Hours), is amended to read as follows:~~

Add footnote reference superscript “fg” “ef” to R and group I-1 Occupancy Classification row and column headings. Add footnote fg “ef” to read: See Section 419 for Live/Work Unit separations. ~~See Section 419 for Dwelling Unit separation requirements.~~

~~(10) (4) Amend Section 903.2, where required, and delete exception, to read as follows:~~

~~Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.~~

~~(11) (5) Amend Section [F] 903.2.3, Group E, by deleting exception:~~

~~903.2.3. Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:~~

~~(a) Throughout all group E fire areas greater than 12,000 square feet in area.~~

~~(b) Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.~~

~~(12) (6) Amend Section [F] 903.4.2, Alarms, to read as follows: ?????~~

~~Approved audible and visible alarm notification devices to meet the Americans with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an~~

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~~approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.~~

~~Exceptions:~~

~~1. Approved domestically supplied local systems with 10 heads or less per building, or,~~

~~2. Approved residential sprinkler systems for 1 or 2 dwelling units if not otherwise specifically required.~~

~~(13) Amend Section [F] 903.4.3, Floor control valves, to read as follows:~~

~~Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.~~

~~(14) Add new Section [F] 905.3.8, High rise building standpipes, to read as follows:~~

~~[F] 905.3.8 High-Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.~~

~~(15) Add new Section [F] 907.14.1, Monitoring, to read as follows:~~

~~When required by the Fire Code Official, all fire detection systems shall be monitored and shall meet the following requirements:~~

~~1. Current NFPA Article 72, National Fire Alarm Code.~~

~~2. The current International Fire and Building Code.~~

~~3. The system shall be supervised.~~

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~~4. All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.~~

~~5. The building owner must provide the fire department with proof of monitoring service.~~

~~6. The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.~~

~~7. The system must have a signed maintenance agreement prior to Certificate of Occupancy.~~

(~~16~~ 8) Amend Section 1608.1, General, to read as follows:

Design snow loads shall not be less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

(~~17~~ 9) Add new Section 2702.1.4 6, Location, to read as follows:

2702.1.4 6 Location. Location of stationary generators, fuel piping and storage tanks are subject to the approval of the Building Official and/or Fire Code Official.

~~(18) Amend Section 2902.3.1 to add second exception to read as follows:~~

### ~~2902.3.1 Requirements~~

~~Separate toilet facilities shall be provided for each sex.~~

#### ~~Exceptions:~~

~~(1) In occupancies serving 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.~~

~~(2) In B and M occupancies with a total floor area of 1500 square feet or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.~~

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~~(19) Amend Section 3002.4 to read as follows:~~

~~3002.4 Elevator car to accommodate ambulance stretcher.~~

~~Where elevators are provided in buildings four or more stories above grade plane; or four or more stories below grade plane; or in any R or I occupancy building provided with an elevator regardless of the number of stories; at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 1930 mm) with not less than 5-inch radius corners in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.~~

~~(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)~~

### **16.05.080 International Residential Code adopted.**

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The ~~2012~~ 2015 Edition of the International Residential Code, as adopted by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, including ~~Appendix Chapter G, Swimming Pools, Spas and Hot Tubs~~, Appendix ~~R Q~~, Dwelling Unit Fire Sprinkler Systems, and excluding Chapters 1, 11 and 25 through ~~42 43~~, is hereby adopted by the City of Sammamish, together with the following amendments:

~~(1) Amend Design Criteria for R 3012.2(1) shall be as follows:~~

~~Add design values for Table R-301.2(1) as follows:~~

~~GROUND AND ROOF SNOW LOAD: 25 PSF~~

~~WIND SPEED: 70 mph sustained with 85 mph 3-sec. gust 110 mph~~

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TOPOGRAPHIC EFFECTS: No

SEISMIC DESIGN CATEGORY: D2

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 26°F.

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See SMC 15.10

AIR FREEZING INDEX: 145°F - days

MEAN ANNUAL TEMPERATURE: 50 °F

SOIL BEARING (Assumed): 1500 PSF

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

Add design values for Table R-301.2(1) as follows:

GROUND-SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMPERATURE	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMPERATURE	SOIL BEARING (assumed)
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite						
25-PSF	85	No	D2	Moderate	12 inches	Slight to moderate	26-degrees Fahrenheit	No	See SMC 15.10	145	50-degrees Fahrenheit	1500-PSF

**16.05.090 Mechanical code adopted.**

The ~~2012~~ 2015 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, Administration, is

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[hereby](#) adopted [by the City of Sammamish](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **16.05.100 National Fuel Gas Code (NFPA 54) adopted.**

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The ~~2012~~ [2015](#) Edition of ANSI Z223.1/NFPA 54, National Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is [hereby](#) adopted [by the City of Sammamish](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **16.05.110 Liquefied Petroleum Gas Code (NFPA 58) adopted.**

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The ~~2014~~ [2014](#) Edition of NFPA 58, Liquefied Petroleum Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is [hereby](#) adopted [by the City of Sammamish](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

### **16.05.120 International Fuel Gas Code adopted.**

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The ~~2012~~ [2015](#) Edition of the International Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, Administration, is [hereby](#) adopted [by the City of Sammamish](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **16.05.130 International Fire Code adopted.**

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The ~~2012~~ [2015](#) Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, including Appendix Chapters B, Fire-flow requirements for buildings; C, Fire hydrant locations and distribution; and D, Section 106 as amended, is [hereby](#) adopted [by the City of Sammamish](#), together with the following amendments:

(1) Amend Section 102.~~6~~ [7](#) to read as follows:

Section 102.~~6~~ [7](#) Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official.

[Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.](#)

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When allowed by the Fire Code official, editions of standards not herein referenced may be utilized provided the entire standard is utilized.

(2) ~~Amend~~ Section 104.10.1 to read as follows:

Section 104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code as requested by the fire code official.

(3) Amend Section 104.11.2 to read as follows:

Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment, or control or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(~~3~~ 4) ~~Delete~~ Section 105.2 and replace with the following to read as follows:

Section 105.2 Application for Permit. Application for permits shall be made to the City of Sammamish in such form and detail as required by the fire department. Applications for permits shall be accompanied by such plans as required by the Bureau of Fire Prevention. All applications for fire department permits shall be forwarded to the Bureau of Fire Prevention for consideration of approval.

(4 5) ~~Add new~~ Section 105.2.5, Permit Fees, to read as follows:

105.2.5 Permit Fees. Any fees for fire code permits, plan check or any other fire service shall be as listed in the City of Sammamish Fee resolution.

(~~5~~ 6) Section 107.~~5~~ 6 Overcrowding. Amend to read as follows:

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon

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finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

~~(6 7)~~ Delete Section 108 and replace with the following:

Section 108.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code shall be heard and decided by the Hearing Examiner following an open record hearing. Following review of the evidence, the Examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

The Hearing Examiner's final decision shall be the final decision of the City Council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

Section 108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish.

~~(7 8)~~ **Amend** Section 307.1 to read as follows:

Section 307.1 Open Burning and Recreational fires – General.

Exception: Barbecue and other fires in accordance with the Puget Sound Clean Air Agency.

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(8 9) ~~Add new~~ Section 307.6 to read as follows:

307.6 Sky Lanterns. Sky Lanterns are airborne paper lanterns similar to a mini hot air balloon, also known as Kongming Lanterns (wish lanterns), which are also referred to as Chinese lanterns, sky candles or fire balloons. As such Sky Lanterns are considered open burning, and are not controlled once they are airborne. The use of Sky Lanterns is prohibited.

(9 10) ~~Add new e~~ Exception to Section 308.3 to read as follows:

Section 308.3 Group A Occupancies.

Exception 4: Where approved by the Fire Code Official.

(10 11) ~~Adopt new~~ Sections 503.1 through 503.4 to read as follows:

Sections 503.1 through 503.4 – Fire apparatus access roads. Fire apparatus access roads in the International Fire Code section 503.1 through 503.4 shall be retained by the City of Sammamish.

(11 12) ~~Amend~~ Section 503.2.1 to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Emergency Vehicle access roads shall be constructed in accordance with City of Sammamish Public works standards.

(12 13) ~~Amend~~ Section 503.2.7 to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

(13 14) ~~Amend~~ Section 503.3 to read as follows:

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Section 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.

1. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6") wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50').
2. Signs may be substituted for curb painting when approved in writing by the fire marshal.
3. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: "NO PARKING – FIRE LANE." Such signs shall be reflective in nature, with red lettering on a white background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4'), or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.
4. The fire marshal may approve deviations from any of the specifications in writing.
5. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

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6. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

7. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

8. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

9. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

10. The Police Department, Fire Chief, Fire Marshal, and other such personnel of the Fire Department as designated by the Fire Chief and approved by the City Manager shall have the authority to issue infractions for violations of the International Fire Code on forms provided by the Chief of Police for such purposes.

11. Any violation of this Section shall be punishable in accordance with the provisions of SMC [46.30.090](#).

(~~14~~ ~~15~~) Section 510 Amended – Emergency Responder Radio Coverage in new buildings. Section 510.1 of the International Fire Code is amended to read as follows:

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~~510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building installed in accordance with Section 510 of this code and with applicable provisions of NFPA-72, National Fire Alarm Signaling Code. This section shall not require improvement of the existing public safety communication system.~~

~~Approved radio coverage for emergency responders shall be provided with buildings meeting any of the following conditions:~~

- ~~1. There are more than five stories above grade plane (as defined by the International Building Code, Section 202);~~
- ~~2. The total building is 50,000 square feet or more;~~
- ~~3. The total basement area is 10,000 square feet or more;~~

~~Or~~

- ~~4. There are floors used for human occupancy more than 30 feet below the finish floor of the lowest level of exit discharge.~~

~~Radio coverage is based upon the existing coverage levels of the public safety communication systems of the jurisdictions at the exterior of the building. This section shall not require improvements of the existing public safety communication system.~~

~~Exceptions:~~

~~1. Buildings and area of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1.~~

~~2. Buildings constructed primarily of wood frame that do not have storage or parking areas extending more than one level below grade.~~

~~3. Buildings thirty five (35) feet high (As defined by International Building Code Section 502) or less that do not have below grade storage or parking areas extending more than one level below grade.~~

~~Should construction that is thirty five (35) feet high or less include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.~~

~~4. One and two family dwellings and townhouses.~~

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~~510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in Chapter 11.~~

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in IFC 1103.2

~~510.3.1 Construction Permit required. A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.5. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

510.3 Operational permit. An operational permit is required to operate an in building radio system.

~~510.4 Technical requirements. Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with Sections 511.4.1 through 511.4.2.5.~~

~~510.4.1 Radio signal strength. The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95% of all areas of the building and 99% in elevators (measured at the primary recall floor), stair shafts and Fire Command Centers meet the signal strength requirements in Sections 510.4.1.1 and 510.4.1.2.~~

~~510.4.1.1 Minimum signal strength into the building. A minimum signal strength of -95 dBm shall be receivable within the building.~~

~~510.4.1.2. Minimum signal strength out of the building. A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.~~

~~510.4.2 System Design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.5.~~

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~~510.4.2.1 Amplification systems allowed. Buildings and structures which cannot support the required level of radio coverage shall be equipped with:~~

~~1. A radiating cable system and/or~~

~~2. An internal multiple antenna system with FCC-certificated bi-directional 800 MHz amplifiers or~~

~~3. Systems otherwise approved by the city radio system manager in order to achieve the required adequate radio coverage.~~

~~510.4.2.2 Technical criteria.~~

~~510.4.2.2.1 Frequency range. The frequency range which must be supported shall be 806 MHz to 824 MHz and 851 MHz to 869 MHz and such other frequencies as determined by the Regional Radio System operator in all areas of the building.~~

~~510.4.2.3 Power supply. Power supplies shall conform with NFPA 72, Section 10.5 (Power Supplies).~~

~~510.4.2.3.1 Secondary Power. If any part of the installed system or systems contains an electrically powered component, the installed system or systems shall be provided with an independent battery system or an emergency generator capable of operating for a period of at least twenty four (24) hours without external power input. The battery system shall automatically charge in the presence of external power input.~~

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

1. All active signal booster components shall be contained in a NEMA4, IP66-type waterproof cabinet or equivalent.

2. The battery system shall be contained in a NEMA4, IP66-type waterproof cabinet or equivalent.

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3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station, ~~or proprietary supervising station as defined in NFPA 72 or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.~~

4. Equipment shall have FCC certification prior to installation.

~~5. Signal boosters must be equipped with filters that reject adjacent frequencies in addition to the multi-band pass filters.~~

~~510.4.2.5 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.~~

~~510.5.1 Approval Prior to Installation. No amplification system capable of operating on frequencies used by the Regional 800 MHz Radio System shall be installed without prior coordination and approval of the radio system licensee and any such system must comply with any standards adopted by the King County Regional Communications Board.~~

~~510.5.2 Minimum Qualifications of personnel. The system designer, lead installation personnel and personnel conducting radio system tests shall be qualified to perform the work.~~

~~Design documents and all tests shall be documented and signed by a person in possession of a current FCC General Radio Telephone Operator License and a certificate or certification issued by the:~~

~~1. Associated Public Safety Communications Officials International (APCO), or~~

~~2. National Association of Business and Education Radio (NABER) or~~

~~3. Personal Communications Industry Association (PCIA), or~~

~~4. Manufacturer of the equipment being installed.~~

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A report shall be submitted to the Fire Department at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Fire Department may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.
2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.
3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.
4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.

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5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.

6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

~~510.5.4 FCC compliance. The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 DFR Part 90.219.~~

~~510.5.5 Approval Prior to Occupancy. A Certificate of Occupancy will not be issued to any structure if the building fails to comply with Section 510.~~

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3.

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur to the building that would materially change the original field performance tests by a consultant approved by the Fire Code Official. The

## Exhibit 2

performance test shall include at minimum a floor plan and the signal strength in various locations of the building.

Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3.

Exception: Group R Occupancy annual testing is not required within dwelling units

2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. All other active components shall be checked to verify operation within the manufacturer's specifications.

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official not later than January 30th of each year.

~~510.6.2 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.~~

~~>>>>~~

510.6.3 2 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."

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510.6.4-3 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

~~(15) Amend the first sentence of Section 901.7, System out of service, to read as follows:~~

~~Section 901.7 System out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned.~~

(16) Amend Section 903.2, Where required, as follows:

903.2 Where required. Delete the exception.

903.2.a Automatic sprinkler systems required.

(1) All newly constructed buildings with a gross square footage of 5,000 square feet, regardless of type or use, as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.

(2) Additions to existing buildings that are 50 percent or more of the assessed building valuation which is based off of current information from the King County Assessor's office, and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic sprinkler system. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.

(3) Floor Area, Gross. For the purpose of this section, "gross floor area" shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts, attics, crawl spaces and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof

## Exhibit 2

or floor above. The gross floor area shall not include shafts with no openings or interior courts.

(4) For the purposes of this section, fire barriers, walls or partitions of any type do not constitute separate buildings.

(17) ~~Amend~~ Section 903.4.2, Alarms, to read as follows:

903.4.2 Alarms. Approved audible and visible alarm notification devices to meet the Americans with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: With approval of the Fire Code Official, audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1 or 2 family dwelling units if not otherwise specifically required.

(18) ~~Amend~~ Section 903.4.3 to read as follows:

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.

(19) ~~Add new~~ Section 903.3.9 to read as follows:

905.3.~~8~~ 9 High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150

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psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

(20) ~~Amend~~ Section 905.8 to read as follows:

905.8 Dry Standpipes. Dry standpipes, may be installed in other than high rise buildings when approved by the fire code official.

(21) ~~Amend~~ Section 906.1, Where required, as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all Group A, B, E, F, H, I, M, R1, R-2, R-4, and S occupancies.

Amend Exception:

R-2 occupancies are not required to provide portable fire extinguishers within each dwelling unit. Fire extinguishers are required in common areas and corridors.

~~(22) Amend Section 907.2 to read as follows:~~

~~907.2 Where required—new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 or where required by the Fire Code Official and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.~~

(22) ~~Add new~~ Section 907.7.5.2 to read as follows:

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907.7.5.2. Monitoring. When required by the Fire Code Official, all new and existing fire detection systems shall be monitored ~~and shall meet the following requirements:~~

~~(a) Current NFPA Article 72, National Fire Alarm Code.~~

~~(b) The current International Fire and Building Code.~~

~~(c) The system shall be supervised.~~

~~(d) All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.~~

~~(e) The building owner must provide the fire department with proof of monitoring service.~~

~~(f) The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.~~

~~(g) The system must have a signed maintenance agreement prior to Certificate of Occupancy.~~

(23) New. 2703.9 General safety precautions. General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with Sections 2703.9.1 through 2703.9.11

(24) New. 2703.9.11 Manufactures Limitations. The storage and use of hazardous materials shall not exceed the manufacturer's limitations on shelf life and any other restrictions on use.

(25) New 5307.5.2 Emergency Alarm System.

1. Activation of the emergency alarm system shall initiate a local alarm at the entrance to room(s) and inside a room where CO2 systems are installed.

2. Require a warning sign at the entrance:

"Carbon Dioxide Alarm. Do not enter. Call 911"

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(~~24~~26) Amend Section ~~3304.4~~ 5604.1 to read as follows:

Section ~~3304.4~~5604.1 Explosive Materials Storage and Handling – General. The storage of explosive materials is prohibited within the City Limits.

Exceptions:

1. Materials listed and stored in accordance with IFC ~~3304.4~~ 5601.1 “Exceptions 1-5, and 7-9.”
2. Model rocket motors, as defined by 2013 NFPA 1122, stored in accordance with 2013 NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4.
3. When approved by the Fire Marshal, high power rocket motors as defined by NFPA 1127 and rocket motor reloading kits, stored in accordance with NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

(~~25~~ 27) Amend Section ~~3305.4~~ 5605.1 to read as follows:

Section ~~3305.4~~ 5605.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

(~~26~~ 28) Amend Section 5704.2.9.6 to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited.

Locations where Class I and Class II liquids are stored in above-ground tanks outside of buildings shall be regulated in accordance with SMC 21A.50.280:  
“Critical aquifer recharge areas.”

(~~27~~29) Amend Section 5704.2.11.2, Location, to add new item No. 4 as follows:

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5704.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank.
2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than 3 feet (914 mm).
3. A minimum distance of 1 foot (305 mm), shell to shell, shall be maintained between underground tanks.
4. Tank location shall be in accordance with the limitations of SMC [21A.50.280](#): “Critical aquifer recharge areas.”

~~(28 30)~~ Amend Section 5706.2 as follows:

5706.2 Storage and dispensing of flammable and combustible liquids.  
Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and at Public Maintenance facilities owned by the City of Sammamish or other Public agencies shall be in accordance with Sections ~~3406.2.4~~ [5706.2.1](#) through ~~3406.2.8.4~~ [5706.2.8.1](#).

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

~~(29 31)~~ Amend Section 5706.2.4.4 to read as follows:

Section 5706.2.4.4 Locations where above-ground tanks are prohibited.  
Locations where Class I and II liquids are stored in above-ground tanks shall be regulated in accordance with SMC [21A.50.280](#): “Critical Aquifer Recharge Areas.”

~~(30 32)~~ Amend Section 6104.2 to read as follows:

## Exhibit 2

Section 6104.2 Maximum capacity within established limits. The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

(~~34~~ ~~33~~) Amend Appendix D, Section D106, to read as follows:

### SECTION D106 SINGLE FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Single family and Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-165 § 1; Ord. O2004-148 § 2)

### **16.05.140 Uniform Plumbing Code adopted.**

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The ~~2012~~ ~~2015~~ Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapters 51-56 ~~and 51-57~~ WAC, as published by the International Association of Plumbing and Mechanical Officials, excluding Chapter 1, Administration, is hereby adopted by the City of Sammamish, together with the following amendments:

## Exhibit 2

(1) Amend UPC Section 312 ~~1.0~~, Independent Systems, as follows:

### 312 ~~1.0~~ Independent Systems.

The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public or private sewer.

Swimming pools shall be provided with a separate and independent drainage system, which shall connect with a public or private sewer. The drainage pipe for the pool, floor drain, and similar fixtures shall be connected either to the side sewer downstream of the main building or structure or to the building sewer downstream of the last plumbing fixture. The main building drain shall be equipped with an accessible backwater valve outside of the building or structure and upstream of the pool drain connection.

(2) Amend UPC Chapter 6, Table ~~6-5~~ 610.3, deleting "Lawn Sprinkler, each head" from the table.

(3) Amend UPC Section 708.0, Grade of Horizontal Drainage Piping, as follows:

Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one fourth (1/4) inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m) or two (2) percent. Any such pipe or piping four (4) inches (100 mm) or larger in diameter may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) or one (1) percent, only when first approved by the Code Official. Horizontal drainage piping connected to any dual flush gravity tank water closet shall slope a minimum of one-fourth (1/4) inch per foot.

(4) Adopt and amend UPC Section 713.1, Sewers Required, as follows:

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713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection to a public or private sewer, except as provided in Section 713.2, and Section 713.4.

Exceptions:

1. When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, or as otherwise approved under SMC [21A.60.030](#), drainage piping from any building or works shall be connected to an approved private sewage disposal system. The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer.

2. No change shall be required in any portion of a plumbing drainage system in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, unsanitary, or a nuisance and a menace to life, health, or property.

(5) Adopt UPC Sections 713.3, 713.6, 714.2 and 722 pertaining to building sewers to read as follows:

Section 713.3, 713.6, 714.2 and 722 pertaining to building sewers shall be retained by the City of Sammamish.

(6) Amend UPC Section 713.3 as follows:

713.3 Within the limits prescribed by UPC Section 713.~~4.4~~ hereof, the rearrangement or subdivision into smaller parcels of a lot that abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the public sewer.

(7) Amend UPC Section 1101.~~4412~~.2.2.2 to read as follows:

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Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of any horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section ~~4406-0~~ 1103.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4" minimum.

(8) Adopt Appendix Chapter A, "Recommended Rules for Sizing the Water Supply System."

(9) Adopt Appendix Chapter B, "Explanatory Notes on Combination Waste and Vent Systems."

~~(10) Adopt Appendix Chapter I, "Installation Standards."~~

~~(14.0)~~ Adopt Appendix Chapter C, "Alternate Plumbing Systems," excluding Sections C5 through C7. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **16.05.150 International Energy Conservation Washington State Energy Code adopted.**

The ~~2012 2015 International Energy Conservation Washington State Energy~~ Code, Commercial and Residential, as adopted by the State Building Code Council in Chapters 51-11C and 51-11R WAC, ~~is are~~ hereby adopted by the City of Sammamish. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

### **16.05.155 International Existing Building Code adopted.**

The 2015 International Existing Building Code (IEBC), as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, Inc., including Appendix A, Guidelines for the Seismic retrofit of Existing Buildings, Appendix N, Solar Readiness, and excluding Chapter 1, Administration, is hereby adopted by the City of Sammamish by reference, together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IEBC Chapter 1, Administration.

(1) Amend section 409.1 to include state amendments and City requirements relocated from SMC 16.20.107 to read as follows

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409.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the International Residential Code (chapter 51-51 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chapter 51-54A WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code (chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction.

### **16.05.157 International Swimming Pool and Spa Code adopted.**

The 2015 International Swimming Pool and Spa Code, as adopted by the State Building Code Council at Chapters 51-50 and 51-51 WAC, as published by the International Code Council, Inc., is hereby adopted. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Swimming pools, spas and other aquatic recreation facilities shall comply with the International Swimming Pool and Spa Code, where the facility is one of the following-

1. For the sole use of residents and invited guests at a single-family dwelling;

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2. For the sole use of residents and invited guests of a duplex owned by the residents; or

3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other "water recreation facilities" as defined in RCW 70.90.110 are regulated under chapters 246-260 and 246-262 WAC. Public swimming pool barriers are regulated by WAC 246-260-031(4).

### **16.05.160 Documents to be filed and available for public inspection.**

At least one copy of the codes, regulations, and standards adopted by reference in this chapter, in the form in which they were adopted, shall be filed in the office of the City clerk and shall be available for use and examination by the public pursuant to RCW 35A.12.140. The City clerk may elect to have these copies kept in the permit center office for use by the public. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.170)

### **16.05.170 Violation.**

Any person, firm, corporation or organization violating any of the provisions of this chapter shall be subject to the provisions of SMC Title [23](#), code enforcement. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.180)

### **16.05.180 Adoption of additional state codes.**

The following chapter of the Washington Administrative Code, as presently existing and as may be subsequently amended, is adopted by reference: Chapter 51-19 WAC, Washington State Historic Building Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.190)

### **16.05.190 Code conflicts resolution.**

(1) In case of conflict among the ~~building code, the mechanical code, the fire code and the plumbing code codes enumerated in Title 16 SMC~~, the first named code shall govern over those following.

(2) In case of conflict between other codes and provisions adopted by this chapter, the code or provision that is the most restrictive, as determined by the building official, shall apply. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.200)

### **16.05.200 Liability.**

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This chapter shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in the building code, nor shall the City or any officer, employee, or agent of the City assume such liability by reason of any inspection authorized in this chapter or certificate of inspection issued by the City or any of its officers, employees or agents. This chapter shall not create or otherwise establish or designate any particular class or group of persons who will or should be specially protected by the terms of this chapter. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.210)

## Chapter 16.20 CONSTRUCTION ADMINISTRATIVE CODE

Sections:

- [16.20.010](#) Short title.
- [16.20.015](#) Purpose.
- [16.20.020](#) Scope.
- [16.20.025](#) Definitions.
- [16.20.030](#) Appendices.
- [16.20.035](#) Intent.
- [16.20.040](#) Referenced codes.
- [16.20.045](#) International Building Code.
- [16.20.050](#) International Residential Code.
- [16.20.055](#) Mechanical code.
- [16.20.060](#) Liquid propane gas code.
- [16.20.065](#) Natural gas code.
- [16.20.070](#) Plumbing code.
- [16.20.075](#) ~~Energy code~~ [Washington State Energy Code](#)
- [16.20.077](#) [International Existing Building Code](#)
- [16.20.078](#) [International Swimming Pool and Spa Code](#)
- [16.20.080](#) General applicability.
- [16.20.085](#) Other laws.
- [16.20.090](#) Application of references.
- [16.20.095](#) Referenced codes and standards.
- [16.20.100](#) Partial invalidity.
- [16.20.105](#) Existing structures.
- [16.20.107](#) Moved buildings.
- [16.20.108](#) Requirements not covered by code.
- [16.20.109](#) Structures in areas of special flood hazard.
- [16.20.110](#) Creation of enforcement agency.
- [16.20.115](#) Appointment.
- [16.20.120](#) Deputies.
- [16.20.125](#) Duties and power of building official.

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- [16.20.130](#) Applications and permits.
- [16.20.135](#) Notices and orders.
- [16.20.138](#) Tagging of buildings.
- [16.20.140](#) Inspections.
- [16.20.145](#) Identification.
- [16.20.150](#) Right of entry.
- [16.20.155](#) Department records.
- [16.20.160](#) Liability.
- [16.20.165](#) Approved materials and equipment.
- [16.20.170](#) Used materials and equipment.
- [16.20.175](#) Modifications.
- [16.20.180](#) Alternative materials, design and methods of construction and equipment.
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- [16.20.195](#) Permits required.
- [16.20.200](#) Work exempt from permit.
- [16.20.205](#) Emergency repairs.
- [16.20.210](#) Ordinary repairs.
- [16.20.215](#) Application for permit.
- [16.20.220](#) Action on application.
- [16.20.225](#) Time limitation of application.
- [16.20.230](#) Validity of permit.
- [16.20.235](#) Expiration of issued permits.
- [16.20.237](#) Permit renewals.
- [16.20.240](#) Suspension or revocation.
- [16.20.245](#) Placement of permit.
- [16.20.248](#) Floor and roof design loads.
- [16.20.250](#) Construction documents – Submittal.
- [16.20.255](#) Information on construction documents.
- [16.20.260](#) Fire protection system shop drawings.
- [16.20.265](#) Means of egress.
- [16.20.270](#) Exterior wall envelope.
- [16.20.273](#) Building enclosure design requirements of Chapter 64.55 RCW.

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- [16.20.275](#) Site plan.
- [16.20.280](#) Examination of documents.
- [16.20.285](#) Use of consultants.
- [16.20.290](#) Approval of construction documents.
- [16.20.295](#) Phased approval.
- [16.20.300](#) Design professional in responsible charge.
- [16.20.305](#) Deferred submittals.
- [16.20.310](#) Amended construction documents.
- [16.20.315](#) Retention of construction documents.
- [16.20.320](#) Temporary structure – General.
- [16.20.325](#) Temporary structure – Conformance.
- [16.20.330](#) Temporary structure – Termination of approval.
- [16.20.335](#) Payment of fees.
- [16.20.340](#) Schedule of permit fees.
- [16.20.345](#) Plan review fees.
- [16.20.350](#) Building permit valuations.
- [16.20.353](#) Registered plan program.
- [16.20.355](#) Work commencing before permit issuance.
- [16.20.360](#) Related fees.
- [16.20.365](#) Performance bonds.
- [16.20.370](#) Refunds.
- [16.20.375](#) Inspections – General.
- [16.20.380](#) Preliminary inspections.
- [16.20.385](#) Manufacturer’s installation instructions.
- [16.20.390](#) Required inspections.
- [16.20.393](#) Temporary erosion and sediment control inspection.
- [16.20.395](#) Footing and foundation inspection.
- [16.20.400](#) Concrete slab and under-floor inspection.
- [16.20.405](#) Lowest floor elevation certification.
- [16.20.410](#) Exterior wall sheathing inspection.
- [16.20.415](#) Roof sheathing inspection.
- [16.20.420](#) IMC/IPC/Gas/NEC/IFC rough in inspection.
- [16.20.425](#) Frame inspection.

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- [16.20.430](#) Flashing and exterior weather barrier inspection.
- [16.20.435](#) Lath inspection and gypsum board inspection.
- [16.20.440](#) Fire-resistant penetrations.
- [16.20.445](#) Energy efficiency inspection.
- [16.20.450](#) Reinspection.
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- [16.20.470](#) Inspection agencies.
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- [16.20.480](#) Approval required.
- [16.20.485](#) Certificate of occupancy – Use and occupancy.
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- [16.20.495](#) Temporary or phased occupancy.
- [16.20.500](#) Revocation of certificate of occupancy.
- [16.20.505](#) Connection of service utilities.
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- [16.20.530](#) Unlawful acts.
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- [16.20.550](#) Stop work order – Authority.
- [16.20.555](#) Stop work order – Issuance.
- [16.20.560](#) Stop work order – Effect.
- [16.20.565](#) Stop work order – Remedy – Civil penalties.
- [16.20.570](#) Unsafe structures and equipment.

### **16.20.010 Short title.**

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This chapter shall constitute the construction administrative code of the City of Sammamish, hereinafter referred to as “this code.” (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

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### **16.20.015 Purpose.**

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The purpose of the codes and regulations adopted by this code is to provide a consistent method for administration of the construction codes adopted in Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.020 Scope.**

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The provisions of this construction administrative code shall apply to the administration of the following codes as adopted by the state of Washington and the City of Sammamish and as listed:

- (1) ~~2012~~ 2015 International Building Code – Chapter [51-50](#) WAC;
- (2) ~~2012~~ 2015 International Residential Code – Chapter [51-51](#) WAC;
- (3) ~~2012~~ 2015 International Mechanical Code – Chapter [51-52](#) WAC;
- (4) ~~2012~~ 2015 National Fuel Gas Code (NFPA 54) – Chapter [51-52](#) WAC;
- (5) ~~2011~~ 2014 Liquefied Petroleum Gas Code (NFPA 58) – Chapter [51-52](#) WAC;
- (6) ~~2012~~ 2015 International Fuel Gas Code – Chapter [51-52](#) WAC;
- (7) ~~2012~~ 2015 Uniform Plumbing Code – Chapters [51-56](#) and ~~51-57~~ WAC;
- (8) ~~2012~~ 2015 ~~International Energy Efficiency Code~~ Washington State Energy Codes – Chapters [51-11C](#) and [51-11R](#) WAC.
- (9) 2015 International Existing Building Code – Chapters 51-50 WAC
- (10) 2015 International Swimming Pool and Spa Code – Chapters 51-50-3109 and 51-51-0329 WAC

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.025 Definitions.**

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For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. “Webster’s Third International Dictionary of the English Language,” unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the

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singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the City of Sammamish.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or existing requirements.

“Building division” means the staff of the City of Sammamish community development department under the direction of the building official responsible for review of construction drawings and construction inspection for compliance with adopted building, plumbing, mechanical, fire, and other applicable construction codes.

“Building official” means the ~~officer~~ person or ~~other authority~~ persons designated by the director of community development, charged with the administration and enforcement of the adopted construction codes.

“Code Official” means the person or persons charged with the enforcement of the adopted administrative and construction codes, or any duty authorized representative.

“Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

“Complete response” means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

“Energy code” means the International Energy Conservation Code promulgated by the Washington State Building Code Council as adopted by the City of Sammamish.

“Existing building” means a building erected prior to the adoption of this code and Chapter [16.05](#) SMC, or one for which a legal building permit has been issued and approved.

“IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the City of Sammamish.

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“IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this jurisdiction.

“IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the City of Sammamish.

“IRC” means the latest edition of the International Residential Code for one- and two-family dwellings promulgated by the International Code Council as adopted by the City of Sammamish.

“NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Permit center” means the staff of the City of Sammamish community development department under the direction of the permit center manager responsible for intake and issuance of building, plumbing, mechanical, fire and other development permits.

“Public service agency” shall include those agencies providing noncompetitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

“PUDs” means public utility districts such as water and sewer, etc.

“SEPA” means the State Environmental Policy Act.

“Shall,” as used in this code, is mandatory.

“SMC” means the latest edition of the Sammamish Municipal Code.

“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the City of Sammamish.

“Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current material and labor replacement costs, and shall include contractor’s overhead and profit. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3. Formerly § [16.20.030](#))

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### **16.20.030 Appendices.**

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Provisions in the appendices of adopted codes shall not apply unless specifically adopted. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.035](#))

### **16.20.035 Intent.**

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The purpose of this code and Chapter [16.05](#) SMC is to establish the minimum requirements to ~~safeguard the~~ ~~provide a reasonable level of safety~~, public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide ~~a reasonable level of~~ safety to fire fighters and emergency responders during emergency operations. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.040](#))

### **16.20.040 Referenced codes.**

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The codes listed in SMC [16.20.045](#) through [16.20.075](#) and referenced elsewhere in this code and Chapter [16.05](#) SMC shall be considered part of the requirements of this code and Chapter [16.05](#) SMC to the prescribed extent of each such reference. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.045](#))

### **16.20.045 International Building Code.**

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(1) Scope. The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(2) Exceptions: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with separate means of egress and their accessory structures ~~not more than three stories above grade plane in height~~ shall comply with the International Residential Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.050](#))

### **16.20.050 International Residential Code.**

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(1) Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings, ~~adult family homes,~~ ~~and townhouses~~ ~~and multiple single-family dwellings (townhouses)~~ not more than three stories in height above

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grade plane with separate means of egress and their accessory structures that are not more than three stories in height above grade plane.

~~(2) Exception: Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-Family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.~~

### EXCEPTIONS:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. Fire suppression required by Section 419.5 of the International Building Code where constructed under the International Residential Code for One- and Two-Family Dwellings shall conform to Appendix Q.

2. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.

3. Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings where equipped with a fire sprinkler system in accordance with Appendix Q.

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.055](#))

### **16.20.055 Mechanical code.**

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(1) Scope. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

(2) Exceptions.

(a) The International Fuel Gas Code: for all installations utilizing natural gas except those regulated by the IRC and those utilizing LPG.

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(b) International Residential Code: for all structures regulated by the IRC except LPG installations.

(c) NFPA 54 and 58: for all LPG installations. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.060](#))

### **16.20.060 Liquid propane gas code.**

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Scope. The provisions of the National Fuel Gas Code and Liquefied Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.065](#))

### **16.20.065 Natural gas code.**

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Scope. The provisions of the International Fuel Gas Code shall apply to the installation of all materials and equipment utilizing natural gas including gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems, and related accessories except those regulated by the International Residential Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3. Formerly § [16.20.070](#))

### **16.20.070 Plumbing code.**

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Scope. The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § [16.20.075](#))

### **16.20.075 Energy code. Washington State Energy Code**

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The provisions of the ~~International Energy Conservation~~ Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency. The Washington State Energy Codes (WSEC), as adopted by the State Building Code Council in Chapter 51-11C and 11R WAC, are adopted by reference (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

EXCEPTION: The provisions of these codes do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for the purposes of these codes. However, the installation of other than listed, portable mechanical equipment or listed, portable lighting fixtures is not allowed.

### **16.20.077 2015 International Existing Building Code**

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The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings not regulated under the International Residential Code.

### **16.20.078 International Swimming Pool and Spa Code**

Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Swimming pools, spas and other aquatic recreation facilities shall comply with the International Swimming Pool and Spa Code, where the facility is one of the following.

1. For the sole use of residents and invited guests at a single-family dwelling;
2. For the sole use of residents and invited guests of a duplex owned by the residents; or
3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other "water recreation facilities" as defined in RCW 70.90.110 are regulated under chapters 246-260 and 246-262 WAC. Public swimming pool barriers are regulated by WAC 246-260-031(4).

### **16.20.080 General applicability.**

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Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code and Chapter [16.05](#) SMC specify different materials, methods of construction or other requirements, the most restrictive shall govern, except that the hierarchy of the codes named in Chapter [19.27](#) RCW shall govern. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.085 Other laws.**

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The provisions of this code and Chapter [16.05](#) SMC shall not be deemed to nullify any provisions of local, state or federal law. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

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### **16.20.090 Application of references.**

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References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code or Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.095 Referenced codes and standards.**

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The codes and standards referenced in this code and Chapter [16.05](#) SMC shall be considered part of the requirements of this code and Chapter [16.05](#) SMC to the prescribed extent of each such reference. Where differences occur between provisions of this code and Chapter [16.05](#) SMC and referenced codes and standards, the provisions of this code and Chapter [16.05](#) SMC shall apply. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.100 Partial invalidity.**

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In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.105 Existing structures.**

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The legal occupancy of any structure existing on the date of adoption of this code and Chapter [16.05](#) SMC shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, the Sammamish Building and Property Maintenance Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public. Modifications to existing structures shall be permitted to be performed in accordance with WAC [51-50-480000](#) (International Existing Building Code). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.107 Moved buildings.**

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(1) Buildings or structures moved into or within a jurisdiction shall comply with the provisions of [SMC 16.05.155](#), ~~the International Residential Code, Chapter [51-51](#) WAC, the International Building Code (Chapter [51-50](#) WAC), the International Mechanical Code (Chapter [51-52](#) WAC), the International Fire Code (Chapter [51-54](#) WAC), the Uniform Plumbing Code and Standards (Chapters [51-56](#) and [51-57](#) WAC), the Washington State Energy Code (Chapter [51-11](#) WAC) and the Washington State Ventilation and Indoor Air Quality Code (Chapter [51-13](#) WAC) for new buildings or structures.~~

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~~(a) Exception: Group R-3 buildings or structures are not required to comply if:~~

~~(i) The original occupancy classification is not changed; and~~

~~(ii) The original building is not substantially remodeled or rehabilitated.~~

~~For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.~~

~~(2) Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.~~

~~(3) Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1)~~

### **16.20.108 Requirements not covered by code.**

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Requirements necessary for the strength, stability or proper operation of an existing or proposed structure or installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

### **16.20.109 Structures in areas of special flood hazard.**

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Buildings located in areas of special flood hazard shall be regulated under the International Building Code, the International Residential Code and the Sammamish Municipal Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

### **16.20.110 Creation of enforcement agency.**

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The building division of the community development department is hereby created and the official in charge thereof shall be known as the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.115 Appointment.**

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The building official shall be appointed by the chief appointing authority of the City of Sammamish. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.120 Deputies.**

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In accordance with the prescribed procedures of the City of Sammamish and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.125 Duties and power of building official.**

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The building official is hereby authorized and directed to enforce the provisions of this code and Chapter [16.05](#) SMC. The building official shall have the authority to render interpretations of this code and Chapter [16.05](#) SMC and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and Chapter [16.05](#) SMC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.130 Applications and permits.**

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The permit center shall receive and review applications for the erection, alteration, demolition and moving of buildings, structures and building service equipment, shall route to the appropriate divisions or departments of the City of Sammamish and/or other agencies for review and approval and, when approved by all appropriate divisions, departments, or agencies, issue the appropriate permit. The building division shall review construction documents for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.135 Notices and orders.**

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The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code and Chapter [16.05](#) SMC. Notices and orders shall be as prescribed in Chapter [23.60](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

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### **16.20.138 Tagging of buildings.**

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Following a City of Sammamish issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1 or ATC 45 manuals. The procedure shall allow for the tagging of buildings as “Inspected,” “Limited Entry” or “Unsafe” along with associated penalties per SMC [16.20.545](#) for removal of building tags. Notice and orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency. This section for tagging of buildings shall also apply for unsafe structures and equipment identified in SMC [16.25.150](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

### **16.20.140 Inspections.**

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The building division shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant’s expense. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.145 Identification.**

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Building division personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.150 Right of entry.**

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Where it is necessary to make an inspection to enforce the provisions of this code and Chapter [16.05](#) SMC, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code and Chapter [16.05](#) SMC which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code and Chapter [16.05](#) SMC; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner, the owners authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the

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remedies provided by law to secure entry. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person have charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to the applicable construction code.

### **16.20.155 Department records.**

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The permit center shall keep official records of applications received, permits and certificates issued, and fees collected. The building official shall keep official records of reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.160 Liability.**

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The building official or employee charged with the enforcement of this code and Chapter [16.05](#) SMC, while acting for the City of Sammamish in good faith and without malice in the discharge of the duties required by this code and Chapter [16.05](#) SMC or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code and Chapter [16.05](#) SMC shall be defended by legal representative of the City of Sammamish until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.165 Approved materials and equipment.**

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Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.170 Used materials and equipment.**

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## Exhibit 3

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.175 Modifications.**

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Wherever there are practical difficulties involved in carrying out the provisions of this code and Chapter [16.05](#) SMC, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or ~~owner's representative~~ the owner's authorized agent, provided the building official shall first find that special individual reason makes the strict letter of this code and Chapter [16.05](#) SMC impractical and the modification is in compliance with the intent and purpose of this code and Chapter [16.05](#) SMC and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.180 Alternative materials, design and methods of construction and equipment.**

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The provisions of this code and Chapter [16.05](#) SMC are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code and Chapter [16.05](#) SMC; provided, that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and Chapter [16.05](#) SMC, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code and Chapter [16.05](#) SMC in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.185 Research reports.**

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Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code and Chapter [16.05](#) SMC, shall consist of valid research reports from approved sources. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

## Exhibit 3

### **16.20.190 Tests.**

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Whenever there is insufficient evidence of compliance with the provisions of this code and Chapter [16.05](#) SMC, or evidence that a material or method does not conform to the requirements of this code and Chapter [16.05](#) SMC, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Sammamish. Test methods shall be as specified in this code and Chapter [16.05](#) SMC or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.195 Permits required.**

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Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by ~~this code~~ Chapter [16.05](#) SMC, or to cause any such work to be done, shall first make application to the permit center and obtain the required permit. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **<16.20.200 Work exempt from permit. >**

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Exemptions from permit requirements of this code and Chapter [16.05](#) SMC shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code and Chapter [16.05](#) SMC or any other laws or ordinances of the City of Sammamish. Permit exemptions for activities outside the footprint of an existing legally established structure shall not apply within critical areas or within the standard shoreline setbacks. Permits shall not be required for the following:

(1) Public Service Agencies or Work in the Public Right-of-Way.

(a) Installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies.

(b) Work located primarily in a public right-of-way, on public utility towers and poles (but no exemption for wireless communications facilities that are not located in a public way) and hydraulic flood control structures.

(2) Building.

## Exhibit 3

- (a) IRC accessory structures used as tool and storage sheds, one-story tree-supported play structures, playhouses and similar uses, but not including vehicle storage, provided the floor area does not exceed 200 square feet and, except one-story tree-supported play structures, the height does not exceed 12 feet from the grade plane to the highest point of the roof.
- (b) Fences not over six feet (1,829 mm) high.
- (c) Oil derricks.
- (d) Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (e) Rockery walls which are not over four feet (1,219 mm) in height measured from finished grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (f) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
- (g) Sidewalks and driveways that are not part of an accessible path of travel.
- (h) Decks and associated platforms and steps accessory to buildings which are not more than 30 inches (762 mm) above adjacent grade at any point within 36 inches horizontally to the edge of the open side, are not over any basement or story below and are not part of an accessible path of travel.
- (i) Painting, papering, tiling, carpeting, cabinets, countertops, nonstructural wood or vinyl siding, and similar finish work; provided, that existing accessible features are not altered.
- (j) In-kind reroofing of one- and two-family dwellings, provided the existing roofing material is not removed or replaced.
- (k) Window replacement in IRC structures where no alteration of structural members is required; however, this does not include windows which require safety glass or provide egress under the IRC.

## Exhibit 3

- (l) Replacement of nonstructural siding on IRC structures except for exterior insulation finish systems (EIFS) or stucco finish.
- (m) Temporary motion picture, television and theater stage sets and scenery.
- (n) Prefabricated portable swimming pools and hot tubs accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 36 inches (915 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- (o) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.
- (p) Swings, slides and other similar playground equipment.
- (q) Window awnings supported by an exterior wall of a one- and two-family dwelling or Group R-3 and Group U occupancies, which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
- (r) Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
- (s) Satellite earth station antennas six and one-half feet (two m) or less in diameter or diagonal in zones other than residential zones.
- (t) Satellite earth station antennas three and one-quarter feet (one m) or less in diameter in residential zones.
- (u) Video programming service antennas three and one-quarter feet (one m) or less in diameter or diagonal dimension, regardless of zone.
- (v) Job shacks that are placed at the job site during construction, for which a permit has been issued, may be allowed on a temporary basis and shall be removed upon final approval of construction. A "job shack" means a portable or temporary structure for which the primary purpose is to house equipment or supplies and which may serve as a temporary office during construction activity. Sales offices are not considered construction related.
- (w) Flag and light poles located on private property less than or equal to 20 feet in height.

## Exhibit 3

### (3) Mechanical.

- (a) Portable heating, cooking, or clothes-drying appliances.
- (b) Portable ventilation equipment.
- (c) Portable cooling unit.
- (d) Steam or hot or chilled water piping within any heating or cooling equipment regulated by this code and Chapter [16.05](#) SMC.
- (e) Replacement of any part which does not alter its approval or make it unsafe.
- (f) Portable evaporative cooler.
- (g) Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- (h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

### (4) Plumbing.

- (a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
- (b) The clearing of stoppages.
- (c) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.205 Emergency repairs.**

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## Exhibit 3

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the permit center. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.210 Ordinary repairs.**

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Application or notice to the permit center is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.215 Application for permit.**

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To obtain a permit, the applicant shall first file a complete application as defined by the jurisdiction therefor in writing on a form furnished by the permit center for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) The legal description, or the tax parcel number and the street address if available, that will readily identify and definitely locate the proposed building or work.
- (3) The property owner's name, address, and phone number.
- (4) The prime contractor's business name, address, phone number, and current state contractor registration number.
- (5) Either:
  - (a) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
  - (b) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project.
- (6) Indicate the use or occupancy for which the proposed work is intended.

## Exhibit 3

(7) Be accompanied by plans, diagrams, computations and specifications and other information as required in SMC [16.20.255](#) through [16.20.275](#).

(8) State the valuation of the proposed work.

(9) Be signed by the applicant, or the applicant's authorized agent.

(10) Give such other data and information as required by the City of Sammamish.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.220 Action on application.**

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City staff shall examine or cause to be examined applications for permits and amendments thereto prior to acceptance of the building, plumbing, mechanical or related permit application. If the application or the construction documents are incomplete or lack sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the reasons therefor. If the City staff is satisfied that the application or construction documents are complete and provide sufficient information to proceed with review, the permit center shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this or any other provision of this code, no building permit shall be issued until all other project permits related to the project action for which the building permit is sought have been approved and issued, and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, PUDs, building site plans, conditional use permits, variances, shoreline substantial development permits, critical area alterations permits and frontage improvements.

## Exhibit 3

When a reasonable use exception is required to determine placement of the proposed structure and all appurtenances, the reasonable use exception shall be obtained prior to application for a building permit. If, after the application is submitted, it is determined that the proposed structure must be altered or redesigned in order to comply with land use, fire, or other regulations, the building official is authorized to require the applicant to withdraw said application. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.225 Time limitation of application.**

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(1) Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. Permit applications that will expire shall be extended to June 30, 2016, by the building official upon written request by the applicant, subject to the following:

(a) A counter service fee as established by the current fee schedule.

(2) Applications may be canceled for inactivity if an applicant fails to respond to the building official's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the building official.

(3) The building official may extend the life of an application beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress; or

(b) Any other City review is in progress, provided the applicant has submitted a complete response to City requests for information or corrections; or

(c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final City decision; or

(d) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application. (Ord. O2013-345 § 1

## Exhibit 3

(Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.230 Validity of permit.**

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The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code and Chapter [16.05](#) SMC or of any other ordinance of the City of Sammamish. Permits presuming to give authority to violate or cancel the provisions of this code and Chapter [16.05](#) SMC or other ordinances of the City of Sammamish shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building division from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure wherein violation of this code and Chapter [16.05](#) SMC or of any other ordinances of the City of Sammamish exist. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.235 Expiration of issued permits.**

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- (1) Every building permit and its associated ancillary permits issued shall expire in two years from the date of issuance. Within two years of the issuance of the permit for an IRC structure, the outside must be complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. The two years to complete the IRC structure may not be extended.
- (2) Sign permits, mechanical, and plumbing permits not associated with a building permit shall expire one year from the date of issuance.
- (3) The building official may grant a 30-day extension of time for permits when only the final inspection is remaining and all other work has been approved.
- (4) It is a violation of this chapter to allow a permit to expire without first obtaining an approved final inspection.

Exception 1: A new building permit issued for an IRC structure to complete the work covered by a previous, expired permit shall expire in:

- (a) One year if the framing inspection was not approved on the previous permit; or
- (b) Six months if the framing inspection was approved on the previous permit and the exterior of the structure is not completed per subsection (4)(c) of this section; or

## Exhibit 3

(c) Two years if the outside of the structure is complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements.

Exception 2: For permits resulting from work without a permit or other code enforcement action(s), the expiration date will be determined by the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.237 Permit renewals.**

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An existing building permit may be renewed one time for a fee of one-half the original permit fee, provided the permit has not been expired for more than one year and the framing inspection has been approved. Permit renewals shall expire in:

- (1) Six months if the exterior of the structure is not completed per subsection (2) of this section; or
- (2) Two years if the outside of the structure is complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. (Ord. O2013-345 § 1 (Att. A))

### **16.20.240 Suspension or revocation.**

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The building official is authorized to suspend or revoke a permit issued under the provisions of this code and Chapter [16.05](#) SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.245 Placement of permit.**

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The building permit or copy shall be kept on the site of the work until the completion of the project. For access to permit for inspections, see SMC [16.20.475](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.248 Floor and roof design loads.**

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(1) Live Loads Posted. Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed exceeds 50 pounds per square foot (2.40 kN/m<sup>2</sup>), such design live load shall

## Exhibit 3

be conspicuously posted by the owner in that part of each story in which it applies, using durable signs. It shall be unlawful to remove or deface such notice signs.

(2) Issuance of Certificate of Occupancy. A certificate of occupancy required by SMC [16.20.490](#) shall not be issued until the floor load signs required by subsection (1) of this section have been installed.

(3) Restrictions on Loading. It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building, structure or portion thereof, a load greater than is permitted by this code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

### **16.20.250 Construction documents – Submittal.**

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Construction documents, statements of special inspections, geotechnical reports, structural observation programs, and other data required to be submitted shall be submitted in one or more sets, as determined by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the state of Washington. When special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.255 Information on construction documents.**

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Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and show in detail that it will conform to the provisions of this code and Chapter [16.05](#) SMC and relevant laws, ordinances, rules and regulations, as determined by the building official.

Construction documents shall not be altered once submitted except as required by notice of the City reviewer to achieve compliance with applicable codes. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.260 Fire protection system shop drawings.**

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## Exhibit 3

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and Chapter [16.05](#) SMC and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.265 Means of egress.**

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The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code and Chapter [16.05](#) SMC. In other than one- and two- family dwellings and occupancies in Groups R-2 and R-3, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.270 Exterior wall envelope.**

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Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code and Chapter [16.05](#) SMC. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, R-3 one- and two-family dwellings and U occupancies may be exempt from the detailing requirements of this section. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.273 Building enclosure design requirements of Chapter [64.55](#) RCW.**

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Building enclosure design documents of new or rehabilitated multifamily buildings that are subject to these regulations shall be submitted at the time of permit application. This section includes buildings containing more than two attached dwelling units and buildings containing nonresidential units if the building also contains more than two attached dwelling units. This section does not apply to hotels, motels, dormitories, care facilities, or floating homes or buildings that contain attached dwelling units that are each located on a single platted lot.

## Exhibit 3

All applications for building construction or rehabilitation shall include design documents prepared and stamped by a Washington State licensed architect or engineer and shall identify the building enclosure (building enclosure documents) including, but not limited to, waterproofing, weatherproofing and/or other protection from water or moisture intrusion, unless a recorded, irrevocable sale prohibition covenant is submitted to and approved by the City.

The City will not issue a permit for construction or rehabilitative construction unless the building enclosure documents contain a stamped statement in substantially the following form:

The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of RCW [64.55.005](#) through [64.55.090](#). I acknowledge: (a) that the city building department is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of RCW [64.55.005](#) through [64.55.090](#); and (b) that nothing in RCW [64.55.005](#) through [64.55.090](#) requires a building department to review, approve, or disapprove enclosure design documents.

(Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A))

### **16.20.275 Site plan.**

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The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size, location, orientation and layout of new construction and existing structures on the site including all roof overhangs, projections, cantilevers and building footprint, distances from lot lines, the established street grades and the proposed finished grades and average grades as required, calculations for building height, and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. Site plans shall also be provided which show width, slope, distance, and surface requirements for emergency vehicle access roads and/or driveways and depict all lots which contain structures served by the access road. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.280 Examination of documents.**

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## Exhibit 3

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and Chapter [16.05](#) SMC and other pertinent laws or ordinances. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.285 Use of consultants.**

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Whenever review of a building permit application requires retention by the City of Sammamish for professional consulting services, the applicant shall reimburse the City of Sammamish the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The City of Sammamish may require the applicant to deposit an amount with the City of Sammamish estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement for such costs. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.290 Approval of construction documents.**

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When the permit center issues a permit, the construction documents shall be approved by the building division, in writing or by stamp. One set of construction documents so reviewed shall be retained by the City of Sammamish. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.295 Phased approval.**

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The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code and Chapter [16.05](#) SMC. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. The permit center is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The bond shall be refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

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### **16.20.300 Design professional in responsible charge.**

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When it is required that documents be prepared by a qualified, registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Chapter 17 of the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 IBC). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.305 Deferred submittals.**

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For the purposes of this section, “deferred submittals” are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the permit center within a specified period. Deferral of any submittal items shall have the prior approval of the building division. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building division. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the permit center with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building division. The permit center is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.310 Amended construction documents.**

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Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be submitted for approval as an amended set of construction documents along with an application for permit revision. Where changes to the approved plan alter the size, shape, height, location or orientation on the property, major

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components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.315 Retention of construction documents.**

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One set of approved construction documents shall be retained by the City of Sammamish for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.320 Temporary structure – General.**

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The building official is authorized to approve a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.325 Temporary structure – Conformance.**

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Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code and Chapter [16.05](#) SMC as necessary to ensure the public health, safety and general welfare. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.330 Temporary structure – Termination of approval.**

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The building official is authorized to terminate such permit for a temporary structure or use issued under the provisions of this code and Chapter [16.05](#) SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC and to order the temporary structure or use to be discontinued. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.335 Payment of fees.**

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A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.340 Schedule of permit fees.**

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On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with this code and the fee schedule as established in the City of Sammamish fee resolution. In no case shall the building permit fee be less than the City's hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.345 Plan review fees.**

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When submittal documents are required by SMC [16.20.250](#) through [16.20.310](#) and Chapter [16.05](#) SMC, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The permit center may have the option to charge a deposit, in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and is in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in SMC [16.20.250](#) through [16.20.310](#), an additional plan review fee shall be charged at the rate shown in the fee resolution established by the City of Sammamish. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.350 Building permit valuations.**

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The applicant for a permit shall provide an estimated building valuation at the time of application. The final determination of value or valuation under any of the provisions of this code and Chapter [16.05](#) SMC shall be made by the permit center based on building valuation data published by a nationally recognized code organization, and may include a regional modifier from a nationally recognized organization. When a specific building type or occupancy is not noted in the valuation table, the permit center is authorized to use the classification type noted in the table that most closely resembles the proposed type of building or determine a valuation type independently. (Ord. O2014-380 § 1; Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

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### **16.20.353 Registered plan program.**

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An applicant who intends to apply for permits to build a number of single-family structures using the same plans may elect to participate in the "Registered Plan Program." This program is intended to improve customer service by simplifying the application process and reducing plan review times. This program is also intended to encourage variations in building design to produce aesthetically pleasing, yet diversified, neighborhoods that add to the quality of Sammamish as a unique community.

Options are allowed to be submitted with the initial registering of the basic plan to accommodate a variation of building styles using the basic plan. When plans are submitted under the jurisdiction's "Registered Plan Program," a plan review fee shall be paid at the time of application for a registered plan.

The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review prior to final approval of the registered plan.

Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration.

Plan review fees shall be paid for at the time of application for a building permit. The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to the permit fees.

Plan orientation: Building construction shall follow the direction, layout and orientation of the plan as approved. Applications to reverse or flip a plan shall only be allowed as an approved option to a registered plan where all drawing floor plans, site plans, sections, elevations and structural drawings reflect the layout of the building to be constructed.

Revisions: Once a plan and associated options are reviewed, approved and registered, changes or revisions to that plan are not permitted unless approved by the building official in accordance with the registered plan program.

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Field revision: Once a permit is issued for a registered plan, no revisions will be permitted except for minor field changes. Changes other than minor field changes will be considered major changes and require the permit holder to resubmit those changes as a new submittal and pay the appropriate fee. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1)

### **16.20.355 Work commencing before permit issuance.**

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Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a stop work order and special investigation fee established by the City of Sammamish that shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the City of Sammamish building division, the following will be required:

- (1) The building official may require that the owner hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected, and the compliance of the structure with applicable construction codes and regulations along with the building permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action accompany the building permit application and include any deficiencies.
- (2) The owner must show proof of inspection and permit for cover of electrical wiring from the Department of Labor and Industries Electrical Inspection Division.
- (3) The owner must secure plumbing and/or mechanical permits as appropriate. Inspection of these items may require removal of construction materials in order to validate that the systems have been installed correctly.
- (4) The owner must be able to substantiate and/or show proof if necessary that he/she is in compliance with all other local, state and federal laws pertaining to land use.
- (5) A site inspection and life safety inspection must be performed prior to temporary occupancy or use of the building or structure prior to permit issuance and final inspection. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.360 Related fees.**

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The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit

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from the payment of other fees that are prescribed by law. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.365 Performance bonds.**

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Prior to the issuance of a demolition permit, the applicant or agent shall post a \$500.00 cash deposit or surety bond to ensure cleanup of the site, which shall be refundable upon final inspection, approval and written request to the permit center from the permit holder.

Exception: Where the demolition permit is issued in conjunction with a building permit for a new structure to be placed in a similar location as building or structure to be demolished. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.370 Refunds.**

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The permit center may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code and Chapter [16.05](#) SMC. The permit center may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. No refund shall be made for application or plan review fees where a plan review has been performed and the application is rejected in accordance with SMC [16.20.220](#). The permit center shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of application. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.375 Inspections – General.**

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Construction or work for which a permit is required shall be subject to inspection by the building division and other agencies as designated on the inspection card. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish. Inspections presuming to give authority to violate or cancel the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish shall not be valid. It shall be the duty of the person(s) who performs the work to make request for inspections and cause the work to remain accessible and exposed for inspection purposes. Neither the building division nor the City of Sammamish shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

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### **16.20.380 Preliminary inspections.**

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Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.385 Manufacturer's installation instructions.**

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Manufacturer's installation instructions, as required by this code and Chapter [16.05](#) SMC, shall be available on the job site at the time of inspection. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.390 Required inspections.**

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The building division, upon notification, shall make the inspections set forth in SMC [16.20.395](#) through [16.20.465](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.393 Temporary erosion and sediment control inspection.**

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Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks), entrance rocking, and other required elements are in place and prior to commencement of construction and/or clearing the site. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1)

### **16.20.395 Footing and foundation inspection.**

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Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel are in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special requirements for wood foundations, and for any setbacks required from property lines; building setback lines; critical area buffers; and/or the ordinary high water mark on lake properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C 94 the concrete need not be on the job. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.400 Concrete slab and under-floor inspection.**

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Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.405 Lowest floor elevation certification.**

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In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R324 shall be submitted to the building division. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the state of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.410 Exterior wall sheathing inspection.**

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Exterior wall sheathing shall be inspected after all wall framing is complete and strapping and nailing are properly installed but prior to being covered. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.415 Roof sheathing inspection.**

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The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved, and confirmation that the height of the structure is in conformance with the requirements of the development code, SMC Title [21A](#), and/or shoreline master program. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2004-148 § 3)

### **16.20.420 IMC/IPC/Gas/NEC/IFC rough in inspection.**

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Rough in mechanical, gas piping, plumbing, electrical, and fire suppression systems shall be inspected when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.425 Frame inspection.**

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Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire

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suppression piping, heating wires, pipes and ducts are approved. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.430 Flashing and exterior weather barrier inspection.**

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Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed, but prior to any of the work being covered. Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.435 Lath inspection and gypsum board inspection.**

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Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction.

Exception: Gypsum board that is not part of a fire resistance rated assembly or a shear assembly does not require inspection. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.440 Fire-resistant penetrations.**

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Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.445 Energy efficiency inspection.**

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(1) Envelope.

(a) Wall Insulation Inspection. To be made after exterior wall weather protection and all wall insulation and air vapor retarder, sheet or film materials are in place, but before any wall covering is placed.

(b) Glazing Inspection. To be made after glazing materials are installed in the building.

(c) Exterior Roofing and Vaulted Ceiling Insulation Inspection. To be made after the installation of the roofing and roof insulation, but before concealment.

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(d) Slab/Floor Insulation Inspection. To be made after the installation of the slab/floor insulation, but before concealment.

(e) Attic Insulation Inspection. To be made after the installation of the attic insulation and prior to final inspection approval.

### (2) Mechanical.

(a) Mechanical Equipment Efficiency and Economizer Inspection. To be made after all equipment and controls required by this code and Chapter [16.05](#) SMC are installed and prior to the concealment of such equipment or controls.

(b) Mechanical Pipe and Duct Insulation Inspection. To be made after all pipe, fire suppression piping and duct insulation is in place, but before concealment.

### (3) Lighting and Motors.

(a) Lighting Equipment and Controls Inspection. To be made after the installation of all lighting equipment and controls required by this code and Chapter [16.05](#) SMC, but before concealment of the lighting equipment.

(b) Motor Inspections. To be made after installation of all equipment covered by this code and Chapter [16.05](#) SMC, but before concealment. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

## **16.20.450 Reinspection.**

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The building official may require a structure or portions of work to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when there are reoccurring missed items that have previously been identified to the same builder on multiple lots; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. In instances where reinspection fees have been assessed, no additional inspection of the work shall be provided by the City until the required fees are paid. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

## **16.20.455 Other inspections.**

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In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and Chapter [16.05](#) SMC and other laws that are enforced by the building department. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.460 Special inspections.**

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In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the City of Sammamish.

(1) In accordance with the building enclosure special inspection requirements of Chapter [64.55](#) RCW, the owner(s) of affected multiunit residential buildings shall provide the City with a building enclosure inspection report prepared by a third-party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. Note: The City does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. The City is prohibited from issuing a certificate of occupancy for the building until the inspector submits the report to the building department and a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents.

See SMC [16.20.273](#), Building enclosure design requirements of Chapter [64.55](#) RCW, for additional requirements. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.465 Final inspection.**

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The final inspection shall be made after all work required by the building permit is completed. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.470 Inspection agencies.**

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The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.475 Inspection requests.**

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It shall be the duty of the holder of the building permit or their duly authorized agent to notify the City of Sammamish when work is ready for inspection. It shall be the duty of the permit holder to provide access to

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and means for inspections of such work that are required by this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.480 Approval required.**

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Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building division. The building division, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code and Chapter [16.05](#) SMC. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building division. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.485 Certificate of occupancy – Use and occupancy.**

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No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the City has issued a certificate of occupancy therefor as provided herein.

Exceptions:

- (1) Residential accessory buildings or structures.
- (2) Work exempt from permits per SMC [16.20.200](#).

Structures approved under the provisions of the International Residential Code may be issued a certificate of occupancy in the form of a signed-off permit inspection card.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.490 Certificate of occupancy issued.**

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After the building division inspects the building or structure and finds no violations of the provisions of this code and Chapter [16.05](#) SMC or other laws that are enforced by the department of building safety, the City of Sammamish shall issue a certificate of occupancy.

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Structures approved under the International Residential Code may be issued a certificate of occupancy in the form of a "final inspection" approval signature on the permit inspection card.

For all other structures requiring a certificate of occupancy, the certificate of occupancy shall contain the following information:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code and Chapter [16.05](#) SMC for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) The edition of the code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code or International Residential Code as applicable.
- (9) The type of construction as defined in Chapter 6 of the International Building Code or International Residential Code as applicable.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided, and whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.495 Temporary or phased occupancy.**

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The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The

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building official is authorized to require, in addition to the completion of life safety building components, completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The building official is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.500 Revocation of certificate of occupancy.**

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The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code and Chapter [16.05](#) SMC wherever the certificate is issued in error, or on the basis of incorrect information provided by the owner or owner's representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.505 Connection of service utilities.**

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No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code and Chapter [16.05](#) SMC for which a permit is required, until released by the building official. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.510 Temporary connection of service utilities.**

---

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.515 Authority to disconnect service utilities.**

---

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and Chapter [16.05](#) SMC and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service

## Exhibit 3

system shall be notified in writing, as soon as practical thereafter. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.520 Appeals – General.**

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(1) Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code and Chapter [16.05](#) SMC shall be heard and decided by the hearing examiner following an open record hearing. Following review of the evidence, the examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

(2) The hearing examiner's final decision shall be the final decision of the City council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.525 Appeals – Limitations on authority.**

---

An application for appeal shall be based on a claim that the true intent of this code and Chapter [16.05](#) SMC or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code and Chapter [16.05](#) SMC do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code and Chapter [16.05](#) SMC, nor shall the hearing examiner be empowered to waive requirements of either this code and Chapter [16.05](#) SMC or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.530 Unlawful acts.**

---

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, and Chapters [16.05](#) and [16.25](#) SMC, or cause same to be done, in conflict with or in violation of any of the provisions of this code, and Chapters [16.05](#) and [16.25](#) SMC. Unlawful acts shall be considered a "civil code violation" as defined in SMC [23.150.010](#). (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.535 Notice of violation.**

---

## Exhibit 3

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code and Chapter [16.05](#) SMC, or in violation of a permit or certificate issued under the provisions of this code and Chapter [16.05](#) SMC. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.540 Prosecution of violation.**

---

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City of Sammamish to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code and Chapter [16.05](#) SMC or of the order or direction made pursuant thereto. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

### **16.20.545 Violation – Penalties.**

---

Any person who violates a provision of this code and Chapter [16.05](#) SMC or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and Chapter [16.05](#) SMC, shall be subject to penalties as prescribed in SMC Title [23](#), code enforcement. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.550 Stop work order – Authority.**

---

Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code and Chapter [16.05](#) SMC or other pertinent laws or ordinances implemented through the enforcement of this code and Chapter [16.05](#) SMC, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.555 Stop work order – Issuance.**

---

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the

## Exhibit 3

cited work will be permitted to resume. Service of the stop work order shall be in accordance with Chapter [23.90](#) SMC. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.560 Stop work order – Effect.**

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(1) The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit.

(2) A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(3) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(4) A stop work order may be appealed to the City of Sammamish hearing examiner according to the procedures prescribed by Chapter [23.110](#) SMC.

(5) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.

(6) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.565 Stop work order – Remedy – Civil penalties.**

---

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(1) In addition to any other judicial or administrative remedy, the building official or designee may assess civil penalties for the violation of any stop work order as set forth in the civil penalty schedule contained in Chapter [23.100](#) SMC.

(2) Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

## Exhibit 3

(3) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for code violation. The City of Sammamish may collect the civil penalties assessed by any appropriate legal means.

(4) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with the City of Sammamish building code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

### **16.20.570 Unsafe structures and equipment.**

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Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against entry or that has been abandoned for more than one year, or the applicant or owner fails to request the appropriate inspections, shall be deemed unsafe.

Where a structure has been deemed unsafe, the building official or designee shall first issue a notice of violation as prescribed in SMC [16.20.535](#). The notice of violation shall include a statement requiring the unsafe structure or equipment be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter [16.25](#) SMC, Sammamish Building and Property Maintenance Code. (Ord. O2013-345 § 1 (Att. A); Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)



**Meeting Date:** May 17, 2016

**Date Submitted:** May 11, 2016

**Originating Department:** Community Development

**Clearances:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney     | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue         | <input type="checkbox"/> Police             |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT                     | <input type="checkbox"/> Public Works       |

**Subject:** An ordinance amending the Sammamish Municipal Code and the Shoreline Master Program

**Action Required:** Second Reading and Public Hearing

- Exhibits:**
1. Ordinance with Attachment A
  2. Washington Department of Ecology Conditional Approval Letter dated March 9, 2016 with Attachments A through D
  3. Table of Amendments

**Budget:** N/A

**Summary Statement:**

The City Council had their first reading of this ordinance on May 3, 2016 and opened the public hearing. The public hearing was continued to May 17, 2016. Following the close of the public hearing on May 17, 2016, the City Council will be ready to begin deliberations. The exhibits for the May 17, 2016 meeting are the same exhibits originally provided to the City Council for May 3, 2016. All proposed amendments are summarized in Exhibit 3 to this agenda bill.

**Background:**

On July 9, 2013, after five study sessions and six public meetings, the City Council adopted amendments to the City of Sammamish Environmentally Critical Areas (ECA) regulations. The Council's review followed a lengthy and thorough review of the proposed amendments by the City of Sammamish Planning Commission, which included over 20 public meetings and more than a hundred comments from the public, agencies, and Native American tribes.

In adopting the revised ECA regulations, the Sammamish City Council confirmed that the proposed amendments should also be effective City-wide, including with the Sammamish Shoreline jurisdiction. Consequently, on November 12, 2013 the City of Sammamish submitted proposed amendments to the Sammamish Shoreline Master Program to the Department of Ecology for their review and approval. On March 17, 2016, the Department of Ecology formally approved the proposed amendments with conditions, which is attached as Exhibit 2. Attachment A to the Ecology letter contains Findings of Fact

and Conclusions related to the approval. Attachment B to the Ecology letter describes the three “required” amendments that will need to be incorporated into the Shoreline Master Program. Attachment C to the Ecology letter describes several “recommended” amendments to the Shoreline Master Program. Attachments B and C are summarized in Exhibit 3, along with several staff recommended amendments. Finally, Attachment D to the Ecology letter provides a response from Ecology to public comment received during their review of the Shoreline Master Program amendments.

**Financial Impact:**

There is no financial impact directly associated with adoption of this ordinance.

**Recommended Motion:**

Adopt the ordinance included in Exhibit 1, as amended, related to the protection and regulation of Environmentally Critical Areas in the Sammamish Shoreline Master Program.

**CITY OF SAMMAMISH  
WASHINGTON**

**ORDINANCE NO. O2016 -**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY CRITICAL AREAS IN THE SAMMAMISH SHORELINE MASTER PROGRAM AND IN THE ENVIRONMENTALLY CRITICAL AREAS REGULATIONS, AMENDING CHAPTERS 25.01, 25.02, AND 25.08 AND 21A.15 AND 21A.50 OF THE SAMMAMISH MUNICIPAL CODE.**

WHEREAS, the adopted City of Sammamish Comprehensive Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the State Growth Management Act (GMA) includes adopted goals and requirements to guide the development and adoption of comprehensive plans and development regulations including requirements to designate and protect environmentally critical areas; and

WHEREAS, the City Council adopted Ordinance O2013-350, which contained development regulation amendments pertaining to the protection and regulation of Environmentally Critical Areas in Sammamish on July 9, 2013; and

WHEREAS, the City Council desires the proposed amendments to be effective throughout the City including within shoreline jurisdiction; and

WHEREAS, the Washington State Department of Ecology Conditionally Approved the proposed development regulation amendments pertaining to the protection and regulation of Environmentally Critical Areas in the Sammamish Shoreline areas in the Sammamish Shoreline Master Program on March 9, 2016; and

WHEREAS, the City, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, considered those adopted goals, policies and requirements in development of the proposed Sammamish Municipal Code Amendments related to critical areas, and, has considered other state requirements, laws, rules, guidelines, and agency comments; and

WHEREAS, the City, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, researched and assessed the experience of other jurisdictions in regard to standards and requirements for regulating critical areas, undertook an extensive Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Sammamish Municipal Code amendment drafts, prepared

## Exhibit 1

environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the City, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, has received feedback on draft work products and guidance from members of the public, City staff, the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology, other stakeholders and experts, the Sammamish Planning Commission, and elected and appointed officials during the development of the recommended code amendments; and

WHEREAS, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, the City has followed the GMA's requirements, including to provide "early and continuous public involvement" through a variety of mechanisms described in the public record; and

WHEREAS, the City, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the public record; and

WHEREAS, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Commerce and to other State agencies on March 14, 2013 for a 60-day review and comment period in accordance with State law; and

WHEREAS, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on May 20, 2013, in the Seattle Times; and

WHEREAS, in preparation of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, the Planning Commission held a total of 22 public meetings to consider the proposed amendments, which included three open house public meetings, two joint meetings with the City Council on December 1, 2011 and May 8, 2012, and a public hearing beginning on November 8, 2012 and continuing through November 15, 2012, and deliberations on December 6, December 13, 2012, January 17, and January 24, 2013; and

WHEREAS, the Planning Commission provided a recommendation to the City Council supporting the Environmentally Critical Areas regulatory amendments adopted into Ordinance O2013-350; and

WHEREAS, prior to the adoption of the Environmentally Critical Areas regulatory amendments for Ordinance O2013-350, the City Council held five study sessions on the proposed amendments on March 5, March 12, March 18, April 2, and April 15, 2013, public hearings on May 7, May 20, and June 4, 2013, and deliberated on June 4, June 11, July 2, and July 15, 2013; and

WHEREAS, the City Council has considered the recommendation of the City Planning Commission and the public comments received; and

WHEREAS, the City Council has reviewed and considered a variety of information sources including Best Available Science materials, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the City Council; and

WHEREAS, based upon the foregoing process, the City Council has made the following Findings of Facts and Conclusions:

1. The Growth Management Act requires critical areas to be designated and protected and for cities to include and be informed by BAS when developing critical areas regulations. RCW 36.70A.
2. Critical areas include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.
3. The City of Sammamish has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.
4. The proposed regulations for critical areas are sufficient and appropriate to protect the functions and values of those areas consistent with the Sammamish Comprehensive Plan and Growth Management Act.
5. The amendments hereafter set forth address requirements related to development in and near environmentally critical areas including environmentally critical areas buffers, performance standards, mitigation requirements, exemptions and exceptions.
6. The amendments serve to further implement the Comprehensive Plan, and provide protection for critical areas that is consistent with BAS and with providing options and development flexibility, and are in the public interest.
7. The critical areas regulations continue to allow for reasonable use of property to ensure that such regulations do not infringe on constitutional private property rights.
8. The public record demonstrates that the amendments were developed through a review of the BAS literature available to the City for review and consideration.
9. The City has followed the GMA's requirements for public involvement and for including and considering BAS in modification of the regulations for critical areas.
10. The public testimony provided to the City included both support for the proposed amendments and suggestions for modifications.

11. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the City's requirement to protect critical areas and to consider the planning goals of the GMA, while recognizing public and private interests.

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

**Section 1. Adoption of amendments to Sammamish Municipal Code 21A.50 - Environmentally Critical Area Regulations, 21A.15 - Technical Terms and Land Use Definitions, 25.01 – Introduction, 25.02 – Definitions, 25.08 – Permit Criteria and Administrative Standards.** The amendments to the Sammamish Municipal Code as set forth in Attachment "A" to this ordinance are hereby adopted.

**Section 2. Codification of the regulations.** The City Council authorizes the Community Development Director and City Clerk to correct errors in Attachment A, codify the regulatory provisions of the amendment to into Title 21A and Title 25 of the Sammamish Municipal Code, and publish the amended code.

**Section 3. Interpretation.** The City Council authorizes the Community Development Director to adopt administrative rules, adopt interpretations and administer the amended code as necessary to implement the legislative intent of the City Council.

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

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Exhibit 1

Approved as to form:

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Michael R. Kenyon, City Attorney

Filed with the City Clerk: April 27, 2016  
Public Hearing: May 3, 2016  
First Reading: May 3, 2016  
Public Hearing:  
Second Reading:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:

DRAFT

## Exhibit 1

**Department of Ecology – Compiled Summary of Sammamish  
Sammamish City Council  
Amendments to the Shoreline Master Program**

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“Plain Text” is existing code language

~~“Strikethrough Text”~~ is existing language that the City Council has deleted

“Underline Text” is code language that that the City Council has added

## 1 Sections:

- 2 [21A.50.010](#) Purpose.
- 3 [21A.50.020](#) Applicability.
- 4 [21A.50.030](#) Appeals.
- 5 [21A.50.040](#) Critical areas rules.
- 6 [21A.50.045](#) Fees.
- 7 ~~[21A.50.050](#)~~ *[Section not part of approved SMP]*
- 8 ~~[21A.50.060](#)~~ *[Section not part of approved SMP]*
- 9 ~~[21A.50.070](#)~~ *[Section not part of approved SMP]*
- 10 [21A.50.080](#) *Repealed.*
- 11 [21A.50.090](#) Critical area maps and inventories.
- 12 [21A.50.100](#) Disclosure by applicant.
- 13 [21A.50.110](#) Critical area review.
- 14 [21A.50.120](#) Critical areas study requirement.
- 15 [21A.50.130](#) Contents of critical areas study.
- 16 [21A.50.135](#) Avoiding impacts to critical areas.
- 17 [21A.50.140](#) Mitigation, maintenance, monitoring and contingency.
- 18 [21A.50.145](#) Mitigation plan requirements.
- 19 [21A.50.150](#) Financial guarantees.
- 20 [21A.50.160](#) Vegetation management plan.
- 21 [21A.50.170](#) Critical area markers, signs and fencing.
- 22 [21A.50.180](#) Notice on title.
- 23 [21A.50.190](#) Critical area tracts and designations on site plans.
- 24 [21A.50.200](#) *Recodified.*
- 25 [21A.50.210](#) Building setbacks.
- 26 [21A.50.220](#) Erosion hazard areas – Development standards and permitted alterations.
- 27 [21A.50.225](#) Erosion hazards near sensitive water bodies – Special district overlay.
- 28 [21A.50.230](#) Frequently flooded areas.
- 29 [21A.50.240](#) *Repealed.*
- 30 [21A.50.250](#) *Repealed.*
- 31 [21A.50.260](#) Landslide hazard areas – Development standards and permitted alterations.
- 32 [21A.50.270](#) Seismic hazard areas – Development standards and permitted alterations.
- 33 [21A.50.280](#) Critical aquifer recharge areas – Development standards.
- 34 [21A.50.290](#) Wetlands – Development standards.
- 35 [21A.50.300](#) Wetlands – Permitted alterations.
- 36 [21A.50.310](#) Wetlands – Mitigation requirements.
- 37 [21A.50.315](#) Wetlands – Mitigation banking.
- 38 [21A.50.320](#) Wetlands – Limited exemption.
- 39 [21A.50.322](#) Wetland management area – Special district overlay.
- 40 [21A.50.325](#) Fish and wildlife habitat conservation areas – Development standards.
- 41 [21A.50.327](#) Wildlife habitat corridors.
- 42 [21A.50.330](#) Streams – Development standards.
- 43 [21A.50.340](#) Streams – Permitted alterations.

- 1 [21A.50.350](#) Streams – Mitigation requirements.  
2 [21A.50.351](#) Ponds – Development standards.  
3 [21A.50.352](#) *Repealed*.  
4 [21A.50.355](#) Lake management areas – Special district overlay.  
5 [21A.50.360](#) Critical areas mitigation fee – Creation of fund.  
6 [21A.50.370](#) Critical areas mitigation fee – Source of funds.  
7 [21A.50.380](#) Critical areas mitigation fee – Use of funds.  
8 [21A.50.390](#) Critical areas mitigation fee – Investment of funds.  
9 ~~[21A.50.400](#)~~ *[Section not part of approved SMP]*

10 **21A.50.010 Purpose.**

11 The purpose of this chapter is to implement the goals and policies of the Washington State Growth  
12 Management Act, Chapter 36.70A and 36.70B RCW, the State Environmental Policy Act, Chapter 43.21C  
13 RCW, and the City of Sammamish comprehensive plan as amended, that call for protection of the functions  
14 and values of the natural environment and the public health and safety by:

- 15 (1) Establishing development standards to protect defined critical areas;  
16 (2) Protecting members of the public and public resources and facilities from injury, loss of life, property  
17 damage or financial loss due to flooding, erosion, landslides, seismic events, soil subsidence or steep slope  
18 failures;  
19 (3) Protecting unique, fragile, and valuable elements of the environment including, but not limited to, wildlife  
20 and its habitat;  
21 (4) Requiring mitigation of unavoidable impacts on environmentally critical areas by regulating alterations in  
22 or near critical areas;  
23 (5) Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater,  
24 wetlands, and streams;  
25 (6) Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of  
26 wetland and stream functions and values;  
27 (7) Protecting the public trust as to navigable waters and aquatic resources;  
28 (8) Meeting the requirements of the National Flood Insurance Program and maintaining the City as an eligible  
29 community for federal flood insurance benefits;  
30 (9) Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or  
31 lessees to the development limitations of critical areas;  
32 (10) Establishing special district overlays with alternative development standards for increasing minimum  
33 requirements to address unique site characteristics in areas of increased sensitivity;  
34 (11) Providing City officials with sufficient information to protect critical areas; and

1 (12) Providing the public with a clear review and approval process for the development of sites constrained  
2 by critical areas. (Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)

3 **21A.50.020 Applicability.**

4 (1) The provisions of this chapter shall apply to all land uses in the City of Sammamish, and all persons within  
5 the City shall comply with the requirements of this chapter.

6 (2) The City shall not approve any permit-development proposal or otherwise issue any authorization to alter  
7 the condition of any land, water or vegetation or to construct or alter any structure or improvement without  
8 first assuring compliance with the requirements of this chapter.

9 (3) Approval of a development proposal pursuant to the provisions of this chapter does not discharge the  
10 obligation of the applicant to comply with the provisions of this chapter.

11 (4) When any provision of any other chapter of the Sammamish Municipal Code conflicts with this chapter or  
12 when the provisions of this chapter are in conflict, that provision that provides more protection to  
13 environmentally critical areas shall apply unless specifically provided otherwise in this chapter or unless such  
14 provision conflicts with federal or state laws or regulations.

15 (5) The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction  
16 pursuant to Chapter 76.09 RCW and WAC Title 222. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

17 **21A.50.030 Appeals.**

18 Any decision to approve, condition or deny a development proposal based on the requirements of this  
19 chapter may be appealed according to and as part of the appeal procedure for the permit or approval  
20 involved. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

21 **21A.50.040 Critical areas rules.**

22 Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such  
23 administrative rules and regulations as are necessary and appropriate to implement this chapter and to  
24 prepare and require the use of such forms as are necessary to its administration. (Ord. O2005-193 § 1; Ord.  
25 O99-29 § 1)

26 **21A.50.045 Fees.**

27 (1) Consistent with the City's adopted fee schedule, the City shall establish fees for the application filing,  
28 review and other services provided by the City for critical areas review. Basis for these fees shall include, but  
29 not be limited to, the cost of engineering and planning review time, cost of inspection time, costs for  
30 administration, costs for third-party peer review, and any other special costs attributable to the critical areas  
31 review process.

32 (2) Unless otherwise indicated in this title, the applicant shall be responsible for the initiation, preparation,  
33 submission, and expense of all required reports, assessments, studies, plans, reconnaissances, or other work  
34 prepared in support of or necessary to review the application. (Ord. O2005-193 § 1)

1 *[Note: Environmental Critical Area provisions **21A.50.050 (Complete exemptions)** are not included, as these*  
 2 *provisions are not part of the approved SMP, pursuant to section 25.01.070] **No amendment is currently***  
 3 *proposed to section 25.01.070.*

4 *[Note: Environmental Critical Area provisions **21A.50.060 (Partial exceptions – Critical areas)** are not*  
 5 *included, as these provisions are not part of the approved SMP, pursuant to section 25.01.070]. **Please***  
 6 *reference amendments to section 25.08.100.*

7 *[Note: Environmental Critical Area provisions **21A.50.070 (Exceptions)** are not included, as these provisions*  
 8 *are not part of the approved SMP, pursuant to section 25.01.070]. **No amendment is currently proposed to***  
 9 *section 25.01.070.*

10 **21A.50.080 Modification or waiver of sensitive area requirements – Urban lots.**

11 *Repealed by Ord. O2005-193. (Ord. O99-29 § 1)*

12 **21A.50.090 Critical area maps and inventories.**

13 Not all of the critical areas in the City of Sammamish are fully mapped. Field verification and, if appropriate,  
 14 evaluation and mapping by a qualified professional of the location of critical areas will be required. The  
 15 distribution of many environmentally critical areas in the City of Sammamish is displayed in the City's critical  
 16 areas map folio, as amended. Additionally, the following maps are referenced and/or maintained by the City:

17 (a) Additionally, many of the wetlands located within the City's boundaries are inventoried in the  
 18 King County wetlands inventory notebooks.

20 (b) Many flood hazard areas are mapped by the Federal Insurance Administration in a scientific and  
 21 engineering report entitled "The Flood Insurance Study for King County."

23 (c) The wetland management, erosion hazard near sensitive water bodies, critical aquifer recharge  
 24 area, and lake management special overlay districts are designated on maps maintained by the  
 25 City of Sammamish Department of Community Development.

26 All maps are deemed advisory with the exception of the Critical Aquifer Recharge Area, Flood Insurance  
 27 Study for King County, Wetland Management Area and Erosion Hazard Near Sensitive Water Bodies overlay  
 28 maps. If there is a conflict among the advisory maps, inventory and/or site-specific features, the  
 29 Department of Community Development shall verify the actual presence or absence of the features  
 30 defined in this title as environmentally critical areas. The determination may be challenged by the property  
 31 owner pursuant to SMC 21A.05. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

32 **21A.50.100 Disclosure by applicant.**

33 (1) The applicant shall disclose to the City the presence of critical areas on the development proposal site and  
 34 any mapped or identifiable critical areas within the distance equal to the largest potential required buffer  
 35 applicable to the development proposal area on the applicant's property.

36 (2) If the development proposal site contains or is within a critical area or buffer, the applicant shall submit  
 37 an affidavit that declares whether the applicant has knowledge of any illegal alteration to any or all critical

1 areas or their buffers on the development proposal site and whether the applicant previously has been found  
2 in violation of this chapter, pursuant to SMC Title [23](#). If the applicant previously has been found in violation,  
3 the applicant shall declare whether such violation has been corrected to the satisfaction of the City. (Ord.  
4 O2005-193 § 1; Ord. O99-29 § 1)

5 **21A.50.110 Critical area review.**

6 (1) The City shall perform a critical area review prior to issuing any approval for a development proposal  
7 permit application or other request for permission to proceed with an alteration on a site that includes a  
8 critical area or is within an identified critical area buffer or building setback area.

9 (2) As part of the critical area review, the City shall:

10 (a) Confirm whether critical areas or buffers have been mapped or identified within the distance  
11 equal to the largest potential required buffer applicable to the development proposal area;

12 (b) Confirm the nature and type of the critical area;

13 (c) Determine whether a critical areas study is required;

14 (d) Evaluate the critical areas study and require third party review, if necessary; and;

15 (e) Determine whether the development proposal is consistent with this chapter;

16 (f) Determine whether any proposed alteration to the critical area is necessary; and

17 (g) Determine if the mitigation and monitoring plans and bonding measures proposed by the  
18 applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals,  
19 purposes, objectives, and requirements of this chapter. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

20 **21A.50.120 Critical areas study requirement.**

21 (1) An applicant for a development proposal where impacts to, or alteration of an environmentally critical  
22 area-landslide hazard area, wetland, stream, or fish and wildlife habitat conservation area or modification or  
23 reduction of a buffer associated with an environmentally critical area is proposed or may occur as a  
24 consequence of proposed actions, shall submit a critical areas study at a level determined by the director to  
25 adequately evaluate the proposal and probable impacts. ~~A critical areas study shall also be required for a~~  
26 ~~development proposal located in erosion and seismic hazard areas, critical aquifer recharge areas, and~~  
27 ~~frequently flooded areas, consistent with the requirements of this chapter, as determined by the director.~~

28 (2) The director may waive or modify the requirement for a critical areas study if the applicant shows, to the  
29 director's satisfaction, that:

30 (a) There will be no alteration of the critical area or buffer;

31 (b) The development proposal will not have an impact on the critical area in a manner contrary to  
32 the goals, purposes, objectives, and requirements of this chapter; and

1 (c) The minimum standards required by this chapter are met; or

2 (d) Critical areas are located off-site and access to applicable off-site property is restricted.

3 (3) If the development proposal will affect only a part of the development proposal site, the department may  
4 limit the scope of the required critical areas study to include only that area that is affected by the  
5 development proposal.

6 (4) If necessary to ensure compliance with this chapter, the director may require additional information from  
7 the applicant, separate from the critical areas study.

8 (5) A development proposal may be allowed to utilize past studies from neighboring properties, if confirmed  
9 that the study findings remain accurate and applicable to proposed development. (Ord. O2005-193 § 1; Ord.  
10 O99-29 § 1)

11 **21A.50.130 Contents of critical areas study.**

12 (1) The critical areas study shall be in the form of a written report prepared by a qualified professional using  
13 guidance based on best available science per RCW 36.70A and shall contain the following, as determined to  
14 be applicable by the director:

15 (a) The applicant shall disclose to the City the presence of critical areas on the development  
16 proposal site and any mapped or identifiable critical areas within the distance equal to the largest  
17 potential required buffer applicable to the development proposal area on the applicant's  
18 property.~~Identification and characterization of all critical areas and buffers within the distance equal~~  
19 ~~to the largest potential required buffer that can be reasonably ascertained from the subject~~  
20 ~~property;~~

21 (b) Assessment of the impacts or risks ~~of any alteration proposed for to~~ an environmentally critical  
22 area or buffer;

23 (i) Related to the development proposal and associated alterations to the subject property;  
24 ~~assessment of the impacts of any alteration on the development proposal;~~ and

25 (ii) Affecting other properties and any environmentally critical areas or buffers located on  
26 them other properties and the environment, and/or assessment of the impacts to the development  
27 proposal resulting from development near the critical area or buffer;

28 (c) A description of efforts made to apply mitigation sequencing pursuant to SMC 21A.50.135 to  
29 avoid, minimize and mitigate impacts to environmentally critical areas;

30 (d) Studies that propose adequate mitigation, maintenance, monitoring, and contingency plans and  
31 bonding measures as necessary to offset impacts to the critical area from the development  
32 proposal;

33 (e) A scale map of the development proposal site;

1 (f) Photographic records of the site before the proposed alteration occurs;

2 (fg) Detailed studies, as required by this chapter, for individual critical areas or as otherwise deemed  
3 necessary for critical areas protection by the director;

4 (gh) Assessment of potential impacts that may occur downstream or downhill from the  
5 development site, such as sedimentation or erosion, where applicable;

6 (hi) Assessment of potential impacts to wetland management areas, lake management areas, and  
7 other areas designated for special protection, where applicable; and

8 (ij) Consideration of the protection recommendations of the East Lake Sammamish Basin and  
9 Nonpoint Action Plan (1994), the Lake Washington/Cedar/Sammamish Watershed Chinook Salmon  
10 Conservation Plan – WRIA 8 Steering Committee, and adopted sub-basin plans.

11 (2) A critical areas study may be combined with any studies required by other laws and regulations.

12 ~~(3) If the development proposal will affect only a part of the development proposal site, the director may~~  
13 ~~limit the scope of the required critical areas study to include only that part of the site that may be affected by~~  
14 ~~the development. (Ord. O2005-193 § 1; Ord. O99-29 § 1)~~

15 **21A.50.135 Avoiding impacts to critical areas.**

16 (1) Except as otherwise provided in SMC 21A.50.060, Aa an applicant for a development proposal, activity, or  
17 alteration shall document the consideration of and subsequently shall implement the following sequential  
18 measures, which appear in order of preference, to avoid, minimize, and mitigate impacts to environmentally  
19 critical areas and associated buffers:

20 (a) Avoiding the impact or hazard by not taking a certain action, or redesigning the proposal to  
21 eliminate the impact. The applicant shall consider reasonable, affirmative steps and make best  
22 efforts to avoid critical area impacts. However, avoidance shall not be construed to mean  
23 mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is  
24 an allowed, permitted, conditional, or special use in the SMC. In determining the extent to which the  
25 proposal should be redesigned to avoid the impact, the department may consider the purpose,  
26 effectiveness, engineering feasibility, commercial availability of technology, best management  
27 practices, safety and cost of the proposal and identified modifications to the proposal.

28 The department may also consider the extent to which the avoidance of one type or location of an  
29 environmentally critical area could require or lead to impacts to other types or locations of nearby  
30 or adjacent environmentally critical areas. The department should seek to avoid, minimize and  
31 mitigate overall impacts based on the functions and values of all of the relevant environmentally  
32 critical areas and based on the recommendations of a critical areas study. If impacts cannot be  
33 avoided through redesign, or because of site conditions or project requirements, the applicant shall  
34 then proceed with the sequence of steps in subsection (1)(b) through (g) of this section.

1 (b) Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact with  
2 appropriate technology or by changing the timing of the action.

3 (c) Restoring the impacted critical areas by repairing, rehabilitating or restoring the affected critical  
4 area or its buffer.

5 (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through  
6 plantings, engineering or other methods.

7 (e) Reducing or eliminating the impact or hazard over time by preservation or maintenance  
8 operations during the life of the development proposal, activity or alteration.

9 (f) Compensating for the adverse impact by enhancing critical areas and their buffers or creating  
10 substitute critical areas and their buffers as required in the SMC.

11 (g) Monitoring the impact, hazard or success of required mitigation and taking remedial action  
12 based upon findings over time.

13 (2) In addition to the above steps, the specific development standards, permitted alteration requirements,  
14 and mitigation requirements of this chapter and elsewhere in the SMC apply.

15 (3) The department shall document the decision-making process used under this section as a part of the  
16 critical areas review conducted pursuant to SMC [21A.50.110](#). (Ord. O2005-193 § 1)

17 **21A.50.140 Mitigation, maintenance, monitoring and contingency.**

18 (1) When mitigation is required by this chapter to compensate for adverse impacts, unless otherwise  
19 provided, mitigation, maintenance, monitoring measures and contingency plans shall be in place to protect  
20 critical areas and buffers from alterations occurring on the development proposal site.

21 (2) Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or  
22 maintenance measures, the applicant shall be responsible for appropriate corrective action which, when  
23 approved, shall be subject to further monitoring.

24 (3) Mitigation shall be in-kind and on-site where on-site mitigation is feasible, sufficient to maintain critical  
25 area and buffer functions, and where applicable to prevent risk from a hazard posed by a critical area.

26 (4) The city may approve off-site mitigation if an applicant demonstrates that:

27  
28 (a) It is not feasible to mitigate on the development proposal site; and

29 (b) The off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland  
30 or aquatic area habitat functions.

31 (5) When off-site mitigation is authorized, the city shall give priority to locations in the following order of  
32 preference:

33 (a) Within the same drainage subbasin;

1 (b) Within the city limits;

2 (c) Within the Sammamish service area boundaries of an approved fee-in-lieu mitigation program;

3 (d) Within the Sammamish service area boundaries of an approved mitigation bank program.

4 ~~(6)~~ Mitigation shall not be implemented until after the City of Sammamish approves the applicable critical  
5 areas study, mitigation plan and any required permits. Following City approval, mitigation shall be  
6 implemented in accordance with the provisions of the approved critical areas study and mitigation plan.  
7 (Ord. O2005-193 § 1; Ord. O99-29 § 1)

8 **21A.50.145 Mitigation plan requirements.**

9 When mitigation is required, the applicant shall submit, for approval by the City of Sammamish, a mitigation  
10 plan as part of, or in addition to, the critical areas study. The mitigation plan shall include, or be accompanied  
11 by a report with the following information, as determined to be applicable by the director:

12 (1) Existing Conditions and Proposed Impacts. A description of existing critical area(s) and/or buffer(s)  
13 conditions, functions, and values and a description of the anticipated impacts;

14 (2) Proposed Mitigation. A description of proposed mitigating actions and mitigation site selection criteria;

15 (3) Environmental Goals and Objectives. A description of the goals and objectives of proposed mitigation. The  
16 goals and objectives shall be related to the functions and values of the impacted critical area(s) and/or  
17 buffer(s);

18 (4) Best Available Science. A review of the best available science supporting proposed mitigation, a  
19 description of the plan/report author's experience to date in restoring or creating the type of critical area  
20 proposed, and an analysis of the likelihood of success of the mitigation project;

21 (5) Performance Standards. A description of specific measurable criteria for evaluating whether or not the  
22 goals and objectives of the mitigation plan have been successfully attained and whether or not the  
23 requirements of this chapter have been met;

24 (6) Detailed Construction Plans. Detailed site diagrams, cross-sectional drawings, topographic elevations at  
25 one- or two-foot contours, slope percentage, final grade elevations, and any other drawings appropriate to  
26 show construction techniques or anticipated final outcome. In addition, plans should include specifications  
27 and descriptions of:

28 (a) Proposed construction sequence, timing, and duration;

29 (b) Grading and excavation details;

30 (c) Erosion and sediment control features;

31 (d) A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

1 (e) Measures to protect and maintain plants until established;

2 (7) Monitoring Program. Mitigation plans shall include a program for monitoring construction of the  
3 compensation project, and for assessing a completed project. A protocol shall be included that outlines the  
4 schedule for site monitoring and how the monitoring data will be evaluated to determine if the performance  
5 standards are being met. A monitoring report shall be submitted as needed to document milestones,  
6 successes, problems, and contingency actions of the compensation project. The compensation project shall  
7 be monitored for a period necessary to establish that performance standards have been met. The monitoring  
8 period shall be five years; provided, that the director may approve a greater period when needed to ensure  
9 mitigation success or a lesser period for minor mitigation;~~and~~

10 (8) Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any  
11 corrective measures to be taken if monitoring or evaluation indicates project performance standards are not  
12 being met. (Ord. O2005-193 § 1; Ord. O2005-172 § 4); and

13 (9) Fee in lieu program. If fee-in lieu mitigation is proposed, a critical areas study shall be supplied that  
14 demonstrates how proposed impacts and mitigation meet the requirements of SMC 21A.50.140 and  
15 21A.50.310 or 21A.50.350, whichever is applicable, and also the specific requirements of the fee-in-lieu  
16 mitigation program to be utilized.

17 **21A.50.150 Financial guarantees.**

18 Financial guarantees shall be required consistent with the provisions of SMC Title 27A. (Ord. O2005-193 § 1;  
19 Ord. O99-29 § 1)

20 **21A.50.160 Vegetation management plan.**

21 (1) For all development proposals where preservation of existing vegetation is required by this chapter, a  
22 vegetation management plan shall be submitted and approved prior to issuance of the permit or other  
23 request for permission to proceed with an alteration.

24 (2) The vegetation management plan shall identify the proposed clearing limits for the project and any areas  
25 where vegetation in a critical area or its buffer is proposed to be disturbed.

26 (3) Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the  
27 vegetation management plan shall include a description of proposed logging practices that demonstrates  
28 how all critical areas will be protected in accordance with the provisions of this chapter.

29 (4) Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner.  
30 Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration.  
31 Field marking shall remain in place until the certificate of occupancy or final project approval is granted.

32 (5) The vegetation management plan may be incorporated into a temporary erosion and sediment control  
33 plan or landscaping plan where either of these plans is required by other laws or regulations.

34 (6) Submittal requirements for vegetation management plans shall be set forth by the department. (Ord.  
35 O2005-193 § 1; Ord. O99-29 § 1)

**21A.50.170 Critical area markers, signs and fencing.**

(1) Markers. Permanent survey stakes delineating the boundary between adjoining property and critical area tracts shall be set, using markers capable of being magnetically located and as established by current survey standards.

(2) Signs. Development proposals approved by the city shall require that ~~The~~ boundary between a critical area buffer tract ~~tract~~ and contiguous land shall be identified with permanent signs. Permanent signs shall be a City-approved type designed for high durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner or homeowners' association in perpetuity. The wording, number and placement of the signs ~~shall may be as at specified by~~ modified by the director based on specific site conditions.

(3) Fencing. ~~The director may require fencing to protect the functions of a critical area. If found to be necessary, permanent~~ Permanent fencing shall be required at the outer edge of the critical area ~~or~~ buffer under the following circumstances:

(a) As part of any development proposals for:

(i) Plats;

(ii) Short plats;

(iii) Parks;

(iv) Other development proposals, including but not limited to multifamily, mixed use, and commercial development where the Director determines that such fencing is necessary to protect the functions of the critical area.

(b) When buffer reductions are employed as part of a development proposal;

(c) When buffer averaging is employed as part of a development proposal; and

(d) At the director's discretion to protect the values and functions of a critical area.

Fencing installed in accordance with this section shall be designed to not interfere with fish and wildlife migration and shall be constructed in a manner that minimizes critical areas impacts. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

**21A.50.180 Notice on title.**

(1) The owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the records and elections division of King County. The required contents and form of the notice shall be determined by the director. The notice shall inform the public of the presence of critical areas, buffers or mitigation sites on the property, of the application of this chapter to the property and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land.

1 (2) The applicant shall submit proof that the notice has been filed for public record before the City shall  
2 approve any development proposal for the property or, in the case of subdivisions, short subdivisions and  
3 binding site plans, at or before recording. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

4 **21A.50.190 Critical area tracts and designations on site plans.**

5 (1) Critical area tracts shall be used to delineate and protect those critical areas and buffers listed below in  
6 development proposals for subdivisions, short subdivisions, or binding site plans and shall be recorded on all  
7 documents of title of record for all affected lots:

8 (a) All landslide hazard areas and buffers that are one acre or greater in size;

9 (b) All wetlands and buffers;

10 (c) All streams and buffers; and

11 (d) All fish and wildlife habitat conservation areas and buffers.

12 (2) Any required critical area tract shall be held in an undivided interest by each owner of a building lot within  
13 the development with this ownership interest passing with the ownership of the lot or shall be held by an  
14 incorporated homeowners' association or other legal entity which assures the ownership, maintenance, and  
15 protection of the tract, or dedicated to the City of Sammamish, at the City's discretion.

16 (3) Site plans submitted as part of development proposals for building permits, master plan developments,  
17 and clearing and grading permits shall include and delineate all flood hazard areas (if they have been mapped  
18 by FEMA ~~or King County~~ or if a critical areas study is required), landslide hazard areas, streams and wetlands,  
19 buffers, and building setbacks. If only a part of the development site has been mapped pursuant to SMC  
20 [21A.50.130](#)(3), the part of the site that has not been mapped shall be clearly identified and labeled on the  
21 site plans. The site plans shall be attached to the notice on title required by SMC [21A.50.180](#). (Ord. O2005-  
22 193 § 1; Ord. O99-29 § 1)

23 **21A.50.200 Alteration.**

24 *Recodified to SMC [21A.15.056](#) by Ord. O2005-172.* (Ord. O99-29 § 1)

25 **21A.50.210 Building setbacks.**

26 Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the  
27 edges of a critical area buffer. The following may be allowed in the building setback area:

28 (1) Landscaping;

29 (2) Uncovered decks, less than 18 inches above grade;

30 (3) Building overhangs if such overhangs do not extend more than 18 inches into the setback area;

31 (4) Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be  
32 subject to special drainage provisions adopted for the various critical areas; and

1 (5) Trails. (Ord. O2009-264 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)

2 **21A.50.220 Erosion hazard areas – Development standards and permitted alterations.**

3 (1) Land clearing, grading, filling, and foundation work in an erosion hazard area is allowed only from May 1st  
4 to September 30th, except that:

5 (a) Construction outside of this seasonal development limitation may be authorized if the director  
6 determines that the hazard area will not be adversely impacted by the proposed construction work  
7 or the applicant demonstrates that erosion hazards will be fully mitigated through a temporary  
8 erosion and sediment control management plan that includes:

9 (i) The minimum requirements from the adopted Surface Water Design Manual and Title 13  
10 Surface Water Management:

11 (A) Provisions to store site construction runoff and treat runoff sufficiently to  
12 meet water quality standards prior to discharge;

13 (B) Daily and post-storm inspections of temporary erosion and sediment control  
14 best management practices;

15 (C) Establishment of a manager, who is a Certified Erosion and Sediment  
16 Control Lead (CESCL) in the State of Washington, and will be available on-call  
17 to respond to temporary erosion and sediment control non-compliance;

18 (D) A water-quality monitoring plan for site discharges, where the applicant is  
19 responsible for measuring turbidity of stormwater released from the site  
20 and maintaining records of monitoring data that shall be available upon  
21 request by the City or Ecology. Monitoring protocols shall conform to the  
22 monitoring requirements of the construction stormwater general permit;

23 (E) A Contingency Plan incorporated into the temporary erosion and sediment  
24 control plan that identifies corrective actions and BMPs that will be  
25 implemented if monitoring shows discharge water quality exceeds water  
26 quality standards, and that specifies materials to be stockpiled on site for use  
27 in an erosion and sediment control response;

28 (F) A Seasonal Suspension Plan for suspending work until the end of the rainy  
29 season if temporary erosion and sediment control measures are found to be  
30 inadequate;

31 (ii) Pre-design site inspection by a licensed engineer or geologist to identify erosion  
32 hazard areas, no-disturbance areas, other environmentally critical areas, and resources  
33 downstream of the site that are to be protected;

34 (iii) Construction stormwater systems and temporary erosion and sediment control  
35 best management practices are to be sized for a minimum of a 10-year storm interval;:-

36 (iv) The owner must provide a financial guarantee in accordance with SMC 27A.15,  
37 specifically and in an amount sufficient to cover all costs of implementing the approved  
38 temporary erosion and sediment control plan, monitoring site discharges, permanently

1 stabilizing the site, and restoring any off-site impacts, including materials, labor, and  
2 City costs, and include a mechanism allowing the City to be used the financial  
3 guarantee if the development is stalled or not completed;

4 (v) Preparation and implementation of site grading, stabilization, and restoration plans  
5 by a licensed engineer, with certification by a geotechnical engineer that these plans  
6 are sufficient to prevent erosion and sedimentation of susceptible soils; and

7 (vi) Preparation of a vegetation management plan by a qualified professional for  
8 establishment of permanent vegetation on the site following completion of clearing and  
9 grading work.

10 (b) In addition to the requirements of 21A.50.220(1)(a), the director may require a critical  
11 areas additional studies of the site hydrology, soils and stormwater retention, and may also require,  
12 grading, structural improvements, hydrology, soils and storm water retention studies, erosion  
13 control measures, restoration plans, and/or an indemnification/release agreement.

14 (c) Timber harvest may be allowed pursuant to an approved forest practice Type II and III permit  
15 issued by the Washington Department of Natural Resources.

16 (d) Construction activity associated with subdivisions, short subdivisions, and similar projects that  
17 drain to Lake Sammamish during the wet season shall provide water quality monitoring reports to  
18 the city consistent with SMC 21A.50.225(5)(g), and shall include monitoring of water temperature.

19 (ed) The director may halt wet season construction as necessary to protect the hazard area and/or  
20 to prevent downstream impacts.

21 (2) All development proposals on sites containing erosion hazard areas shall include a temporary erosion and  
22 sediment control plan as specified in subsection (1)(a) above consistent with this section and other laws and  
23 regulations prior to receiving approval. Specific requirements for such plans shall be set forth in the adopted  
24 surface water design manual and Title 13 Surface Water Management, or as otherwise specified by the  
25 department.

26 (3) All subdivisions, short subdivisions, or binding site plans on sites with erosion hazard areas shall comply  
27 with the following additional requirements:

28 (a) Except as provided in this section, existing vegetation shall be retained on all lots until building  
29 permits are approved for development on individual lots;

30 (b) If any vegetation on the lots is damaged or removed during construction of the subdivision  
31 infrastructure, the applicant shall be required to submit a restoration plan to the department for  
32 review and approval. Following approval, the applicant shall be required to implement the plan;

33 (c) Clearing of vegetation on lots will not be allowed unless the City determines that:

34 (i) Such clearing is a necessary part of a large-scale grading plan;

1 (ii) It is not a reasonable alternative to perform such grading on an individual lot basis; and

2 (iii) Drainage from the graded area will meet water quality standards to be established by the  
3 adopted surface water design manual and Title 13 Surface Water Management.

4 (4) Where the City determines that erosion from a development site poses a significant risk of damage to  
5 downstream receiving waters, based either on the size of the project, the proximity to the receiving water or  
6 the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface  
7 water discharge from the site as required by the adopted Surface Water Design Manual and City of  
8 Sammamish Addendum (2009). If the project does not meet the applicable provisions of the adopted water  
9 quality standards as established by law, the City may suspend further development work on the site until  
10 such standards are met.

11 (5) The use of hazardous substances, pesticides, and fertilizers in erosion hazard areas may be prohibited by  
12 the City. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

13 **21A.50.225 Erosion hazards near sensitive water bodies – ~~Special district~~ overlay.**

14 (1) The purpose of the erosion hazards near sensitive water bodies ~~special~~ overlay ~~district~~ is to provide a  
15 means to designate sloped areas posing erosion hazards that drain directly to lakes or streams of high  
16 resource value that are particularly sensitive to the impacts of increased erosion and the resulting sediment  
17 loads from development.

18 (2) General development standards. The following development standards shall be applied to all properties  
19 within the erosion hazard near sensitive water body overlay:

20 (a) The one (1) acre exemption in the Storm Water Design Manual Addendum shall not apply  
21 within the erosion hazards near sensitive water body overlay.

22 (b) If the application of this section would deny all reasonable use of property, the applicant may  
23 apply for a reasonable use exception pursuant to SMC 21A.50.070(2).

24 (c) The director may modify the property-specific development standards required by this  
25 section when a critical areas study is conducted by the applicant and approved by the director which  
26 demonstrates that the proposed development substantially improves water quality by showing all of  
27 the following:

28 (i) Water quality on site is improved through site enhancements and/or other innovative  
29 management techniques;

30 (ii) The development project will not subject downstream channels to increased risk of  
31 landslide or erosion; and

32 (iii) The development project will not subject the nearest sensitive water body to additional  
33 hazards resulting from erosion hazards.

~~The department of community development shall maintain a map of the boundaries of the erosion hazard near sensitive water bodies overlay district.~~

(3) No-disturbance area development standards. The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the no-disturbance area erosion hazards near a sensitive water bodies special district overlay:

~~(a) A no-disturbance area shall be established on the sloped portion of the special district overlay to prevent damage from erosion. The upslope boundary of the no-disturbance area lies at the first obvious break in slope from the upland plateau over onto the steep valley walls. The downslope boundary of the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas. The department shall maintain maps of the approximate location of the no-disturbance areas, which shall be subject to field verification for new development proposals.~~

~~(ab)~~ Land clearing or development shall not occur in the no-disturbance area, except for the clearing-development activities listed in subsection (3)(~~ba~~)(i) of this section. Clearing-Development activities listed in subsection (3)(~~ba~~)(i) of this section shall only be permitted if they meet the requirements of subsection (3)(~~ab~~)(ii) of this section.

(i) Clearing-Development activities may be permitted as follows:

(A) For single-family residences, associated landscaping and any appurtenances on pre-existing separate lots;

(B) For utility corridors to service existing development along existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way, or for the construction of utility corridors identified within an adopted water, storm water, or sewer comprehensive plan;

(C) For streets providing sole access to buildable property and associated utility facilities within those streets; ~~or~~

(D) For public park facilities including parking lots, restrooms or recreational structures and pedestrian trail/sidewalks; ~~or~~ or.

(E) Work authorized pursuant to the pilot program.

(ii) The clearing-development activities listed in subsection (3)(~~ba~~)(i) of this section may be permitted only if the following requirements are met:

(A) ~~A~~ Where applicable under SMC 21A.50.120, a report that meets the requirements of SMC 21A.50.130 shall show that the clearing-development activities will not subject the area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;

1 (B) The clearing-development activities shall be mitigated, monitored and bonded  
2 consistent with the mitigation requirements applicable to environmentally critical areas;

3 (C) The clearing-development activities are limited to the minimal area and duration  
4 necessary for construction; and

5 (D) The clearing-development activities are consistent with this chapter.

6 (b) New single-family home construction or modifications or additions to existing single-family homes  
7 on existing legal lots that will result in a total site impervious surface of more than 2,000 square feet  
8 shall provide a drainage design, using the following sequential measures, which appear in order of  
9 preference:

10 (i) Infiltration of all site runoff shall be required to the maximum extent technically feasible in  
11 existing soil conditions, consistent with the infiltration system design requirements of the  
12 KCSWDM;

13 (ii) Development proposals that meets the goals of Low Impact Development, as follows:

14 (A) Sixty-five (65) percent of the site shall remain as open space.

15 (B) No more than ten (10) percent of the gross site area may be covered with impervious  
16 surface.

17 (C) The development proposal's stormwater system shall limit stormwater discharge  
18 volumes to match the average annual volume discharged from the pre-developed  
19 forested site conditions as determined using a calibrated continuous simulation  
20 hydrologic model based on the EPA's HSPF program or an approved equivalent model.  
21 The city may modify these requirements based upon site specific analysis of the  
22 feasibility of required improvements, standards and specifications. Such analysis shall  
23 include evaluation of site and vicinity soils, hydrology, and other factors, as determined  
24 by the City, affecting the successful design of the stormwater or low impact  
25 development improvements. The city shall consider purpose, effectiveness,  
26 engineering feasibility, commercial availability of technology, best management  
27 practices, safety and cost of the proposal when evaluating a waiver or modification  
28 request. The applicant shall bear the burden of proof that a waiver or modification is  
29 warranted.

30 (iii) For development proposals that cannot infiltrate all site runoff, the applicant shall design a  
31 drainage system that provides a drainage outlet designed using the best available science  
32 techniques in addition to the applicable flow control and water quality treatment standards of  
33 the adopted surface water design manual to minimize the risk of landslide or erosion ~~to~~ within  
34 the no-disturbance area and minimize the risk of water quality impacts to any sensitive water  
35 body located downstream of the no disturbance area; and

36 (iv) Structural modification of, addition to or replacement of legally created single detached  
37 residences and improvements in existence before January 1, 2006, that do not increase the

1 existing total footprint of the residence and associated impervious surface by more than 400  
2 square feet over that existing before January 1, 2006, shall be exempt from the provisions of  
3 this subsection.

4 (4) Development standards for properties draining to the no-disturbance area. The following development  
5 standards shall be applied, in addition to all applicable requirements of this chapter, to development  
6 proposals located within the erosion hazards near sensitive water body overlay that drain to a no-  
7 disturbance area:

8 (a) New proposed subdivisions, short subdivisions, public institutions, commercial site  
9 development permits, and binding site plans for sites that drained predeveloped runoff to the no-  
10 disturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly  
11 constructed impervious surfaces shall be retained on site unless this requirement precludes a  
12 proposed subdivision or short subdivision from achieving 75 percent of the maximum net density as  
13 identified in Chapter [21A.25 SMC](#). When 75 percent of the maximum net density cannot be met, the  
14 applicant shall retain runoff on site and a perforated tightline ([Figure C.2-1, Appendix C, of the 1998](#)  
15 [KCSWDM, as amended per the adopted surface water design manual and Title 13 Surface Water](#)  
16 [Management](#).) shall be used to connect each lot to the central drainage system. The following  
17 drainage systems shall be evaluated, using the following sequential measures, which appear in order  
18 of preference:

19 (i) Infiltration of all site runoff shall be required in granular soils as defined in the [adopted](#)  
20 [surface water design manual and Title 13 Surface Water Management, King County Surface](#)  
21 [Water Design Manual \(KCSWDM\)](#);

22 (ii) Infiltration of downspouts shall be required in granular soils and in soil conditions defined  
23 as allowable in the KCSWDM when feasible to fit the required trench lengths on site. All flows  
24 not going to an individual infiltration system shall be detained on site using the most restrictive  
25 flow control standard; and

26 (iii) When infiltration of downspouts is not feasible, the applicant shall design a drainage  
27 system that will detain flows on site using the applicable flow control standard and shall install  
28 an outlet from the drainage system designed using the best available science techniques to  
29 limit the risk of landslide or erosion to the no-disturbance area; provided, that in no case shall  
30 development proposals generating more than 2,000 square feet of impervious surface create  
31 point discharges in or upstream of the no-disturbance or landslide hazard areas.

32 ~~(d) New single-family home construction or modifications or additions to existing single-family~~  
33 ~~homes on existing legal lots that will result in a total site impervious surface of more than 2,000~~  
34 ~~square feet shall provide a drainage design, using the following sequential measures, which appear~~  
35 ~~in order of preference:~~

36 ~~(i) Infiltration of all site runoff shall be required to the maximum extent technically feasible in~~  
37 ~~soil conditions, consistent with the infiltration system design requirements of the KCSWDM;~~

~~(ii) For development proposals that cannot infiltrate all site runoff, impervious surfaces shall be infiltrated to the maximum extent technically feasible in soil conditions, consistent with the infiltration system design requirements of the KCSWDM;~~

~~(iii) For development proposals that cannot infiltrate all site runoff, the applicant shall design a drainage system that provides a drainage outlet designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; and~~

~~(iv) Structural modification of, addition to or replacement of legally created single-detached residences and improvements in existence before January 1, 2006, that do not increase the existing total footprint of the residence and associated impervious surface by more than 200 square feet over that existing before January 1, 2006, shall be exempt from the provisions of this section.~~

(eb) For the portions of proposed subdivisions, short subdivisions and binding site plans that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent of the portion of the site that cannot infiltrate shall remain undisturbed and set aside in an open space tract consistent with SMC [21A.50.160](#) through [21A.50.190](#). The open space tract shall be located adjacent to any required critical area tracts and shall be designed to maximize the amount of separation between the critical area and the proposed development. If no critical areas tracts are required, the open space tract shall be located to provide additional protection to the no-disturbance area.

(fc) For the portions of all subdivisions and short subdivisions that cannot infiltrate runoff up to the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage should be specified for subsequent residential building permits on individual lots.

#### (5) Pilot Program.

(a) Establishment of Pilot Program. A Pilot Program is hereby established to allow pilot project subdivision, including clearing and development projects within the no-disturbance area as set forth herein, on land that has slopes of less than 40 percent grade and that is located outside of environmentally critical area buffers. The provisions of this pilot program shall not apply, and pilot projects shall not be authorized, within the mapped Ebright Creek, Pine Lake Creek, Zaccuse Creek, and "mid-Monohon" sub-basins.

(b) Effective Date. The terms of this pilot program related to pilot projects authorized under subsection (d)(i) below, and to properties within the shoreline jurisdiction, shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish Shoreline Master Program.

(c) Purpose. The purpose of this Pilot Program is to allow for limited development within the no disturbance area under strict limitations in order to evaluate the ability to allow increased development within the no-disturbance area without adversely affecting the water quality of Lake

1 Sammamish. Projects qualifying for this Pilot Program, are subject to the requirements below, and  
2 are not subject to the preceding subsections of 21A.50.225.

3 (d) Eligibility. A maximum of four (4) subdivision projects are authorized by this pilot program.  
4 A maximum of two (2) projects shall be authorized under subsection (d)(i) and a maximum of two  
5 (2) projects shall be authorized under subsection (d)(ii). Projects eligible for inclusion in this Pilot  
6 Program shall meet the provisions of subsection (d)(i) or (d)(ii) below:

7 (i) Tightline Drainage Design. Where direct access to Lake Sammamish is available, the  
8 applicant shall install permanent water quality treatment per the adopted surface water  
9 design manual and a tightline storm drain system discharging directly into Lake Sammamish  
10 designed by a professional engineer using the adopted surface water design manual and  
11 technologies. The applicant shall also install temporary erosion sediment control  
12 improvements, including active water quality treatment. The tightline system shall extend  
13 through the property and be available by extension or easement upstream to properties that  
14 naturally drain to the subject property; or,

15 (ii) Low Impact Design. Where direct access to Lake Sammamish is not available, the  
16 applicant shall design a project consistent with the development standards of Low Impact  
17 Development, specifically:

18 (A) Sixty-five (65) percent of the site shall remain as forested open space. Re-  
19 vegetation shall be required to convert non-forested open space to forested as  
20 part of the project approval.

21 (B) No more than ten (10) percent of the gross site area may be covered with  
22 impervious surface.

23 (C) The project's stormwater system shall limit stormwater discharge volumes to  
24 match the average annual volume discharged from the pre-developed forested  
25 site conditions as determined using a calibrated continuous simulation  
26 hydrologic model based on the EPA's HSPF program or an approved equivalent  
27 model. The city may modify these requirements based upon site specific analysis  
28 of the feasibility of required improvements, standards and specifications. Such  
29 analysis shall include evaluation of site and vicinity soils, hydrology, and other  
30 factors, as determined by the City, affecting the successful design of the  
31 stormwater or low impact development improvements. The city shall consider  
32 purpose, effectiveness, engineering feasibility, commercial availability of  
33 technology, best management practices, safety and cost of the proposal when  
34 evaluating a waiver or modification request. The applicant shall bear the burden  
35 of proof that a waiver or modification is warranted.

36 (e) Pilot Program Administration.

1 (i) Application. Applications for eligible projects meeting the provisions of 5(d) above  
2 shall be administered as follows:

3 (A) Within two (2) years of the effective date of this subsection, a maximum of one  
4 (1) project eligible for the pilot program under subsection (d)(i) and a maximum  
5 of one (1) project eligible for the pilot program under subsection (d)(ii) may be  
6 accepted subject to the provisions of subsection (5). Following completion and  
7 acceptance of all required infrastructure necessary to support the proposed  
8 project, and barring any failure of the required infrastructure that causes an  
9 environmental failure, an additional one (1) project eligible for the pilot program  
10 under subsection (d)(i) and an additional one (1) project eligible for the pilot  
11 program under subsection (d)(ii) may be accepted subject to the provisions of  
12 subsection (5). For the purposes of this subsection, infrastructure necessary to  
13 support the proposed project shall include, at a minimum, all public or private  
14 stormwater improvements, and all public or private roads improvements  
15 associated with the project.

16 (B) Application for eligible projects shall be accepted in the order received. To  
17 qualify for application, an applicant must have a complete application as  
18 described in the city's application material and SMC 20.05, and an applicant must  
19 have completed any necessary preliminary steps prior to application as set forth  
20 in SMC 20.05.

21 (C) In the event that an application for a project accepted into the Pilot Program is  
22 withdrawn by the applicant or cancelled by the City prior to the expiration of the  
23 Pilot Program, the next submitted application for the same development type  
24 shall be accepted into the Pilot Program.

25 (D) The city shall use its authority under SMC 20.05.100 to ensure expeditious  
26 processing of subdivision applications. In particular, the director shall set a  
27 reasonable deadline for the submittal of corrections, studies, or other  
28 information when requested; an extension may be provided based upon a  
29 reasonable request. Failure by the applicant to meet a deadline shall be cause  
30 for the department to cancel/deny the application.

31 (E) Site development construction shall begin no later than 18 months from the date  
32 of preliminary plat approval. The director may authorize a one year extension  
33 based upon extenuating circumstances.

34 (ii) Pilot Program Expiration. The Pilot Program shall expire and no further applications  
35 shall be accepted after the period established in subsection "(e)(i)" above. Projects for which  
36 applications are accepted into the Pilot Program may be reviewed, approved and  
37 constructed, under the terms of the Pilot Program, even if such review, approval, or  
38 construction occurs after the Pilot Program has expired.

1 (f) Development Requirements. Projects accepted under this Pilot Program may conduct  
2 clearing and development in the no-disturbance area, and shall not be subject to subsection  
3 21A.50.225(2), so long as projects accepted under this pilot program and associated clearing and  
4 development meet the following requirements:

5 (i) The development shall comply with the adopted surface water design manual and Title 13  
6 Surface Water Management;

7 (ii) The total project area shall be limited to 30 acres per project. For the purposes of this  
8 subsection, pilot projects on adjoining lots shall be considered one project;

9 (iii) Pilot projects proposed pursuant to subsection (d)(ii) - Low Impact Design shall  
10 incorporate Level 3 flow control, or equivalent, as approved by the director, in addition to  
11 the volume control standard specified in subsection (d)(ii);

12 (iv) Pilot projects proposed pursuant to subsection (d)(i) – Tightline Drainage Design shall  
13 incorporate an energy dissipater in the tightline system, or equivalent, as approved by the  
14 director;

15 (v) Clearing of the site shall be limited based on the treatment capacity designed into the  
16 permanent and temporary water quality treatment systems installed;

17 (vi) Post Development Phosphorous Control. The proposed storm water facilities shall be  
18 designed to remove 80 percent of all new total phosphorus loading on an annual basis due to  
19 new development (and associated storm water discharges) where feasible or utilize AKART if  
20 infeasible. At a minimum, post development water quality treatment shall be designed to  
21 achieve a goal of 60 percent total phosphorus (TP) removal for the water quality design flow  
22 or volume (defined in Section 6.2.1, p. 6-17 of the adopted 2009 KCSWDM);

23 (vii) Drainage systems shall be designed to accommodate the 100-year storm, consistent with  
24 the requirements of the adopted surface water design manual;

25 (viii) Low Impact Design techniques shall be incorporated into the design of homes  
26 constructed on the resultant lots, to the maximum extent practically feasible, provided that  
27 infiltration of stormwater shall be prohibited except where there are no erosion hazard areas  
28 located downslope of the infiltration system;

29 (ix) Pilot projects shall set aside 50% of the gross site area as a permanent open space tract.  
30 Re-vegetation shall be required to convert non-forested open space to forest as part of the  
31 project approval. For the purposes of this subsection, the gross site area shall be the entire  
32 area of a property associated with a pilot project participating in the pilot program;

33 (x) Lots shall be clustered to the maximum extent feasible to minimize site grading in the no-  
34 disturbance area;

1 (xi) No more than 30 percent of the net developable area within a pilot project shall be  
2 covered by impervious surfaces. Required street improvements are included in this  
3 impervious surface limitation. For the purposes of this subsection, the net developable area  
4 shall be the entire area of a property participating in the pilot program minus any  
5 environmentally critical areas and buffers;

6 (xii) Construction Season Work Limits - Land clearing and grading may only occur between  
7 June 1st to August 30th with the phases of construction limited as follows:

8 (A) On or after June 1st, site clearing and grading necessary for the installation of  
9 permanent and temporary water quality treatment and conveyance may occur.  
10 Clearing and grading shall be limited to those portions of a site where such work  
11 is necessary to install tight-line stormwater conveyance, permanent and  
12 temporary stormwater detention, and/or water quality facilities. For the  
13 purposes of temporary erosion and sediment control, the required tightline  
14 system may be either a portion of the permanent stormwater conveyance  
15 system if feasible, or a temporary tightline system to be replaced by the  
16 permanent system as construction progresses;

17 (B) Following installation and approval of the permanent and water quality  
18 treatment described in subsection (xi)(A) above, development of the remainder  
19 of the site may occur;

20 (C) No later than August 30th, all site clearing and grading activity must be  
21 completed and the site fully prepared for winter rains, through techniques such  
22 as hydroseeding or stabilization as set forth in an approved Construction Season  
23 Work Limit Plan;

24 (D) The director may extend the seasonal construction limitations described above  
25 if, in the director's determination, appropriate erosion control measures and  
26 practices are in place and then prevailing weather patterns permit. The director  
27 shall not authorize work prior to May 1<sup>st</sup> or after September 30<sup>th</sup>.

28 (xiii) Construction Season Work Limit Implementation. City approval of a temporary  
29 erosion and sediment control plan consistent with this section, SMC 21A.50.220, and  
30 other laws and regulations is required prior to any site work. The temporary erosion  
31 and sediment control plan shall comply with grading limits, shall include Construction  
32 Season Work Limits that comply with the construction season limitations, and shall  
33 include a Close Out Plan identifying the actions that will be taken to ready the site for  
34 winter weather. The Close Out Plan shall include the following:

35 (A) By July 15th City approval of any proposed changes to the Close Out Plan to  
36 assure that the site will be prepared for winter weather by August 30<sup>th</sup> is  
37 required.

38 (B) By August 1st review and approval of any revisions to the close out plan is  
39 required.

1 (C) By August 15<sup>th</sup>, city inspection is required of the site to confirm that all  
2 mandatory elements of the Close Out Plan are being implemented. Following  
3 inspections, the city shall direct the applicant to take any additional actions that  
4 are necessary and may order all construction work to be stopped other than  
5 work to prepare the site for winter weather.

6 (D) By August 30<sup>th</sup> all site work to prepare the site for winter weather shall be  
7 completed.

8 (E) The Director may extend these seasonal construction limitations if, in the  
9 Director's determination, appropriate erosion control measures and practices  
10 are in place and then prevailing weather patterns permit. The director shall not  
11 authorize work prior to May 1<sup>st</sup> or after September 30<sup>th</sup>.

12 (xiv) Early Installation of Permanent Stormwater Management System. In addition to  
13 installation of all required Temporary Sediment and Erosion Control measures, and  
14 prior to any grading, other than grading necessary for installation of the stormwater  
15 management system, the applicant shall construct the Project's stormwater  
16 management systems in accordance with plans approved by the City. Stormwater  
17 systems shall include permanent and temporary water quality treatment and  
18 detention facilities specified in the latest approved version of the surface water  
19 design manual and the pipes and outlet facilities necessary to convey stormwater to  
20 the approved discharge location.

21 (A) Temporary water quality treatment facilities shall be sized to treat runoff  
22 generated by cleared areas during the 10 year storm event during May through  
23 September and the 25 year storm event for the remainder of the year and  
24 release treated runoff with a measured turbidity of no more than 25 NTU.

25 (B) Temporary water quality treatment facilities shall include active sediment  
26 controls, such as chemical treatment, enhanced filtration or a combination of  
27 both per DOE guidelines (Section C250 & C251, Volume II, Department of Ecology  
28 Stormwater Management Manual).

29 (h) Monitoring and Reporting on Pilot Program projects. The purpose of collecting monitoring  
30 and reporting information on the pilot program projects is to create inform the eventual  
31 legislative decision on development in the no-disturbance area. Projects authorized by this  
32 pilot program shall collect and report the following:

33 (i) Monitoring Data. Water quality monitoring data collected pursuant to this section shall  
34 include the following:

35 (A) Turbidity;

36 (B) Total phosphorous;

37 (C) Total suspended solids;

38 (D) Temperature

39 (E) Flow rate; and,

40 (F) Volume.

1 Pilot program projects authorized under subsection (5)(d)(ii) – Low Impact Design above,  
2 shall not be required to collect flow rate or volume data. Water quality monitoring data  
3 shall be retained by the project applicant for a period of five years after final inspection  
4 of the last house built.

5 (ii) Prior to Construction. Prior to any site construction activity, the project applicant shall  
6 be responsible for completing visual inspections of the site and downstream properties  
7 to identify possible sources of erosion before, during, and after construction to provide a  
8 baseline condition for other data collection.

9 (iii) During Construction. During any site construction activity the project applicant shall be  
10 responsible for collecting monitoring data in accordance with the frequency established  
11 by the NPDES permit at the natural discharge location. Monitoring data shall be  
12 collected prior to the start of construction, through the construction period and until the  
13 last house has been built on the site.

14 (iv) Following Construction. Following the final inspection of the last house built, the project  
15 applicant shall be responsible for collecting monitoring data for five years. Data  
16 collection shall occur at a frequency of seven times a year between the months of  
17 October and June. Monitoring shall not be required following construction if the Pilot  
18 Program is adopted as a permanent amendment to the Erosion Hazard Near Sensitive  
19 Water Body overlay.

20 (v) Water Quality Reporting. Monitoring data shall be summarized in annual water quality  
21 reports submitted to the city. Annual reports shall evaluate the effect on King County  
22 water quality data from Lake Sammamish.

23 (vi) Administrative rules. The director is authorized to adopt administrative rules to ensure  
24 the successful water quality data collection, monitoring, and reporting to the city.

25 (i) Pilot Program Evaluation. The city shall monitor the pilot program through the submitted  
26 annual reports and shall summarize the report findings in a report evaluating how well each  
27 project achieved the pilot program’s purpose and goals and present the report to the City  
28 Council along with a recommended legislative action.

29 ~~(g) If the application of this section would deny all reasonable use of property, the applicant may~~  
30 ~~apply for a reasonable use exception pursuant to SMC 21A.50.070(2).~~

31 ~~(h) The director may modify the property-specific development standards required by this section~~  
32 ~~when a critical areas study is conducted by the applicant and approved by the director which~~  
33 ~~demonstrates that the proposed development substantially increases water quality by showing the~~  
34 ~~following:~~

35 ~~(i) Water quality on site is improved through site enhancements and/or other innovative~~  
36 ~~management techniques;~~

37 ~~(ii) The development project will not subject downstream channels to increased risk of~~  
38 ~~landslide or erosion; and~~

~~(iii) The development project will not subject the nearest sensitive water body to additional erosion hazards. (Ord. O2009-250 § 1; Ord. O2005-193 § 1)~~

**21A.50.230 Frequently flooded areas.**

(1) Frequently flooded areas include all areas of special flood hazards within the jurisdiction of the City of Sammamish.

~~(a)~~ The areas of special flood hazard are identified by the Federal Insurance Administration in a scientific and engineering report entitled “the Flood Insurance Study for King County,” as amended, as stated in SMC [15.10.060](#). The flood insurance study is on file at Sammamish City Hall. The best available information for flood hazard area identification as outlined in SMC [15.10.130](#)(2) shall be the basis for regulation until a new [Flood Insurance Rate Map \(FIRM\)](#) is issued that incorporates the data utilized under SMC [15.10.130](#)(2).

~~(b) The director may use additional flood information that is more restrictive or detailed than that provided in the Flood Insurance Study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.~~

(2) Development in frequently flooded areas shall be subject to the provisions in Chapter [15.10](#) SMC. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

**21A.50.240 Flood hazard areas – Certification by engineer or surveyor.**

*Repealed by Ord. O2005-193. (Ord. O99-29 § 1)*

**21A.50.250 Channel relocation and stream meander areas.**

*Repealed by Ord. O2005-193. (Ord. O99-29 § 1)*

**21A.50.260 Landslide hazard areas – Development standards and permitted alterations.**

A development proposal containing, or within 50 feet of, a landslide hazard area shall meet the following requirements:

(1) A minimum buffer of 50 feet shall be established from ~~all edges~~ the top and toe of the landslide hazard area. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare.

~~(a2)~~ The buffer may be reduced to a minimum of 15 feet if, based on a critical areas study, the City determines that the reduction will adequately protect the proposed development and other properties, the critical area and other critical areas off-site.

~~(ab)~~ For single-family residential building permits only, the City may ~~waive the~~ reduce the scope of the critical areas study ~~requirement~~ if other development in the area has already provided sufficient information or if such information is otherwise readily available.

1 ~~(2) (b)~~ In addition to the general requirements for critical areas studies that may be required consistent with  
2 SMC [21A.50.130](#), the critical areas study for a landslide hazard area shall include a geotechnical report  
3 prepared by a qualified professional consistent with SMC 21A.15.545, unless otherwise approved by the city,  
4 which also includes the following:

5 (i) A description of the extent and type of vegetative cover;

6 (ii) A description of subsurface conditions based on data from site-specific explorations;

7 (iii) Descriptions of surface and groundwater conditions, public and private sewage disposal  
8 systems, fills and excavations, and all structural improvements;

9 ~~(iv) An estimate of slope stability and the effect construction and placement of structures will  
10 have on the slope over the estimated life of the structure;~~

11 (iv) An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic  
12 events such as seismic activity or a 100-year storm event;

13 (v) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide  
14 run-out on downslope properties;

15 ~~(vii) A study of slope stability including an analysis of proposed cuts, fills, and other site  
16 grading;~~

17 (vi) Recommendations for building siting limitations; ~~and~~

18 (vii) An analysis of proposed surface and subsurface drainage, and the vulnerability of the  
19 site to erosion; ~~and~~

20 ~~(viii) A comprehensive study of slope stability including an analysis of proposed cuts, fills, and  
21 other site grading and construction effects where the overall minimum factor of safety for  
22 slope stability is 1.5 for static conditions and 1.1 for seismic conditions as based on current  
23 building code seismic design conditions.~~

24 ~~(43)~~ Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a  
25 landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for  
26 surveying purposes and for the removal of hazard trees determined to be unsafe by the City. The City may  
27 require the applicant to submit a report prepared by a certified arborist to confirm hazard tree conditions.  
28 Notice to the City shall be provided prior to any vegetation removal permitted by this subsection.

29 ~~(54)~~ Vegetation on slopes within a landslide hazard area or buffer that has been damaged by human activity  
30 or infested by noxious weeds may be replaced with native vegetation pursuant to an enhancement plan  
31 approved by the City pursuant to SMC [21A.50.060](#). The use of hazardous substances, pesticides, and  
32 fertilizers in landslide hazard areas and their buffers may be prohibited by the City.

33 ~~(65)~~ Alterations to landslide hazard areas and buffers may be allowed only as follows:

1 (a) A landslide hazard area located on a slope 40 percent or steeper may be altered only if the  
2 alteration meets the following standards and limitations:

3 (i) Approved surface water conveyances, as specified in the applicable adopted surface water  
4 design manual and Title 13 Surface Water Management, ~~City adopted storm water~~  
5 requirements, may be allowed in a landslide hazard area if they are installed in a manner to  
6 minimize disturbance to the slope and vegetation;

7 (ii) Public and private trails may be allowed in a landslide hazard area subject to the standards  
8 and mitigations contained in this chapter, development standards in Chapter 21A.30 SMC, and  
9 requirements elsewhere in the SMC, when locating outside of the hazard area is not feasible;

10 (iii) Utility corridors may be allowed in a landslide hazard area if a critical areas study shows  
11 that such alteration will not subject the area to the risk of landslide or erosion;

12 (iv) Limited trimming and pruning of vegetation may be allowed in a landslide hazard area  
13 pursuant to an approved vegetation management plan for the creation and maintenance of  
14 views if the soils are not disturbed;

15 (v) Stabilization of sites where erosion or landsliding threatens public or private structures,  
16 utilities, roads, driveways or trails, or where erosion and landsliding threaten any lake, stream,  
17 wetland, or shoreline. Stabilization work shall be performed in a manner that causes the least  
18 possible disturbance to the slope and its vegetative cover; and

19 (vi) Reconstruction, remodeling, or replacement of an existing structure upon another portion  
20 of an existing impervious surface that was established pursuant to City ordinances and  
21 regulations may be allowed; provided:

22 (A) If within the buffer, the structure is located no closer to the landslide hazard area than  
23 the existing structure; and

24 (B) The existing impervious surface within the buffer or landslide hazard area is not  
25 expanded as a result of the reconstruction or replacement.

26 (b) A landslide hazard area located on a slope less than 40 percent may be altered only if the  
27 alteration meets the following requirements:

28 (i) The development proposal will not decrease slope stability on contiguous properties; and

29 (ii) Mitigation based on the best available engineering and geological practices is implemented  
30 that either eliminates or minimizes the risk of damage, death, or injury resulting from  
31 landslides; ~~and~~

32 (c) Neither buffers nor a critical area tract shall be required if the alteration meets the standards of  
33 subsection (5)(b) of this section.

~~(6) New development proposals that will result in a total site impervious surface of more than 2,000 square feet shall provide a drainage design, using the following sequential measures, which appear in order of preference:~~

~~(a) Infiltration of all site runoff shall be required to the maximum extent technically feasible in soil conditions, consistent with the infiltration system design requirements of the KCSWDM;~~

~~(b) For development proposals that cannot infiltrate all site runoff, impervious surfaces shall be infiltrated to the maximum extent technically feasible in soil conditions, consistent with the infiltration system design requirements of the KCSWDM;~~

~~(c) For development proposals that cannot infiltrate all site runoff, the applicant shall design a drainage system that provides a drainage outlet designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; and~~

~~(d) Structural modification of, addition to or replacement of legally created single detached residences and improvements in existence before January 1, 2006, that do not increase the existing total footprint of the residence and associated impervious surface by more than 200 square feet over that existing before January 1, 2006, shall be exempt from the provisions of this section.~~

(7) The following are exempt from the provisions of this section:

(a) Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a licensed geologist or geotechnical engineer; and

(b) The approved regrading of any slope that was created through previous legal grading activities. (Ord. O2009-250 § 1; Ord. O2005-193 § 1; Ord. O99-29 § 1)

### **21A.50.270 Seismic hazard areas – Development standards and permitted alterations.**

A development proposal containing a seismic hazard area shall meet the following requirements:

(1) All applicable building code requirements; and

(2) Alterations to seismic hazard areas may be allowed only as follows:

(a) The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or

(b) Mitigation based on the best available engineering and geological practices is implemented that either eliminates or minimizes the risk of damage, death, or injury resulting from seismically induced settlement or soil liquefaction. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

### **21A.50.280 Critical aquifer recharge areas – Development standards.**

1 (1) Groundwater Quantity Protection Standards. For developments in all CARA classes, the applicant shall  
2 provide surface water infiltration as follows:

3 (a) Seventy-five percent of on-site storm water volume generated from the proposed development  
4 shall be infiltrated; provided, that a lesser standard may apply or on-site infiltration may be waived  
5 when:

6 (i) The applicant demonstrates that infiltration is not a reasonable alternative due to site-  
7 specific soil and/or geologic conditions;

8 (ii) It is determined that increased saturation of soils would result in an increased risk to  
9 existing facilities and/or adjacent properties;

10 (iii) Infiltration would result in significant unavoidable impacts to other critical areas or result in  
11 an excessive loss of native vegetation; or

12 (iv) The applicant proposes an addition of no more than 700 square feet of total new  
13 impervious surface compared cumulatively to 2005 levels.

14 (b) If infiltration is not feasible or required, then storm water facilities shall be constructed in  
15 accordance with City standards.

16 (c) The design and implementation of infiltration facilities shall follow the ecology infiltration  
17 guidelines specified in the Western Washington Stormwater Manual (2005), or other technical  
18 guidance as approved by the City.

19 (d) To prevent groundwater contamination, storm water infiltration may be prohibited for all or a  
20 portion of a site that includes use of hazardous substances.

21 (2) Groundwater Quality Protection Standards. The following provisions shall apply to development in all  
22 CARA classes:

23 (a) Activities may only be permitted in a critical aquifer recharge area if the proposed activity will  
24 not result in a significant increased risk of contamination of drinking water supplies;

25 (b) The City shall impose development conditions when necessary to prevent degradation of  
26 groundwater. Conditions to permits shall be based on known, available and reasonable methods of  
27 prevention control and treatment; and

28 (c) The proposed activity must comply with the water source protection requirements and  
29 recommendations of the Federal Environmental Protection Agency, State Department of Ecology,  
30 State Department of Health, and the Seattle-King County health district.

31 (3) Regulation of Facilities Handling and Storing Hazardous Materials regulated by the State Department of  
32 Ecology.

1 (a) New and existing commercial and industrial land uses and activities located in Class 1 and Class 2  
2 CARAs shall submit a hazardous materials inventory statement with a ~~land-use or building permit~~  
3 ~~application~~ development proposal.

4 (b) Report Requirement. Commercial and industrial land uses and activities that involve the use,  
5 storage, transport or disposal of hazardous materials ~~as regulated by the State of Washington, as~~  
6 ~~defined in this chapter~~, in quantities equal to or greater than 20 gallons or the equivalent of 200  
7 pounds, located in Class 1 and Class 2 CARAs, shall submit a critical areas study in accordance with  
8 SMC [21A.50.130](#) including, as necessary, a hydrogeologic critical area assessment report, spill  
9 containment and response plan and/or groundwater monitoring plan, except for the following  
10 uses/activities:

11 (i) Retail sale of containers five gallons or less in size, where there is less than 500 total gallons;  
12 and

13 (ii) Hazardous materials of no risk to the aquifer.

14 (c) A hydrogeologic critical area assessment report, when required by subsection (3)(b) of this  
15 section, shall be prepared by a qualified professional to determine potential impacts of  
16 contaminants on the aquifer. The report shall include the following site- and proposal-related  
17 information, at a minimum:

18 (i) Information regarding geologic and hydrogeologic characteristics of the site including the  
19 surface location of all CARA classes located on site or immediately adjacent to the site and  
20 permeability of the unsaturated/vadose zone;

21 (ii) Groundwater depth, flow direction and gradient;

22 (iii) Data on wells and springs within 1,300 feet of the project area;

23 (iv) Location of other critical areas, including surface waters, within 1,300 feet of the project  
24 area;

25 (v) Historic hydrogeologic data for the area to be affected by the proposed activity;

26 (vi) Best management practices (BMPs) and integrated pest management (IPM) proposed to be  
27 used; and

28 (vii) Discussion of the effects of the proposed project on the groundwater quality and quantity,  
29 including:

30 (A) Predictive evaluation of groundwater withdrawal and recharge effects on nearby wells  
31 and surface water features;

32 (B) Predictive evaluation of contaminant transport based on potential releases to  
33 groundwater; and

(C) Predictive evaluation of changes in the infiltration/recharge rate.

(d) A spill containment and response plan, when required by subsection (3)(b) of this section, is required to identify equipment and/or structures that could fail and shall include provisions for inspection as required by the applicable state regulations, repair and replacement of structures and equipment that could fail.

(e) A groundwater monitoring plan, when required by subsection (3)(b) of this section, may be required to monitor quality and quantity of groundwater, surface water runoff, and/or site soils. The City may require the owner of a facility to install one or more groundwater monitoring wells to accommodate the required groundwater monitoring.

(i) Criteria used to determine the need for site monitoring shall include, but not be limited to, the proximity of the facility to production or monitoring wells, the type and quantity of hazardous materials on-site, and whether or not the hazardous materials are stored in underground vessels.

(ii) The City may employ an outside consultant at the applicant’s expense to review the monitoring plan and analysis, to ensure that the monitoring plan is followed, and that corrective actions are completed.

(4) Prohibited Uses. Where land uses or materials prohibited in this section are allowed in the Table of Permitted Land Uses (Chapter [21A.20](#) SMC), this section shall control and the use shall be prohibited.

(a) Table 21A.50.280a identifies land uses and materials prohibited in Class 1, 2 and 3 CARAs for new uses; and

(b) Table 21A.50.280b identifies land uses and materials that should be discontinued, removed and decommissioned where existing in Class 1, 2 and 3 CARAs. The City shall require discontinuation, removal and decommissioning of these uses from Class 1, 2 and 3 CARAs at the time of development and redevelopment, in proportion to the degree and nature of the proposal.

**Table 21A.50.280a**

Prohibited Land Uses and Materials (New Uses/Activities)	Class 1 (1- and 5-year WHPA)	Class 2 (10-year WHPA)	Class 3 (High Recharge Areas)
Hazardous liquid transmission pipelines	prohibited	allowed subject to compliance with federal and state standards	
Mining, processing and reclamation of any type	prohibited	prohibited	reviewed under development permit

Table 21A.50.280a

Prohibited Land Uses and Materials (New Uses/Activities)	Class 1 (1- and 5-year WHPA)	Class 2 (10-year WHPA)	Class 3 (High Recharge Areas)
Processing, storage, and disposal of radioactive substances (except certain medical uses)	prohibited	prohibited	prohibited
Underground storage tanks (UST)	prohibited	prohibited	prohibited
UST with double walls, vault and monitor	prohibited	allowed subject to compliance with federal and state standards	
Above ground storage tanks for hazardous substances or hazardous waste with primary and secondary containment area and spill protection plan	allowed subject to compliance with federal and state standards		
Wells for class B and private water systems, when located in a water service area	prohibited	prohibited	allowed subject to compliance with federal and state standards
Golf courses	prohibited	**	**
<u>Land use activities that require the use of nitrates, phosphorus, pesticides, and other chemicals that have a potential to degrade groundwater and surface water quality when used inappropriately or in excess.</u>	<u>Prohibited</u>	<u>**</u>	<u>**</u>
<u>Closed loop geothermal / heat exchange wells used to recirculate a chemical heat transfer fluid other than potable water</u>	<u>Prohibited</u>		<u>Prohibited</u>
<u>Closed loop geothermal / heat exchange wells used to recirculate potable water*</u>	<u>Prohibited</u>		<u>**</u>
<u>Open loop geothermal / heat exchange wells</u>	<u>Prohibited</u>		<u>Prohibited</u>
<u>Closed loop geothermal/heat exchange systems (surface)</u>	<u>allowed subject to compliance with federal and state standards **</u>		<u>**</u>
<u>Injection Wells (storm water or reclaimed water)</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>**</u>
Cemeteries	prohibited	**	**
Wrecking yards	prohibited	prohibited	prohibited

Table 21A.50.280a

Prohibited Land Uses and Materials (New Uses/Activities)	Class 1 (1- and 5-year WHPA)	Class 2 (10-year WHPA)	Class 3 (High Recharge Areas)
Landfills with hazardous waste, municipal solid waste, or special waste	prohibited	prohibited	prohibited
Dry cleaning using chlorinated solvents	prohibited	prohibited	prohibited
<p>* <u>Closed loop geothermal / heat exchange wells shall register their location with the city</u></p> <p>**Best management practices (BMPS) and integrated pest management (IPM), <u>as applicable</u>, are required for these uses.</p>			

Table 21A.50.280b

Restricted Land Uses and Materials – (Existing Uses/Activities)	Class 1 (1- and 5-year WHPA)	Class 2 (10-year WHPA)	Class 3 (High Recharge Areas)
UST (underground storage tank)	Remove, decommission or upgrade to comply with federal and state standards		
Abandoned wells	Decommission to comply with federal and state standards		
Existing uses that have a long-term potential to degrade water quality in the WHPA	Discontinue, remove or mitigate potential impacts		

2 (5) Requirements for Specific Uses and Activities.

3 (a) Commercial Vehicle Repair and Servicing.

4 (i) In all CARA classes, vehicle repair and servicing must be conducted over impermeable pads,  
 5 with containment curbs, and within a covered structure capable of withstanding normally  
 6 expected weather conditions. Chemicals used in the process of vehicle repair and servicing  
 7 must be stored in a manner that protects them from weather and provides containment  
 8 should leaks occur.

9 (ii) In all CARA classes, no dry wells shall be allowed on sites used for vehicle repair and  
 10 servicing. Dry wells existing on the site prior to facility establishment must be abandoned using  
 11 techniques approved by the State Department of Ecology prior to commencement of the  
 12 proposed activity.

1 (b) Use of Pesticides, Herbicides, and Fertilizers.

2 (i) Residential Use. In all CARA classes, application of household pesticides, herbicides, and  
3 fertilizers shall not exceed times, rates, concentrations and locations specified on the  
4 packaging.

5 (ii) Other Uses. In Class 1 and 2 CARA areas, proposed developments with maintained  
6 landscape areas greater than 10,000 square feet in area shall prepare an operations and  
7 maintenance manual using best management practices (BMPs) and integrated pest  
8 management (IPM) for fertilizer and pesticide/herbicide applications. The BMPs shall include  
9 recommendations on the quantity, timing and type of fertilizers applied to lawns and gardens  
10 to protect groundwater quality.

11 (c) Spreading or Injection of Storm Water or Reclaimed Water. Water reuse projects for reclaimed  
12 water and storm water are regulated in accordance with the adopted water, sewer or storm water  
13 comprehensive plans that have been approved by the Departments of Ecology and Health. Injection  
14 wells are prohibited in Class 1 and 2 CARA areas. Injection wells are allowed, subject to city review  
15 and approval, in Class 3 CARA areas provided injection wells shall comply with the requirements of  
16 WAC 173-200 and 173-218 and Sammamish Municipal Code.

17 (d) Construction Activity. In all CARA classes, if construction vehicles will be refueled on a  
18 construction site and/or the quantity of hazardous materials that will be used or stored on a site  
19 exceeds 20 gallons, exclusive of the quantity of hazardous materials contained in fuel or fluid  
20 reservoirs of construction vehicles, then persons obtaining construction permits shall provide  
21 information to the public works department regarding the types and quantities of hazardous  
22 materials that will be on-site and then use BMPs to prevent and respond to spills. Construction site  
23 refueling must be conducted over impermeable pads, with containment curbs. The operator of the  
24 site shall immediately report to the City any spills and is responsible for complete recovery and  
25 cleanup.

26 (e) Fill Quality Standards and Imported Fill Source Statement. In all CARA classes, fill material shall  
27 not contain concentrations of contaminants that exceed cleanup standards for soil as specified in  
28 the Model Toxics Control Act (MTCA). An imported fill source statement is required for all projects  
29 where more than 100 cubic yards of fill will be imported to a site. The City may require analytical  
30 results to demonstrate that fill materials do not exceed cleanup standards. The imported fill source  
31 statement shall include:

32 (i) Source location of imported fill;

33 (ii) Previous land uses of the source location; and

34 (iii) Whether or not fill to be imported is native, undisturbed soil.

35 (f) In Class 1 and 2 CARAs, on lots smaller than one acre, new on-site septic systems are prohibited,  
36 unless:

(i) The system is approved by the Washington State Department of Health and the system either uses an upflow media filter system or a proprietary packed-bed filter system or is designed to achieve approximately 80 percent total nitrogen removal for typical domestic wastewater; or

(ii) The Seattle–King County department of public health determines that the systems required under subsection (5)(f)(i) of this section will not function on the site.

(g) Geothermal / heat exchange wells are allowed, subject to city review and approval, provided:

(i) The system is approved by the Washington Department of Ecology as compliant with the provisions of WAC 173-160; and

(ii) A notice on title is recorded documenting the maintenance requirements of the geothermal / heat exchange wells

**21A.50.290 Wetlands – Development standards.**

A development proposal on a parcel or parcels containing a wetland or associated buffer of a wetland located on-site or off-site shall meet the following requirements:

(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:

(a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based on functions, or those that are rated Category 1 based on special characteristics as defined in the rating form.

(b) Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.

(c) Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.

(d) Category 4. Category 4 wetlands score less than 30 points based on functions.

~~(2)~~ The following standard buffers shall be established from the wetland edge:

Wetland Category		Standard Buffer Width (ft)
Category I:	Natural Heritage or bog wetlands	215
	Habitat score 29–36	200

Wetland Category		Standard Buffer Width (ft)
	Habitat score 20–28	150
	Not meeting above criteria	125
Category II:	Habitat score 29–36	150
	Habitat score 20–28	100
	Not meeting above criteria	75
Category III:	Habitat score 20–28	75
	Not meeting above criteria	50
Category IV:		All Land Use Types - 50
<u>Category III and IV:</u>	<u>subject to SMC 21A.50.320</u>	

(a) Where a legally established and constructed street or the East Lake Sammamish Trail transects a wetland buffer, the department may approve a modification of the standard buffer width to the edge of the street or the East Lake Sammamish Trail if the isolated part of the buffer does not provide additional protection of the wetland and provides insignificant biological, geological or hydrological buffer functions relating to the wetland. If the resulting buffer distance is less than 50 percent of the standard buffer for the applicable wetland category, no further reduction shall be allowed.

(b) ~~In addition to the provisions of SMC 21A.50.060, Ww~~ where a buffer has been previously established on a legally created parcel or tract that was legally established according to the regulations in place at the time of establishment through City or county development review on or after November 27, 1990, and is permanently recorded on title or placed within a separate tract, the buffer shall ~~be remain~~ as previously established, provided it is at least as large as equal to or greater than 50 percent of the current required standard buffer distance for the applicable wetland category.

(c) Where wetland functions have been improved due to voluntary implementation of an approved stewardship, restoration and/or enhancement plan that is not associated with required mitigation or enforcement, the standard wetland buffer width shall be determined based on the previously established wetland category and habitat score as documented in the approved stewardship and enhancement plan.

~~(32) Repealed by Ord. 02009-264. Removal of any native vegetation or woody debris from a wetland or wetland buffer may be allowed only as part of an approved alteration. Only native vegetation can be planted in wetland or buffer areas, unless the planting is otherwise allowed by SMC 21A.50.060 –Allowance for Existing Urban Development and Other Uses.~~

1 ~~(43)~~ Activities and uses shall be prohibited from wetlands and associated buffers, except as provided for in  
2 this chapter.

3 ~~(54)~~ Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the  
4 buffer required for the highest wetland class involved.

5 ~~(65)~~ For a wetland buffer that includes a landslide hazard area, the buffer width shall be the greater of either  
6 the buffer width required by the wetland's category in this section or 25 feet beyond the top of the landslide  
7 hazard area.

8 ~~(76)~~ Buffer Averaging. Buffer width averaging may be allowed by the department if:

9 (a) It will provide additional protection to wetlands or enhance their functions, as long as the total  
10 area contained in the buffer on the development proposal site does not decrease (see also SMC  
11 [21A.30.210\(5\)](#) for buffer compensation requirements for trails);

12 (b) The wetland contains variations in sensitivity due to existing physical characteristics or the  
13 character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a  
14 wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

15 (c) The buffer width is not reduced to less than 50 percent of the standard buffer width at any  
16 location; ~~and~~

17 ~~(de)~~ The buffer width is decreased on one part of a wetland and increased on another part of the  
18 same wetland feature; and

19 ~~(ef)~~ The buffer is associated with a development proposal and it will not further encumber a  
20 neighboring property not owned by the applicant.

21 ~~(fd)~~ Buffer averaging may be used in conjunction with buffer reduction options in this section,  
22 provided the total combined reduction does not reduce the buffer to less than 50 percent of  
23 standard buffer width at any location; ~~and~~

24 ~~(87)~~ Increased Buffers. Increased buffer widths may be required by a distance necessary to protect wetland  
25 functions and provide connectivity to other wetland and habitat areas when the following occur:

26 (a) When a Category 1 or 2 wetland with a habitat score of greater than 29 points (per Washington  
27 State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is  
28 located within 200 feet of the wetland subject to the increased buffer;

29 (b) Fish and wildlife habitat conservation area and habitat connections are present;

30 (c) Landslide or erosion hazard areas are contiguous to wetlands;

31 (d) Groundwater recharge and discharge areas are at risk;

(e) Or to offset buffer impacts, such as trail and utility corridors; and

(f) Ecological wetland functions are at risk including, but not limited to the following:

(i) Habitat complexity, connectivity and biological functions;

(ii) Seasonal hydrological dynamics as provided in the adopted Surface Water Design Manual;

(iii) Sediment removal and erosion control;

(iv) Pollutant removal;

(v) Large wood debris (LWD) recruitment;

(vi) Water temperature;

(vii) Wildlife habitat; and

(viii) Microclimate. ~~Increased Buffers. The department may require the standard buffer to be increased by the greater of 50 feet or a distance necessary to protect wetland functions and provide connectivity to other wetland and habitat areas when a Category 1 or 2 wetland with a habitat score greater than 20 points is located within 300 feet of:~~

~~(a) Another Category 1 or 2 wetland;~~

~~(b) A fish and wildlife habitat conservation area; or~~

~~(c) A type S or F stream.~~

~~The increased buffer distance may be limited to those areas that provide connectivity or are necessary to protect wetland and habitat functions.~~

~~(98)~~ Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC [21A.50.135](#). A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.

(a) Installation of biofiltration/infiltration mechanisms: up to 20 percent reduction in the standard buffer width may be allowed for the installation of bioswales, Up to 20 percent reduction in the standard buffer width may be allowed if water quality is improved in excess of the requirements of the adopted surface water design manual and Title 13 Surface Water Management, through the use

1 of created and/or enhanced wetlands, or ponds supplemental to existing storm drainage and water  
2 quality requirements.

3 (b) Removal of existing impervious surfaces:

4 (i) Up to 10 percent reduction in standard buffer width if impervious surfaces within the to-be-  
5 remaining buffer area are reduced by at least 50 percent; or

6 (ii) Up to 20 percent reduction in standard buffer width if the to-be-remaining buffer area is  
7 presently more than 50 percent impervious and all of it is to be removed.

8 (c) Removal of invasive, nonnative vegetation: up to 10 percent reduction in standard buffer width  
9 for the removal and extended (minimum five-year) monitoring and continued-removal maintenance  
10 of relatively dense stands of invasive, nonnative vegetation from significant portions of the  
11 remaining buffer area.

12 (d) Restoration, preservation and maintenance of the existing wetland and buffer vegetation if the  
13 following conditions are present and/or attainable as a result of action:

14  
15 (i) An undisturbed vegetated buffer is preserved in the remaining buffer width; and,

16  
17 (ii) Existing buffer conditions are degraded such that more than 40 percent of the buffer is  
18 covered by non-native/invasive plant species and are the buffer is restored according to a  
19 city-approved restoration plan to improve wetland buffer functions; and,

20  
21 (iii) Native tree or shrub vegetation covers less than 25 percent of the total buffer area and  
22 the area will be re-vegetated according to a city-approved restoration plan with native trees  
23 and shrubs;

24  
25 (iv) The wetland buffer has slopes of less than 25 percent; and

26  
27 (v) The buffer reduction determination and percentage shall be on a site by site basis based  
28 on the applicant's plan and demonstration of improvement to water quality and habitat  
29 functions.

30  
31 (e) If not already required under an existing development proposal, installation of oil/water  
32 separators for storm water quality control: up to 10 percent reduction in standard buffer width.

33 (f) Use of pervious material for driveway/road construction: up to 10 percent reduction in standard  
34 buffer width.

35 (g) Restoration of on-site buffer and wetland areas, or restoration of off-site buffer and wetland  
36 areas within the same sub-basin of the impacted wetland if no on-site restoration is possible:

37 (i) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or  
38 greater; or

1 (ii) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or  
2 greater.

3 (gh) Removal of significant refuse or sources of toxic material: up to 10 percent reduction in  
4 standard buffer width.

5 (hi) Percentages listed above may be added together to create a total buffer reduction; provided,  
6 that the total reduction does not exceed 50 percent of the standard buffer width.

7 ~~(109)~~ The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be  
8 prohibited by the City.

9 ~~(110) The introduction of livestock into a wetland or wetland buffer is prohibited. Unless otherwise provided,~~  
10 ~~the following restrictions shall apply to all development proposals that include the introduction of livestock~~  
11 ~~on sites with wetlands or wetland buffers:~~

12 ~~(a) A plan to protect and enhance the wetland's water quality shall be implemented pursuant to the~~  
13 ~~adopted surface water design manual standards; and~~

14 ~~(b) Fencing located not closer to the wetland than the outer wetland buffer edge shall be required. (Ord.~~  
15 ~~O2009-264 § 1 (Att. A); Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)~~

#### 16 **21A.50.300 Wetlands – Permitted alterations.**

17 Alterations to wetlands and wetland buffers are not allowed, except as provided for by complete  
18 exemptions, allowances for existing urban development and other uses~~partial exemptions~~ and exceptions in  
19 this chapter or as allowed for by this section.

20 (1) Alterations may be permitted if the department determines, based upon its review of critical areas  
21 studies completed by qualified professionals, that the proposed development will:

22 (a) Protect, restore or enhance the wildlife habitat, natural drainage, or other valuable functions of  
23 the wetland resulting in a net improvement to the functions of the wetland system;

24 (b) Design, implement, maintain, and monitor a mitigation plan prepared by a qualified professional;

25 (c) Perform the mitigation under the direction of a qualified professional; and

26 (d) Will otherwise be consistent with the purposes of this chapter.

27 (2) If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of  
28 proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance  
29 Administration.

30 (3) There shall be no introduction of any nonnative or invasive plant or wildlife into any wetland or wetland  
31 buffer ~~unless authorized except as required~~ by a state or federal permit or approval or as otherwise allowed  
32 by SMC 21A.50.060 – Allowance for Existing Urban Development and Other Uses.

- 1 (4) Utilities may be allowed in wetland buffers if:
- 2 (a) The director determines that no reasonable alternative location is available; and
- 3 (b) The utility corridor meets any additional requirements for installation, replacement of vegetation
- 4 and maintenance, as needed to mitigate impacts.
- 5 (5) Sewer utility corridors may be allowed in wetland buffers only if:
- 6 (a) The applicant demonstrates that the sewer lines are location is necessary for gravity flow;
- 7 (b) The corridor is not located in a wetland or buffer used by species listed as endangered or
- 8 threatened by the state or federal government or containing critical or outstanding actual habitat
- 9 for those species or heron rookeries or raptor nesting trees;
- 10 (c) The corridor alignment including, but not limited to, any allowed maintenance roads follows a
- 11 path farthest from the wetland edge as feasible;
- 12 (d) Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid
- 13 cutting trees greater than 12 inches in diameter at breast height, when possible, and pesticides,
- 14 herbicides and other hazardous substances are not used;
- 15 (e) An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor,
- 16 including any allowed maintenance roads, is provided to protect the wetland;
- 17 (f) The corridor is revegetated with appropriate native vegetation at preconstruction densities or
- 18 greater immediately upon completion of construction or as soon thereafter as possible, and the
- 19 sewer utility ensures that such vegetation survives;
- 20 (g) Any additional corridor access for maintenance is provided, to the extent possible, at specific
- 21 points rather than by a parallel road; and
- 22 (h) The width of any necessary parallel road providing access for maintenance is as small as possible,
- 23 but not greater than 15 feet; the road is maintained without the use of herbicides, pesticides or
- 24 other hazardous substances; and the location of the road is contiguous to the utility corridor on the
- 25 side away from the wetland.
- 26 (6) Joint use of an approved sewer utility corridor by other utilities may be allowed.
- 27 (7) Where technically feasible, surface water discharge shall be located outside of the wetland and wetland
- 28 buffer. The following surface water management activities and facilities may be allowed in wetlands or their
- 29 buffers only as follows: Where surface water management is authorized within a wetland or wetland buffer it
- 30 shall be consistent with Appendix I-D: Guidelines for Wetlands when Managing Stormwater Manual for
- 31 Western Washington, Volume I, August 2012, Publication #12-10-030 as such publication may be amended
- 32 or revised by the Department of Ecology from time to time.;

~~(a) Surface water discharge to a wetland from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;~~

~~(b) Isolated Category 4 wetlands and buffers may be used as a flow control facility if:~~

~~(i) Presettlement pond or water quality treatment is required prior to flow into the wetland; and~~

~~(ii) They are not part of, or immediately adjacent to, a designated wildlife habitat corridor and all requirements of the applicable City-adopted storm water requirements are met; and~~

~~(c) Use of a wetland buffer for a surface water management activity or facility, other than a flow control or water quality treatment facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the department, that:~~

~~(i) No reasonable alternative exists; and~~

~~(ii) The functions of the buffer or the wetland are not adversely affected.~~

(8) Public and private trails may be allowed in the outer 25% of wetland buffers consistent with the standards and requirements in this chapter, development standards in Chapter 21A.30 SMC, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas study may be required.

(9) A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25, if:

(a) The existing and zoned density around the wetland is three dwelling units per acre or more;

(b) At least 75 percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and

(c) Open water is a significant component of the wetland.

(10) Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way, within wetlands or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New wetland road and trail crossings may be allowed if:

(a) The director determines that:

(i) The crossing is identified as a part of a corridor shown in a City-adopted parks or trails plan, park master plan, transportation plan, or comprehensive plan, or otherwise is necessary to connect or construct the road or trail to publicly owned lands, utility corridors, rights-of-way or other public infrastructure, or is required to provide access to property where no other reasonable alternative access is possible; or

1 (ii) The applicant demonstrates that the new crossing creates less overall or less incremental  
2 impacts to critical areas and habitat than the use of an existing corridor while still achieving  
3 overall project goals and objectives;

4 (b) All crossings avoid or minimize impact to the wetland and provide mitigation for unavoidable  
5 impacts through restoration, enhancement or replacement of disturbed areas as described in this  
6 chapter and in the SMC;

7 (c) Crossings do not significantly change the overall wetland hydrology;

8 (d) Crossings do not diminish the flood storage capacity of the wetland; and

9 (e) All crossings are constructed during summer low water periods.

10 ~~(11) Reconstruction, Remodeling, or Replacement of Existing Structures. Reconstruction, remodeling, or~~  
11 ~~replacement of an existing structure upon another portion of an existing impervious surface that was~~  
12 ~~established pursuant to ordinances and regulations in effect at the time may be allowed, provided:~~

13 ~~(a) If within the buffer, the structure is located no closer to the wetland than the existing structure;~~  
14 ~~and~~

15 ~~(b) The existing impervious surface within the buffer or wetland is not expanded as a result of the~~  
16 ~~reconstruction or replacement.~~

17 (1~~1~~2) Enhancement and Restoration. Wetland enhancement or restoration not associated with any other  
18 development proposal may be allowed if accomplished according to a plan for its design, implementation,  
19 maintenance and monitoring prepared by and carried out under the direction of a qualified professional.  
20 Restoration or enhancement must result in a net improvement to the functions of the wetland system.

21 (1~~2~~3) Wetland Restoration Project. A wetland restoration project for habitat enhancement may be allowed if:

22 (a) The restoration is ~~sponsored by a public agency with a mandate to do such work~~approved by all  
23 agencies with jurisdiction;

24 (b) The restoration is not associated with mitigation of a specific development proposal;

25 (c) The restoration is limited to revegetation of wetlands and their buffers and other specific fish and  
26 wildlife habitat improvements that result in a net improvement to the functions of the wetland  
27 system;

28 (d) The restoration ~~only involves the use of hand labor and light equipment, or the use of helicopters~~  
29 ~~and cranes that deliver supplies to the project site; provided, that they have no contact with critical~~  
30 ~~areas or their buffers~~should be completed in accordance with best management practices (BMPs)  
31 and acceptable standards consistent with best available wetland science to minimize impacts to  
32 wetlands; and

1 (e) The restoration is performed under the direction of a qualified professional. (Ord. O2005-193 §  
2 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)

3 **21A.50.310 Wetlands – Mitigation requirements.**

4 When mitigation for wetland and/or wetland buffer impacts is required, mitigation shall meet the  
5 requirements listed in SMC [21A.50.145](#) in addition to the following supplementary requirements:

6 (1) Equivalent or Greater Biological Functions. Mitigation for alterations to wetland(s) and/or wetland  
7 buffer(s) shall achieve equivalent or greater biologic functions and shall be consistent with the Department of  
8 Ecology Guidance on Wetland Mitigation in Washington State (2004, Department of Ecology Publication No.  
9 ~~04-06-01306-06-11a and b~~), or as revised as such publication may be amended or revised by the Department  
10 of Ecology from time to time.

11 (2) No Net Loss. Wetland mitigation actions shall not result in a net loss of wetland area.

12 (3) Functions and Values. Mitigation actions shall address and provide equivalent or greater wetland and  
13 buffer functions and values compared to wetland and buffer conditions existing prior to the proposed  
14 alteration.

15 (4) Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-  
16 basin and on the same site as the alteration except when the following apply:

17 (a) There are no reasonable on-site opportunities for mitigation, or on-site opportunities do not  
18 have a high likelihood of success due to development pressures, adjacent land uses, or on-site  
19 buffers or connectivity are inadequate;

20 (b) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions  
21 than the impacted wetland; and

22 (c) Off-site locations ~~shall be in the same sub-basin~~ have been identified and evaluated in the  
23 following order of preference:-

24 (i) Within the same drainage subbasin;

25 (ii) Within the city limits;

26 (iii) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank  
27 program sites within the city limits in accordance with SMC 21A.50.315;

28 (iv) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank  
29 program sites within the WRIA 8 in accordance with SMC 21A.50.315.

30  
31 (5) Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will  
32 disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and

prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

(6) Mitigation Ratios.

~~(a) Acreage Replacement Ratios. The following ratios shall apply to wetland creation or restoration that is in-kind, on-site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.~~

Category I	6 to 1
Category II	3 to 1
Category III	2 to 1
Category IV	1.5 to 1

(a) Wetland Mitigation Ratios. The following ratios shall apply to required wetland mitigation. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

(i) Permanent Wetland Mitigation. The following ratios of area of mitigation to area of alteration apply to mitigation measures for permanent alterations.

<u>Category and type of wetland</u>	<u>Wetland reestablishment or creation</u>	<u>Wetland rehabilitation</u>	<u>1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>6:1 rehabilitation of a bog</u>	<u>Case-by-case</u>
<u>Category I natural heritage site</u>	<u>Not allowed</u>	<u>6:1 rehabilitation of a natural heritage site</u>	<u>Case-by-case</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 E</u>
<u>Category I forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 10:1 E</u>
<u>Category II</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R/C and 4:1 E</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 E</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>

(ii) Temporary Wetland Mitigation. The following ratios of area of mitigation to area of alteration apply to mitigation measures for temporary alterations where wetlands will not be impacted by permanent fill material:

<u>Wetland category</u>	<u>Permanent conversion of forested and shrub wetlands into emergent wetlands</u>			<u>Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities</u>		
	<u>Enhancement</u>	<u>Re-habilitation</u>	<u>Creation or restoration</u>	<u>Enhancement</u>	<u>Re-habilitation</u>	<u>Creation or restoration</u>
<u>Category I</u>	<u>6:1</u>	<u>4.5:1</u>	<u>3:1</u>	<u>3:1</u>	<u>2:1</u>	<u>1.5:1</u>
<u>Category II</u>	<u>3:1</u>	<u>2:1</u>	<u>1.5:1</u>	<u>1.5:1</u>	<u>1:1</u>	<u>.75:1</u>
<u>Category III</u>	<u>2:1</u>	<u>1.5:1</u>	<u>1:1</u>	<u>1:1</u>	<u>.75:1</u>	<u>.5:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>1:1</u>	<u>.75:1</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>

(b) Wetland Buffer Replacement Ratio. Altered wetland buffer area shall be replaced at a minimum ratio of one-to-one, provided that the replacement ratio may be increased at the director’s discretion to replace lost functions and values.

(c) Increased Replacement-Mitigation Ratio. The director may increase the ratios under the following circumstances:

- (i) Uncertainty exists as to the probable success of the proposed restoration or creation; or
- (ii) A significant period of time will elapse between impact and replication of wetland functions; or
- (iii) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
- (iv) The impact was an unauthorized impact.

(d) Decreased Replacement-Mitigation Ratio. The director may decrease these ratios under the following circumstances:

- (i) Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high likelihood of success. This documentation should specifically identify how the proposed mitigation actions are similar to other known mitigation projects with similar site-specific conditions and circumstances that have been shown to be successful;
- (ii) Documentation by a qualified professional demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
- (iii) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful over the course of at least one full year.

(d) Minimum ~~Replacement Mitigation~~ Ratio. In all cases of permanent wetland impacts, a minimum acreage replacement ratio of one to one shall be required.

(7) Wetland Enhancement as Mitigation.

~~(a)~~ Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance wetlands must produce a critical areas study that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland function at the impact site.

~~(b) At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection (6)(a) of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.~~

(8) Restoration Required. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City in accordance with the following provisions:-

(a) A mitigation plan for restoration shall conforming to the requirements of this chapter and section shall be provided. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

(b) On sites where non-native vegetation was cleared, restoration shall include installation of native vegetation with a density equal to or greater than the pre-altered site conditions.

**21A.50.315 Wetlands – Alternative Mitigation ~~banking.~~**

(1) Wetland banking:

(a) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(i) Criteria in SMC 21A.50.310(4) are met;

(ii) The bank is certified under Chapter 173-700 WAC;

(iii) The department determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts;

(iv) The proposed use of credits is consistent with the terms and conditions of the bank's certification; and

(v) The compensatory mitigation agreement occurs in advance of authorized impacts.

1 ~~(b2)~~ Replacement ratios for projects using bank credits shall be consistent with replacement ratios  
2 specified in the bank's certification.

3 ~~(c3)~~ Credits from a certified wetland mitigation bank may be used to compensate for impacts  
4 located within the service area specified in the bank's certification. In some cases, bank service  
5 areas may include portions of more than one adjacent drainage basin for specific wetland functions.

6 ~~(d4)~~ Implementation of a mitigation bank is subject to City council review and approval. ~~(Ord.~~  
7 ~~02005-193 § 1)~~

8 (2) Fee-in-lieu Mitigation:

9 (a) Fee-in-lieu mitigation may be approved for use as compensation for approved impacts to  
10 wetlands, when:

11 (i) The approved wetland impact is related to the approval of a single family home, City of  
12 Sammamish capital improvement project, or development proposal within the Town Center;

13 (ii) Criteria in SMC 21A.50.310(4) are met;

14 (iii) The fee-in-lieu mitigation program is state certified;

15 (iv) The department determines that the wetland fee-in-lieu mitigation provides appropriate  
16 compensation for the authorized impacts;

17 (v) The proposed use of fee-in-lieu mitigation is consistent with the terms and conditions of the  
18 fee-in-lieu mitigation program; and

19 (vi) The compensatory mitigation agreement occurs in advance of authorized impacts.  
20

21 (b) Fee-in-lieu mitigation may be authorized in the city based upon the following order of preference:

22 (i) A city approved program that utilizes receiving mitigation sites within the same sub-basin  
23 as the approved wetland impact.

24 (ii) The King County Mitigation Reserves Program, or other approved program that gives  
25 priority to sites within the same sub-basin.

26 (iii) A city approved program, the King County Mitigation Reserves Program, or other  
27 approved program that gives priority to sites that will expand or improve habitat for Lake  
28 Sammamish Kokanee.

29 (iv) The King County Mitigation Reserves Program, or other approved program that gives  
30 priority to sites within the same sub-basin and/or a pre-defined service area that includes the  
31 city of Sammamish.

1 **21A.50.320 Wetlands – ~~Limited exemption~~ Development Flexibilities.** The following alterations shall be  
2 authorized if the director determines that the cumulative impacts do not unduly counteract the purposes of  
3 this chapter SMC 21A.50 Environmentally Critical Areas and are mitigated pursuant to an approved  
4 mitigation plan.

5 (1) Isolated wetlands, as designated by a qualified professional using the adopted Washington State Wetland  
6 Rating System for Western Washington in a written and approved critical areas study meeting the  
7 requirements of SMC 21A.50.130, with a total area of ~~less up to than~~ 1,000 square feet may be exempted  
8 from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290  
9 and may be altered and may be altered by filling or dredging if the City determines that the cumulative  
10 impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved  
11 mitigation plan.

12 (2) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by  
13 15 feet, provided:

14 (a) The wetland does not score 15 points or greater for habitat in the adopted Western Washington  
15 Rating System; and,

16 (b) The buffer functions associated with the area of the reduced buffer width are mitigated through  
17 the enhancement of the wetland, the remaining on-site wetland buffer area, and/or other adjoining  
18 high value habitat areas as needed to replace lost buffer functions and values; and

19 (c) No subsequent buffer reduction or averaging is authorized.

20 (3) Pilot Program.

21 (a) Establishment of Pilot Program. A Pilot Program is hereby established to allow isolated  
22 category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC  
23 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section.

24 (b) Purpose. The purpose of this Pilot Program is to allow for limited alterations of low habitat  
25 value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the  
26 effects of such alterations on hydrologic, habitat, and water quality functions and values.

27 (c) Application. Applications for eligible projects meeting the provisions of subsections (d)  
28 through (g) below must be submitted within two calendar years from the effective date of the  
29 revision to the Sammamish Shoreline Master Program.

30 (d) Pilot Program Administration.

31 (i) Three (3) projects associated with the construction of a single family home are  
32 authorized by this pilot project, subject to the provisions of this section.

33 (i) Eligible projects shall be accepted in the order received. To qualify for submittal, an  
34 applicant must have a complete application as described in the city's application material

1 and SMC 20.05, and completed any necessary preliminary steps prior to application as set  
2 forth in SMC 20.05.

3 (ii) In the event that an application for a project accepted into the Pilot Program is  
4 withdrawn by the applicant or cancelled by the director prior to the expiration of the Pilot  
5 Program, the next submitted application shall be accepted into the Pilot Program.

6 (iii) The director shall use the authority under SMC 20.05.100 to ensure expeditious  
7 processing of applications. In particular, the director shall set a reasonable deadline for the  
8 submittal of corrections, studies, or other information when requested; an extension may be  
9 provided based upon a reasonable request. Failure by the applicant to meet a deadline shall  
10 be cause for the department to cancel/deny the application.

11 (e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (d)  
12 above, wetlands that meet the following criteria, may be exempted from the avoidance sequencing  
13 provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be  
14 eligible, a critical areas study prepared by a qualified professional shall be approved by the director  
15 and shall document the following:

16 (i) The wetland is a category III or IV wetland that is hydrologically isolated from other  
17 aquatic resources; and

18 (ii) The total area of the isolated wetland is 4,000 square feet or less; and

19 (iii) The wetland is not adjacent to a riparian area; and

20 (iv) The wetland has a score of 15 points or less for habitat in the adopted Western  
21 Washington Rating System; and

22 (v) The wetland does not contain habitat identified as essential for local populations of  
23 priority species identified by Washington Department of Fish and Wildlife.

24 (f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC  
25 21A.50.310 shall be prepared for review and approval by the director; and,

26 (g) Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and  
27 assessment of the performance of required mitigation shall be provided by the applicant for five (5)  
28 years following the completion of pilot projects authorized by this section. Annual monitoring  
29 reports shall be provided to the city for review and approval. Monitoring shall include the collection  
30 and analysis of data for the purpose of understanding and documenting changes in natural  
31 ecosystems, functions and features including, but not limited to, gathering baseline data.

32 (h) No subsequent exemption from the avoidance sequencing provisions of SMC  
33 21A.50.135(1)(a) or SMC 21A.50.290 is authorized for the property participating in this pilot program.

1 (i) Effective Date. The pilot program described in this subsection (3) shall take effect following  
2 the adoption of the pilot program into a Department of Ecology approved Sammamish Shoreline  
3 Master Program.

4 **21A.50.322 Wetland management area – Special district overlay.**

5 (1) The purpose of the wetland management area special overlay district is to provide a means to designate  
6 certain unique and outstanding wetlands when necessary to protect their functions and values from the  
7 impacts created from geographic and hydrologic isolation and impervious surface.

8 (2) The wetland management area special overlay district shall be designated on critical areas maps  
9 maintained by the department of community development.

10 (3) The following development standards shall be applied in addition to all applicable requirements of this  
11 chapter to development proposals located within a wetland management area district overlay:

12 (a) All development proposals on properties zoned R-1 in wetland management areas shall have a  
13 maximum impervious surface area of eight percent of the gross acreage of the site. Distribution of  
14 the allowable impervious area among the platted lots shall be recorded on the face of the plat.  
15 Impervious surface of existing streets need not be counted towards the allowable impervious area.  
16 The provisions of this section shall not apply to the Sammamish Town Center Study Area as  
17 identified in Ordinance O2005-185;

18 (b) All subdivisions and short subdivisions on properties identified in a management area for  
19 clustering and set aside requirements in the East Lake Sammamish Basin and Nonpoint Action Plan  
20 (1994) shall be required to cluster away from wetlands or the axis of corridors along stream  
21 tributaries and identified swales connecting wetlands. At least 50 percent of all portions of the  
22 property located within wetland management areas identified for vegetation retention shall be left  
23 in native vegetation, preferably forest, and placed in a permanent open space tract. The open space  
24 tract shall be designed to maximize the amount of separation between any critical areas and the  
25 proposed development. If no critical area tracts are required, the open space tract shall be located  
26 to provide additional protection to nearby wetlands;

27 (c) Clearing and grading activity from October 1st through April 30th shall meet the provisions of  
28 SMC [16.15.120](#)(4) wherever not already applicable;

29 (d) All R-1 zoned properties within wetland management areas, as identified in the East Lake  
30 Sammamish Basin and Nonpoint Action Plan, shall retain native vegetation, or revegetate with trees  
31 to meet the following standards:

32 (i) Fifty percent of the site area shall be used to retain trees or revegetate with trees;

33 (ii) Retained vegetation shall be located primarily within the 50 percent open space area  
34 required by SMC [21A.25.030](#);

(iii) Retained vegetation shall consist primarily of trees with 0.0096 significant trees per square foot;

(iv) Areas revegetated shall provide 0.012 trees per square foot. Planted trees shall be planted primarily in the required open space area and shall be of a caliper or height approved by the director. shall meet the following specifications:

~~(A) Coniferous trees shall be at least three feet tall;~~

~~(B) Deciduous trees shall be at least five feet tall; and~~

~~(C) Trees shall be planted primarily in the required open space area;~~

(v) The provisions of this section shall not apply to the Sammamish Town Center Study Area as identified in Ordinance O2005-185; and

(e) The director may, based upon review and approval of a critical areas special study, modify the provisions of this chapter to allow for:

(i) The installation of site access; provided, that the applicant shall limit impervious surfaces to the minimum required to grant access; or

(ii) Development using low impact development techniques to achieve standards adopted by the City that will demonstrably minimize development impacts consistent with subsections (3)(a) through (c) of this section. (Ord. O2005-193 § 1)

**21A.50.325 Fish and wildlife habitat conservation areas – Development standards.**

A development proposal that includes ~~alteration of~~ a fish and wildlife habitat conservation area or buffer shall meet the following requirements:

(1) When appropriate due to the type of habitat or species present or the project area conditions, the director may require a critical areas study that includes a habitat management plan consistent with the latest guidance from the Department of Fish and Wildlife. If the habitat conservation area is also classified as a stream, lake, ~~pond~~ or a wetland, then the stream, lake, ~~pond~~ or wetland protection standards shall apply and habitat management shall be addressed as part of the stream, lake, ~~pond~~ or wetland review; provided, that the City may impose additional requirements when necessary to provide for protection of the habitat conservation areas consistent with this chapter.

(2) The director may require the following site- and proposal-related information with the critical areas study:

(a) Identification of any endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and an assessment of potential project impacts to the species;

1 (b) A discussion of any federal or state management recommendations, including Washington  
2 Department of Fish and Wildlife habitat management recommendations, that have been developed  
3 for species or habitats located on or adjacent to the project area;

4 (c) A discussion of any ongoing management practices that will protect habitat after the project site  
5 has been developed, including any proposed monitoring, maintenance, and adaptive management  
6 programs; ~~and~~

7 (d) When appropriate due to the type of habitat or species present or the project area conditions,  
8 the director may also require the habitat management plan to include an evaluation by the State  
9 Department of Fish and Wildlife, local Native American Indian Tribe, or other qualified professional  
10 regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or  
11 programs, to include any recommendations as appropriate; ~~and-~~

12 (e) When appropriate, information from the Washington Department of Fish and Wildlife's Fish and  
13 Wildlife's Backyard Wildlife Sanctuary Program shall be included.

14 (3) General Requirements. Habitat conservation areas that are ~~lakes on Lake Sammamish, Pine Lake, and~~  
15 ~~Beaver Lake~~ shall be governed by the requirements of the Sammamish Shoreline Master program. Other  
16 habitat conservation areas are subject to the following provisions:

17 (a) The department shall require the establishment of buffer areas for development activities in, or  
18 adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers  
19 shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established  
20 to protect the integrity and functions of the habitat. Required buffer widths shall consider the  
21 management recommendations identified in subsection (2) of this section and reflect the sensitivity of  
22 the habitat and the type and intensity of human activity proposed to be conducted nearby. When a  
23 species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions  
24 may apply. Development activities may be further restricted and buffers may be increased during the  
25 specified season.

26 (b) Where applicable, a fish and wildlife habitat corridor shall be established as required in 21A.50.327.

27 ~~(c)~~ A habitat conservation area may be altered only if the proposed alteration of the habitat or the  
28 mitigation proposed does not reduce the quantitative and qualitative functions and values of the  
29 habitat, except in accordance with this chapter.

30 (d) In addition to the provisions of SMC 21A.50.060, removal of any native vegetation or woody debris  
31 from the habitat conservation area may be allowed only as part of an approved habitat management  
32 plan, critical areas study, and/or alteration plan.

33 ~~(e)~~ Low impact uses and development activities which are consistent with the purpose and function of  
34 the habitat conservation area and do not detract from its integrity may be permitted within the  
35 conservation area depending on the sensitivity of the habitat area. Examples of uses and development  
36 activities which may be permitted in appropriate cases include trails that are pervious, viewing

platforms, storm water management facilities such as grass-lined swales, utility easements and other similar uses and development activities; provided, that any impacts to the habitat resulting from such permitted facilities shall be fully mitigated.

(fd) Whenever development activities are proposed in or adjacent to a habitat conservation area with which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical areas report prepared by a qualified professional and approved by the City of Sammamish, with guidance provided by the appropriate state and/or federal agencies.

(gf) Plant, wildlife, or fish species not indigenous to the coastal region of the Pacific Northwest shall not be introduced into habitat conservation areas unless authorized by this chapter and by any required state or federal permit or approval.

(g) Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

(h) The director shall condition approvals of development activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary, to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:

- (i) Establishment of buffer zones;
- (ii) Preservation of critically important vegetation;
- (iii) Limitation of public access to the habitat area, including fencing to deter unauthorized access;
- (iv) Seasonal restriction of development activities;
- (v) Establishment of a duration and timetable for periodic review of mitigation activities; and
- (vi) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

(ih) Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic functions, and shall include mitigation for adverse impacts from the proposed development as appropriate. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per-function basis. (Ord. O2005-193 § 1)

**21A.50.327 Fish and wWildlife habitat corridors.**

Habitat On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29, that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to 29, corridors a fish and

1 wildlife habitat corridor shall be set aside and protected ~~for preserving connections between habitats along~~  
2 ~~the designated wildlife habitat network~~ as follows:

3 ~~(1) Habitat corridors shall be identified and protected in one of the following ways:~~

4 ~~(1)(a)~~ Subdivisions and short subdivisions shall either place the corridor in a contiguous permanent open  
5 space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots  
6 so that conservation easements on individual lots can form a contiguous easement covering the corridor;

7 ~~(2)(b)~~ Individual lots shall place the corridor in a conservation easement.

8 ~~(2)(3)~~ The fish and wildlife habitat corridor shall be sited on the property in order to meet the following  
9 conditions, where feasible:

10 (a) Forms one contiguous tract that connects on-site high value habitat areas to other on-site or off-  
11 site high value habitat areas. that enters and exits the property at the points the designated wildlife  
12 habitat network crosses the property boundary;

13 (b) New development proposals shall provide a minimum fish and wildlife habitat corridor width of  
14 300 feet or a corridor width that is consistent with an approved habitat management plan. Maintains  
15 a width, wherever possible, of 300 feet. The network width shall not be less than 150 feet wide at  
16 any point;

17 (c) In addition to the provisions of SMC 21A.50.060, development proposals on sites constrained by  
18 a fish and wildlife habitat corridor and where development already exists, shall maintain a minimum  
19 fish and wildlife habitat corridor width of 300 feet unless, through an approved habitat management  
20 plan, it can be shown that a lesser habitat corridor width supports and maintains the corridor's  
21 function and value; and

22 (ed) Be contiguous with and may include and / or connect sensitive-critical areas, tracts and their  
23 buffers, and open space tracts or wooded areas onsite or on adjacent properties, if present; and

24 (e) The director may modify corridor widths based on supporting conditions documentation from an  
25 approved habitat management plan.

26 (4) Fish and wildlife habitat corridors do not parallel Type Np streams, except as required to provide a  
27 connection between two features as described above.

28 ~~(3)~~ When feasible, the wildlife habitat corridor shall be sited on the property in order to meet the following  
29 conditions:

30 ~~(a) Connect isolated critical areas or habitat; and~~

31 ~~(b) Connect with wildlife habitat corridors, open space tracts or wooded areas on adjacent~~  
32 ~~properties, if present.~~

1 ~~(4) The wildlife corridor tract shall be permanently marked consistent with the methods contained in SMC~~  
2 ~~21A.50.170. Conservation easements are exempt from the permanent marking requirement.~~

3 (54) A management plan for the wildlife corridor contained within a tract or tracts shall be prepared that  
4 specifies the permissible extent of recreation, forestry or other uses compatible with preserving and  
5 enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and  
6 approved by the department. The approved management plan for a subdivision shall be contained within  
7 and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a  
8 conservation easement, a management plan is not required, but may be submitted to the department for  
9 review and approval, and recorded with the conservation easement.

10 (55) Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the  
11 management plan or as otherwise allowed by this chapter. No clearing, including the removal of woody  
12 debris, shall be allowed within a wildlife corridor contained within a conservation easement on individual  
13 lots, unless the property owner has an approved management plan.

14 (66) Where feasible, A homeowners' association or other entity capable of long-term maintenance and  
15 operation shall be established to monitor and assure compliance with the management plan. The association  
16 shall provide homeowners with information on Washington Department of Fish and Wildlife's Backyard  
17 Wildlife Sanctuary Program.

18 (89) Wildlife corridors set aside in tracts or conservation easements shall meet the provisions in SMC  
19 16.15.120.

20 (910) The permanent open space tract containing the wildlife corridor may be credited toward the other  
21 applicable requirements such as surface water management and the recreation space requirement of SMC  
22 21A.30.140, provided the proposed uses within the tract are compatible with preserving and enhancing the  
23 wildlife habitat value. Restrictions on other uses within the wildlife corridor tract shall be clearly identified in  
24 the management plan.

25 (119) Low impact uses and activities which are consistent with the purpose and function of the habitat  
26 corridor and do not detract from its integrity may be permitted within the corridor depending on the  
27 sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases  
28 include trails that are pervious, viewing platforms, storm water management facilities such as grass-lined  
29 swales, utility easements and other similar uses, or activities otherwise described and approved by the  
30 Washington Department of Fish and Wildlife-and activities; provided, that any impacts to the corridor  
31 resulting from such permitted facilities shall be fully mitigated.

32 (124) At the discretion of the director, these standards may be waived or reduced for public facilities such as  
33 schools, fire stations, parks, and public road projects. (Ord. O2005-193 § 1)

34 **21A.50.330 Streams – Development standards.**

35 A development proposal on a parcel or parcels containing a stream or associated buffer of a stream located  
36 on-site or off-site shall meet the following requirements:

1 (1) The following standard buffers shall be established from the ordinary high water mark or from the top of  
 2 the bank if the ordinary high water mark cannot be identified:

Stream Type	Standard Buffer Width (ft)
Type S:	150
Type F:	150
Type Np:	75
Type Ns:	50

3 (a) Where a legally established and constructed street or the East Lake Sammamish Trail transects a  
 4 stream buffer, the department may approve a modification of the standard buffer width to the edge  
 5 of the street or the East Lake Sammamish Trail if the isolated part of the buffer does not provide  
 6 additional protection of the stream and provides insignificant biological, geological or hydrological  
 7 buffer functions relating to the stream. If the resulting buffer distance is less than 50 percent of the  
 8 standard buffer, no further reduction shall be allowed.

9 (b) Where a buffer has been previously established on a legally created parcel or tract that was  
 10 legally established according to the regulations in place at the time of establishment through City or  
 11 county development review on or after November 27, 1990, and is permanently recorded on title or  
 12 placed within a separate tract, the buffer shall be remain as previously established, provided it is at  
 13 least equal to or greater than 50 percent of the required standard buffer distance for the applicable  
 14 stream category.

15 (2) Any stream with an ordinary high water mark within 25 feet of the toe of a slope 30 percent or steeper,  
 16 but less than 40 percent, shall have:

17 (a) The minimum buffer required for the stream class involved or a 25-foot buffer beyond the top of  
 18 the slope, whichever is greater, if the horizontal length of the slope, including small benches and  
 19 terraces, is within the buffer for that stream class; or

20 (b) A 25-foot buffer beyond the minimum buffer width required for the stream class involved if the  
 21 horizontal length of the slope, including small benches and terraces, extends beyond the buffer for  
 22 that stream class.

23 (3) Any stream adjoined by a riparian wetland or other contiguous critical area shall have the buffer required  
 24 for the stream type involved or the buffer that applies to the wetland or other critical area, whichever is  
 25 greater.

26 (4) Buffer Averaging. Buffer width averaging may be allowed by the City if:

27 (a) It will provide additional natural resource protection, as long as the total area contained in the  
 28 buffer on the development proposal site does not decrease (see also SMC 21A.30.210(4) for buffer  
 29 compensation requirements for trails);

(b) The stream contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the stream would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

(c) The buffer width is not reduced to less than 50 percent of the standard buffer; ~~and~~

~~(de)~~ The buffer is associated with a development proposal and it will not further encumber a neighboring property not owned by the applicant; and,

~~(ed)~~ Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of the standard buffer width at any location.

(5) Increased Buffers. Increased ~~b~~ Buffer widths ~~shall~~ may be required by ~~the a distance necessary City when necessary~~ to protect:

(a) Fish and wildlife habitat conservation areas and habitat connections based on an approved habitat management plan as defined by the Department of Fish and Wildlife;

(b) Landslide or erosion hazard areas contiguous to streams;

(c) Groundwater recharge and discharge area;

(d) Or to offset buffer impacts, such as trail and utility corridors; and

~~(e) At risk ecological streams functions including, but not limited to the following; critical drainage areas, critical fish and wildlife habitat landslide or erosion hazard areas contiguous to streams, and groundwater recharge and discharge area, or to offset buffer impacts, such as trail and utility corridors.~~

(i) Habitat complexity, connectivity and biological functions;

(ii) Seasonal hydrological dynamics as provided in the adopted Surface Water Design Manual;

(iii) Sediment removal and erosion control;

(iv) Pollutant removal;

(v) Large wood debris (LWD) recruitment;

(vi) Water temperature;

(vii) Wildlife habitat; and

(viii) Microclimate.

(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions.

1 Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing  
2 as required in SMC [21A.50.135](#). A plan for mitigating buffer-reduction impacts must be prepared using  
3 selected incentive-based mitigation options from the list below, and is subject to approval by the City. The  
4 following incentive options for reducing standard buffer widths shall be considered cumulative up to a  
5 maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial  
6 portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native  
7 vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and  
8 maintenance plan.

9 ~~(a) Installation of biofiltration/infiltration mechanisms: up to 20 percent reduction in standard buffer~~  
10 ~~width for the installation of bioswales, Up to 20 percent reduction in the standard buffer width may~~  
11 ~~be allowed if water quality is improved in excess of the requirements of the adopted surface water~~  
12 ~~design manual and Title 13 Surface Water Management, through the use of~~ created and/or  
13 enhanced wetlands, or ponds supplemental to existing storm drainage and water quality  
14 requirements.

15 (b) Removal of existing impervious surfaces:

16 (i) Up to 10 percent reduction in standard buffer width if impervious surfaces within the to-be-  
17 remaining buffer area are reduced by at least 50 percent; or

18 (ii) Up to 20 percent reduction in standard buffer width if the to-be-remaining buffer area is  
19 presently more than 50 percent impervious and all of it is to be removed.

20 (c) Removal of invasive, nonnative vegetation: up to 10 percent reduction in standard buffer width  
21 for the removal and extended (minimum five-year) monitoring and continued-removal maintenance  
22 of relatively dense stands of invasive, nonnative vegetation from significant portions of the  
23 remaining buffer area.

24 (d) Restoration, preservation and maintenance of the existing stream and buffer vegetation if the  
25 following conditions are present and/or attainable as a result of action:

26  
27 (i) An undisturbed vegetated buffer is preserved in the remaining buffer width; and,

28  
29 (ii) Existing buffer conditions are degraded such that more than 40 percent of the buffer is  
30 covered by non-native/invasive plant species and the buffer is restored according to a city-  
31 approved restoration plan to improve wetland buffer functions; and,

32  
33 (iii) Native tree or shrub vegetation covers less than 25 percent of the total buffer area and  
34 the area will be re-vegetated according to a city-approved restoration plan with native trees  
35 and shrubs to replace impacted buffer functions;

36  
37 (iv) The stream buffer has slopes of less than 25 percent; and  
38

1 (v) The buffer reduction determination and percentage shall be on a site by site basis based  
2 on the applicant's plan and demonstration of improvement to water quality and habitat  
3 functions.

4 ~~(ed)~~ In-stream habitat enhancement:

5 (i) Up to 20 percent reduction in standard buffer width for log structure placement,  
6 bioengineered bank stabilization, or culvert removal; or

7 (ii) Up to 30 percent reduction in standard buffer width for improving fish passage and/or  
8 creation of side channel or backwater areas.

9 ~~(fe)~~ If not already required under an existing development proposal, installation of oil/water  
10 separators for storm water quality control: up to 10 percent reduction in standard buffer width.

11 ~~(gf)~~ Use of pervious material for driveway/road construction: up to 10 percent reduction in standard  
12 buffer width.

13 ~~(hg)~~ Restoration of on-site buffer and habitat areas, or restoration of off-site buffer and habitat  
14 areas within the same sub-basin of the impacted stream if no on-site restoration is possible:

15 (i) Up to 10 percent reduction in standard buffer width if restoration area is at a 2:1 ratio or  
16 greater; or

17 (ii) Up to 20 percent reduction in standard buffer width if restoration area is at a 4:1 ratio or  
18 greater.

19 ~~(ih)~~ Removal of significant refuse or sources of toxic material: up to 10 percent reduction in standard  
20 buffer width.

21 ~~(78)~~ The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be  
22 prohibited by the City.

23 ~~(89) The introduction of livestock into a stream or stream buffer is prohibited. The livestock restrictions in~~  
24 ~~SMC 21A.50.290 shall also apply to Type S and F streams and their buffers. (Ord. O2005-193 § 1; Ord. O2005-~~  
25 ~~172 § 4; Ord. O99-29 § 1)~~

26 (10) In addition to the provisions of SMC 21A.50.060, Removal of any native vegetation or woody debris  
27 from the stream or stream buffer may be allowed only as part of an approved habitat management plan,  
28 critical areas study, and/or alteration plan.

29 **21A.50.340 Streams – Permitted alterations.**

30 Alterations to streams and stream buffers are not allowed except as provided for by complete exemptions,  
31 allowances for existing urban development and other uses, partial exemptions and exceptions in this chapter  
32 or as allowed for by this section.

(1) Alterations may only be permitted if based upon a critical areas study conducted in accordance with SMC [21A.50.130](#) that determines the proposed development will:

- (a) Protect, restore or enhance the habitat, natural drainage, or other valuable functions of the stream resulting in a net improvement to the stream and stream buffer;
- (b) Design, implement, maintain and monitor a restoration or enhancement plan prepared by a qualified professional;
- (c) Perform the restoration or enhancement under the direction of a qualified professional; and
- (d) Will otherwise be consistent with the purposes of this chapter.

(2) The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration.

~~(343)~~ There shall be no introduction of any plant or wildlife which is not indigenous to the coastal region of the Pacific Northwest into any stream or buffer unless ~~required-authorized~~ by a state or federal permit or approval or as otherwise allowed by SMC 21A.50.060 – Allowance for Existing Urban Development and Other Uses.

~~(45)~~ Utilities may be allowed in stream buffers if:

- (a) No reasonable alternative location is available;
- (b) The utility corridor meets any additional requirements for installation, replacement of vegetation and maintenance, as needed to mitigate impacts;
- (c) The requirements for sewer utility corridors in SMC [21A.50.300](#) shall also apply to streams; and
- (d) Joint use of an approved sewer utility corridor by other utilities may be allowed.

~~(56)~~ Where technically feasible, surface water discharge shall be located outside of the stream and stream buffer. If surface water discharge to a stream or stream buffer is unavoidable, the following management activities and provisions shall apply:

~~The following surface water management activities and facilities may be allowed in stream buffers as follows:~~

(a) Surface water discharge to a stream from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the applicable City-adopted storm water requirements.

(b) A Type ~~Np~~-~~or~~-Ns stream buffer may be used as a regional storm water management facility if:

- (i) A public agency and utility exception is granted pursuant to SMC [21A.50.070](#);

1 (ii) All requirements of the applicable City-adopted storm water requirements are met;

2 (iii) The use will not lower the rating or alter the factors used in rating the stream; and

3 (iv) There are no significant adverse impacts to the stream or habitat.

4 ~~(67)~~ Except as provided in subsection (7) of this section, public and private trails may be allowed in stream  
5 buffers consistent with the standards and requirements in this chapter, the development standards in  
6 Chapter [21A.30](#) SMC, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms,  
7 associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas study  
8 may be required.

9 ~~(78)~~ Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad  
10 rights-of-way, across streams or buffers for public or private trails is preferred to new crossings, subject to  
11 the standards and requirements in the SMC. New stream crossings may be allowed and may encroach on the  
12 otherwise required stream buffer if:

13 (a) Bridges, bottomless culverts or other appropriate methods demonstrated to provide fisheries  
14 protection shall be used for stream crossings and the applicant shall demonstrate that such methods  
15 and their implementation will pose no harm to the stream habitat or inhibit migration of  
16 anadromous fish;

17 (b) All crossings are constructed during the summer low flow and are timed to avoid stream  
18 disturbance during periods when use is critical to resident or anadromous fish including salmonids;

19 (c) Crossings do not occur over spawning areas used by resident or anadromous fish including  
20 salmonids unless the City determines that no other reasonable crossing site exists;

21 (d) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water  
22 mark;

23 (e) Crossings do not diminish the flood-carrying capacity of the stream;

24 (f) Underground utility crossings are laterally drilled and located at a depth of four feet below the  
25 maximum depth of scour for the base flood predicted by a civil engineer licensed by the state of  
26 Washington. Temporary bore pits to perform such crossings may be permitted within the stream  
27 buffer established in SMC [21A.50.330](#). Crossing of Type Ns streams when dry may be made with  
28 open cuts; and

29 ~~(g)~~ Trail crossings shall use bridges and boardwalks consistent with the design requirements of the  
30 Washington Department of Fish and Wildlife [WDFW, 2003, Design of Road Culverts for Fish Passage  
31 as amended]; and

32 ~~(h)~~~~(g)~~ The number of crossings is minimized and consolidated to serve multiple purposes and  
33 properties whenever possible.

1 (~~89~~) Relocations. Stream relocations may be allowed only for:

2 (a) Type F, Np, and Ns streams as part of a public road, trail, or park project for which a public  
3 agency and utility exception is granted pursuant to SMC [21A.50.050](#); and

4 (b) Type F, Np and Ns streams for the purpose of enhancing resources in the stream if:

5 (i) Appropriate floodplain protection measures are used; and

6 (ii) The relocation occurs on-site, except that relocation off-site may be allowed if the applicant  
7 demonstrates that any on-site relocation is impracticable, the applicant provides all necessary  
8 easements and waivers from affected property owners and the off-site location is in the same  
9 drainage sub-basin as the original stream.

10 (~~910~~) For any relocation allowed by this section, the applicant shall demonstrate, based on information  
11 provided by qualified professionals, including a civil engineer and a biologist, that:

12 (a) The equivalent base flood storage volume and function will be maintained;

13 (b) There will be no adverse impact to local groundwater;

14 (c) There will be no increase in velocity;

15 (d) There will be no interbasin transfer of water;

16 (e) There will be no increase in sediment load;

17 (f) Requirements set out in the mitigation plan are met;

18 (g) The relocation conforms to other applicable laws; and

19 (h) All work will be carried out under the direct supervision of a qualified biologist.

20 (~~1011~~) A stream channel may be stabilized if:

21 (a) Movement of the stream channel threatens existing residential or commercial structures, public  
22 facilities or improvements, unique natural resources or the only existing access to property;

23 (b) The stabilization is done in compliance with the requirements of SMC [21A.50.230](#); and

24 (c) Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank  
25 techniques are not a reasonable alternative due to site-specific soil, geologic and/or hydrologic  
26 conditions.

27 (~~1112~~) Replacement of existing culverts to enhance stream habitat, not associated with any other  
28 development proposal, may be allowed if accomplished according to a plan for its design, implementation,

1 maintenance, and monitoring prepared by qualified professionals, including a civil engineer and a biologist,  
2 and carried out under the direction of a qualified biologist.

3 ~~(1213)~~ Stream and habitat restoration or enhancement may be allowed if:

4 (a) The restoration is sponsored or approved by a public agency with a mandate to do such work;

5 (b) The restoration is unassociated with mitigation of a specific development proposal;

6 (c) The restoration is limited to placement of rock weirs, log controls, spawning gravel, and other  
7 specific habitat improvements for resident or anadromous fish including salmonids;

8 (d) The restoration only involves the use of hand labor and light equipment; or the use of helicopters  
9 and cranes that deliver supplies to the project site; provided, that they have no contact with critical  
10 areas or their buffers; ~~and~~

11 (e) The restoration is performed under the direction of qualified professionals; and,

12 (f) Stream relocation, if proposed, may be approved pursuant to 21A.50.340(9) as part of an  
13 approved restoration plan.

14 ~~(1314)~~ Roadside ditches that carry streams with salmonids may be maintained through the use of best  
15 management practices developed in consultation with relevant City, state, and federal agencies.

16 ~~(14) Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing~~  
17 ~~impervious surface that was established pursuant to City ordinances and regulations may be allowed,~~  
18 ~~provided:~~

19 ~~(a) If within the buffer, the structure is located no closer to the stream than the existing structure;~~  
20 ~~and~~

21 ~~(b) The existing impervious surface within the buffer or stream is not expanded as a result of the~~  
22 ~~reconstruction or replacement. (Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)~~

### 23 **21A.50.350 Streams – Mitigation requirements.**

24 When mitigation for stream or stream buffer impacts is required, mitigation shall meet the requirements  
25 listed in SMC [21A.50.145](#) in addition to the following supplementary requirements:

26 (1) Equivalent or Greater Functions. Mitigation for alterations to stream(s) and/or stream buffer(s) shall  
27 achieve equivalent or greater functions including, but not limited to:

28 (a) Habitat complexity, connectivity, and other biological functions;

29 (b) Seasonal hydrological dynamics, water storage capacity and water quality; and

30 (c) Geomorphic and habitat processes and functions.

1 (2) Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-  
2 basin and on the same site as the alteration, except when the following apply:

3 (a) There are no reasonable on-site opportunities for mitigation or on-site opportunities do not have  
4 a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or  
5 connectivity are inadequate;

6 (b) Off-site mitigation has a greater likelihood of providing equal or improved functions than the  
7 impacted stream; and

8 (c) Off-site locations ~~shall~~ have been identified and evaluated in the following order of preference:

9 (i) Within the same drainage subbasin;

10 (ii) Within the city limits;

11 (iii) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank program  
12 sites within the city limits in accordance with the provisions of this section;

13 (iv) Within the Sammamish service area for an approved fee-in-lieu or mitigation bank  
14 program sites within the WRIA 8 in accordance with the provisions of this section, ~~be in the~~  
15 same sub-basin.

16 (3) Fee-In-Lieu Stream Mitigation Program. Fee-in-lieu mitigation may be authorized for approved stream  
17 impacts, provided that the impact is related to the approval of a single family home, City of Sammamish  
18 capital improvement project, or development proposal within the Town Center. Fee in lieu mitigation shall be  
19 subject to the avoidance sequence requirements– and mitigation measures of this title, and the approval of a  
20 program by the city, to be used in the following order of preference:

21 (a) A city approved program that utilizes receiving mitigation sites within the same sub-basin as the  
22 approved wetland impact.

23 (b) The King County Mitigation Reserves Program, or other approved program that gives priority to  
24 sites within the same sub-basin.

25 (c) A city approved program, the King County Mitigation Reserves Program, or other approved  
26 program that gives priority to sites that will expand or improve habitat for Lake Sammamish  
27 Kokanee.

28 (d) The King County Mitigation Reserves Program, or other approved program that gives priority to  
29 sites within the same sub-basin and/or a pre-defined service area that includes the city of  
30 Sammamish.

31  
32 (3) Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will  
33 disturb streams. In all other cases, mitigation shall be completed immediately following disturbance and prior

1 to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to  
2 reduce impacts to existing wildlife and flora.

3 (4) Restoration Required. Restoration shall be required when a stream or its buffer is altered in violation of  
4 law or without any specific permission or approval by the City. A mitigation plan for restoration shall conform  
5 to the requirements of this chapter and demonstrate that:

6 (a) The restoration will reliably and demonstrably improve the water quality and fish and wildlife  
7 habitat of the stream; ~~and~~

8 (b) The restoration will have no lasting significant adverse impact on any stream functions; ~~and~~

9 (c) On sites where non-native vegetation was cleared, restoration shall include installation of native  
10 vegetation with a density equal to or greater than the pre-altered site conditions.

11 (5) Surface water management or flood control alterations shall not be considered enhancement unless  
12 other functions are simultaneously improved. (Ord. O2005-193 § 1; Ord. O2005-172 § 4; Ord. O99-29 § 1)

13 **~~21A.50.351 Ponds – Development standards.~~**

14 ~~(1) Naturally Occurring Ponds – New Residence Setback and Tree Retention.~~

15 ~~(a) A 50-foot building setback for new residences shall be established from the ordinary high water~~  
16 ~~mark (OHWM) for naturally occurring ponds that are not otherwise regulated by the Sammamish~~  
17 ~~shoreline master program.~~

18 ~~(b) On lots abutting a pond or containing the 50-foot setback area, 25 percent of existing significant~~  
19 ~~trees shall be retained on site. Half of the significant trees to be retained shall be located within the~~  
20 ~~50-foot building setback area. Where half of the trees to be retained are not present within the~~  
21 ~~setback area, the remaining number may be retained elsewhere on site. (Ord. O2009-264 § 1 (Att.~~  
22 ~~A); Ord. O2005-193 § 1)~~

23 **~~21A.50.352 Lake Sammamish buffer – Permitted alterations.~~**

24 ~~Repealed by Ord. O2009-264. (Ord. O2005-193 § 1)~~

25 **21A.50.355 Lake management areas – Special district overlay.**

26 (1) The purpose of lake management areas is to designate the Beaver Lake and Pine Lake watersheds as  
27 special management areas for total phosphorus loading control and to establish standard procedures for  
28 evaluating drainage plans and related materials for applications of development within the Beaver Lake and  
29 Pine Lake Watersheds (within the East Lake Sammamish drainage basin).

30 (2) The lake management areas special overlay district shall be designated on critical areas maps maintained  
31 by the department of community development.

32 ~~(3) Definitions. In addition to the definitions listed below, all definitions included in the King County Surface~~  
33 ~~Water Design Manual are hereby adopted by reference.~~

1 (a) "AKART" means all known, available, and reasonable methods of prevention, control, and  
2 treatment.

3 (b) "Eutrophic" means a trophic status characterized by moderately high algal productivity, more  
4 serious oxygen depletion in the bottom waters, some recreational use impairment, summer  
5 chlorophyll a concentration greater than 10 micrograms/liter, a summer Secchi depth of less than  
6 two meters, and a winter total phosphorus concentration greater than 20 micrograms/liter.

7 (c) "Hypereutrophic" means a trophic status characterized by high algal productivity, intense algal  
8 blooms, fish kills due to oxygen depletion in the bottom waters, frequent recreational use  
9 impairment, summer chlorophyll a concentration greater than 10 micrograms/liter, a summer  
10 Secchi depth generally less than two meters, and a winter total phosphorus concentration greater  
11 than 30 micrograms/liter.

12 (d) "Lake management plan" means the plan (and supporting documents as appropriate) describing  
13 the lake management recommendations and requirements.

14 (e) "Mesotrophic" means a trophic status characterized by moderate algal productivity, oxygen  
15 depletion in the bottom waters, usually no recreational use impairment, summer chlorophyll a  
16 concentration averaging four to 10 micrograms/liter, a summer Secchi depth of two to five meters,  
17 and a winter total phosphorus concentration ranging from 10 to 20 micrograms/liter.

18 (f) "Oligotrophic" means a trophic status characterized by low algal productivity, algal blooms are  
19 rare, water clarity is high, all recreational uses unimpaired, summer chlorophyll a concentration  
20 average less than four micrograms/liter, a summer Secchi depth greater than five meters, and a  
21 winter total phosphorus concentration ranging from zero to 10 micrograms/liter.

22 (g) "Phosphorus" means elemental phosphorus and for the purposes of this section shall be  
23 measured as total phosphorus.

24 (h) "Phosphorus concentration" means the mass of phosphorus per liquid volume.

25 (i) "Phosphorus loading" means the total mass of phosphorus per time basis.

26 (j) "Total phosphorus" means the phosphorus concentration as determined by a state-certified  
27 analytical laboratory using EPA 365.3 or SM 4500-P-B, E or an equivalent method.

28 (k) "Trophic state index" means a classification system which uses algal biomass as the basis for  
29 classification which can be independently measured by chlorophyll a, Secchi depth, and total  
30 phosphorus concentration.

31 (l) "Trophic status" means a classification which defines lake quality by the degree of biological  
32 productivity.

1 (43) The Beaver Lake watershed as generally identified in the Beaver Lake management plan, which is  
2 available at the City of Sammamish community development department, is a sensitive lake and is hereby  
3 designated a critical drainage area. This designation is:

4 (a) Existing whole-lake total phosphorus concentration for the combined Beaver Lake system is 23  
5 micrograms/liter. Beaver Lake 1 and Beaver Lake 2, individually, have whole-lake total phosphorus  
6 concentrations of 36 ( $\pm 2$ ) micrograms/liter and 20 ( $\pm 1$ ) micrograms/liter, respectively;

7 (b) Whole-lake total phosphorus concentration, chlorophyll a, and Secchi depth indicate that the  
8 Beaver Lake system is bordering on eutrophic conditions;

9 (c) Modeling of the Beaver Lake system's future trophic status indicates that the lake will become  
10 hypereutrophic with a whole-lake total phosphorus concentration predicted to be 36  
11 micrograms/liter without additional phosphorus removal via storm water treatment; and

12 (d) Maintaining existing trophic status is a management plan goal. To maintain existing trophic  
13 status, an 80 percent total phosphorus annual loading removal goal was established for new  
14 impervious surface development prior to storm water discharges to Beaver Lake.

15 (54) The Pine Lake watershed is generally identified in the City of Sammamish comprehensive plan (Figure IV-  
16 1 in the comprehensive plan or as updated). All appropriate Beaver Lake specific water quality regulations  
17 shall be extended to the Pine Lake drainage basin ~~as well~~.

18 (a) These ~~interim~~ regulations shall only be in effect until such time that a customized Pine Lake  
19 water quality strategy is developed and development regulations are adopted based on approved  
20 findings of the study.

21 (b) An applicant for development within the Pine Lake drainage basin may apply for a variance from  
22 the standards specified in subsection (8) of this section if it can be proven that conditions are clearly  
23 different than at Beaver Lake.

24 (65) The standards specified in subsection (8) of this section shall apply to all development proposals located  
25 within the Beaver Lake and Pine Lake watersheds which require drainage review as specified in the adopted  
26 surface water design manual and Title 13 Surface Water Management, King County Surface Water Design  
27 Manual.

28 (76) Development proposals within the Beaver Lake or Pine Lake watersheds may be exempt from  
29 management plan requirements if they demonstrate to the satisfaction of the community development  
30 department that on-site surface and storm water runoff drainage does not in fact drain into the basin in  
31 question.

32 (87) Phosphorous Control Required.

1 (a) Applicability. Unless the conditions identified in subsection (6) of this section are documented to  
2 the satisfaction of the department, the following development proposals are subject to the  
3 conditions and standards contained subsections 7(b) through 7(d) below:

4 (i) For pProjects ~~which that~~ create greater than 5,000 square feet of new impervious surface  
5 subject to vehicular use in the Beaver Lake or Pine Lake watersheds, ~~the following conditions~~  
6 shall apply, unless the conditions identified in subsection (6) of this section are documented to  
7 the satisfaction of the community development department; or

8 (ii) Projects that create greater than one acre of pollution generating pervious surface, as  
9 defined in the adopted surface water design manual and Title 13 Surface Water Management,  
10 in the Beaver Lake or Pine Lake watersheds.

11 (ba) The proposed storm water facilities shall be designed to remove 80 percent of all new total  
12 phosphorus loading on an annual basis due to new development (and associated storm water  
13 discharges) in the Beaver Lake or Pine Lake watersheds where feasible or utilize AKART if infeasible.

14 (cb) ~~Currently t~~The AKART standard or ~~interim~~-best management practices for phosphorus-sensitive  
15 lakes can be fulfilled by- achieving the 50% phosphorous removal standard from the adopted surface  
16 water design manual and Title 13 Surface Water Management, together with additional applicant  
17 proposed measures:

18 (i) For all development proposals subject to this section, the applicant shall demonstrate  
19 that a reduction of 80% total phosphorous is achievable through the use of engineering design  
20 computations.

21  
22 (ii) As the adopted King County Surface Water Design Manual is updated and additional  
23 treatment options and designs for total phosphorus removal become available, new treatment  
24 systems may be approved by the city if the AKART standard for phosphorus removal can be  
25 demonstrated using the Department of Ecology's Technology Assessment Protocol – Ecology  
26 (TAPE protocol).

27 (iii) Where soils are suitable, on-site infiltration of storm water runoff can be pursued through  
28 the variance process as an AKART alternative using methods described in the manual, as well  
29 as providing an organic soil layer consistent with the standards of the adopted surface water  
30 design manual and Title 13 Surface Water Management.

31 (iv) Development proposals using on-site infiltration, that do not comply with subsection  
32 7(c)(iii), shall demonstrate that 80%, or better, phosphorus treatment can be expected with the  
33 designed on-site infiltration system, rather than by methods described in subsection (7)(c)(iii)  
34 of this section.

35 the following storm water treatment design criteria:

(i) A wetpond or combined detention/wetpond with a permanent pool volume equal to four and one-half times the volume of runoff from the mean annual storm ( $VB/VR=4.5$ ).

(A) Mandatory roof downspout infiltration, unless shown to be infeasible, and maximization of forest or native vegetation retention.

(B) Pond volume can be reduced by maximizing forest retention according to the following schedule:

Forest (%)	VB/VR ratio
25	4.25
30	4.00
40	3.50
50	3.25
60	3.00

(C) Forest retention areas shall be in tracts dedicated to the City. Buffers without trails can be counted in the percent forest figure.

(D) The VB/VR ratio is the volume of the wetpond basin divided by the volume of the runoff from the mean annual storm. The mean annual storm is equal to 0.46 inches at SeaTac. Runoff can be estimated using a runoff coefficient of 0.9 for impervious area and 0.25 for all other pervious area. Forested areas in tracts dedicated to the City need not be included in the calculation of pond sizing (i.e., zero new runoff volume assumed). If this method is used in other areas, and SeaTac precipitation statistics underestimate the rainfall as judged by the isopluvial distribution of the two-year 24-hour precipitation, the mean annual rainfall should be adjusted upward.

(ii) Although current King County SWM designs are not complete for sand filtration, incorporation of sand filters into storm water treatment facility designs (i.e., treatment trains) can be pursued through the variance process to achieve additional total phosphorus removal. The proponent must demonstrate that equivalent or improved total phosphorus treatment can be expected with an alternative treatment system which incorporates sand filtration other than by methods described in subsection (8)(b)(i) of this section.

(iii) Where soils are suitable, on-site infiltration of storm water runoff can be pursued through the variance process as an AKART alternative. Soils are considered suitable for infiltration if at least two feet of soil exist where one of the following soil conditions are met:

~~(A) The cation exchange capacity of the soil equals or is greater than five milliequivalents;~~

~~(B) The organic content of the soil is equal to or greater than five percent;~~

~~(C) The grain size distribution of site soils is equivalent to not more than 25 percent gravel by weight (75 percent passing the No. 4 sieve) and of that passing the No. 4 sieve, either (1) 50 percent minimum passes the No. 40 sieve and two percent minimum passes the No. 100 sieve, or (2) 25 percent minimum passes the No. 40 sieve and five percent minimum passes the No. 200 sieve; and~~

~~(D) The infiltration rate is 2.4 inches/hour or less.~~

~~Additionally, the proponent must demonstrate that equivalent or better phosphorus treatment can be expected with on-site infiltration than by methods described in subsection (8) of this section.~~

~~(iv) As the King County Surface Water Design Manual is updated and additional treatment options and designs for total phosphorus removal become available, alternative treatment systems may be utilized if the AKART standard for phosphorus removal can be demonstrated.~~

~~(de) Hydrologic analysis shall be determined using a continuous hydrologic model such as the Hydrologic Simulation Program – Fortran (HSPF) or, the King County Runoff Time Series Program (KCRTS), the Santa Barbara Urban Hydrograph, or the VB/VR methodology. These methodologies may be revised or superseded by other methodologies for achieving the same performance goal as stipulated by future revision to the Surface Water Design Manual. (Ord. O2005-193 § 1)~~

**~~21A.50.360 Critical areas mitigation fee – Creation of fund.~~**

~~There is hereby created a critical areas mitigation fund. This fund shall be administered by the City's finance director. (Ord. O2005-193 § 1; Ord. O99-29 § 1)~~

**~~21A.50.370 Critical areas mitigation fee – Source of funds.~~**

~~All monies received from penalties resulting from the violation of rules and laws regulating development and activities within critical areas shall be deposited into the fund. (Ord. O2005-193 § 1; Ord. O99-29 § 1)~~

**~~21A.50.380 Critical areas mitigation fee – Use of funds.~~**

~~Monies from the fund shall only be used for paying the cost of enforcing and implementing critical area laws and rules. (Ord. O2005-193 § 1; Ord. O99-29 § 1)~~

**~~21A.50.390 Critical areas mitigation fee – Investment of funds.~~**

~~Monies in the fund not needed for immediate expenditure shall be deposited in a separate investment fund pursuant to RCW 36.29.020. The finance director shall be designated as the investment fund director. (Ord. O2005-193 § 1; Ord. O99-29 § 1)~~

***[Note: Environmental Critical Area provisions 21A.50. 400 Sunset provisions] are not included, as these provisions are not part of the approved SMP, pursuant to section 25.01.070]***

1

## Chapter 21A.15

## TECHNICAL TERMS AND LAND USE DEFINITIONS

*Please Note: The city has selected relevant definitions from the definitions section; for brevity, not all definitions are included here. The complete code is available at: <http://www.codepublishing.com/wa/sammamish/>*

**21A.15.050 AKART.**

"AKART" means all known, available, and reasonable methods of prevention, control, and treatment.

**21A.15.056 Alteration.**

Any human activity that results or is likely to result in an impact upon the existing condition of a critical area is an "alteration" that is subject to specific limitations as specified for each critical area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants, except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, ~~pruning~~, topping, ~~trimming~~, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existent vegetation, hydrology, fish or wildlife, or fish or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities. (Ord. O2005-193 § 2; Ord. O2005-172 § 2; Ord. O99-29 § 1. Formerly 21A.50.200)

**21A.15.062 Anadromous fish.**

"Anadromous fish" are those that live part or the majority of their lives in saltwater, but return to freshwater to spawn. (Ord. O2005-172 § 2)

**21A.15.080 Base flood.**

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." (Ord. O2003-132 § 10)

**21A.15.085 Base flood elevation.**

"Base flood elevation" means the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929. (Ord. O2003-132 § 10)

**21A.15.098 Best available science.**

"Best available science" means the process used and information developed consistent with requirements in RCW 36.70A.172 and WAC 365-195-900 through 365-195-925. (Ord. O2005-172 § 2)

**21A.15.110 Biologist.**

"Biologist" means a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience. (Ord. O2003-132 § 10)

**21A.15.122 Buffer.**

"Buffer" means a designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards, or a designated area contiguous to a

1 habitat conservation area, stream or wetland intended to protect the habitat, stream or wetland and be an  
2 integral part of the habitat, stream or wetland ecosystem. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

3 **21A.15.195 Clearing.**

4 “Clearing” means the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic  
5 plant matter by physical, mechanical, chemical or other means. (Ord. O2003-132 § 10)

6 **21A.15.253 Critical aquifer recharge area.**

7 “Critical aquifer recharge areas” means those areas in the City of Sammamish with a critical recharging effect  
8 on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic  
9 conditions associated with infiltration rates that create a high potential for contamination of groundwater  
10 resources or contribute significantly to the replenishment of groundwater. CARAs shall be classified based on  
11 the following criteria:

12 (1) Class 1 CARAs include those areas located within the mapped one- or five-year capture zone of a wellhead  
13 protection area.

14 (2) Class 2 CARAs include those areas located within the mapped 10-year capture zone of a wellhead  
15 protection area.

16 (3) Class 3 CARAs include those areas outside wellhead protection areas that are identified as high aquifer  
17 recharge potential areas based on characteristics of surficial geology and soil types. (Ord. O2005-193 § 2)

18 **21A.15.254 Critical areas.**

19 “Critical areas” means those areas in the City that are erosion hazard areas, frequently flooded areas,  
20 landslide hazard areas, seismic hazard areas, critical aquifer recharge areas, wetlands, streams, and fish and  
21 wildlife habitat conservation areas. (Ord. O2005-193 § 2)

22 **21A.15.255 Critical drainage area.**

23 “Critical drainage area” means an area that has been formally determined by the King County surface water  
24 management department to require more restrictive regulation than countywide standards afford in order to  
25 mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative  
26 impacts of development and urbanization. (Ord. O2003-132 § 10)

27 **21A.15.XXX Development.** “Development” means the construction or exterior expansion of structures or  
28 buildings; clearing or grading; paving, landscaping, or placing of obstructions; and any project of a permanent  
29 or temporary nature exterior to a building.

30 **21A.15.310 Development proposal.**

31 “Development proposal” means any activities requiring a permit or other approval from the City of  
32 Sammamish relative to the use or development of land. (Ord. O2003-132 § 10)

33

34 **21A.15.365 Dwelling unit, single detached.**

1 “ Dwelling unit, single detached ” means a detached building containing one dwelling unit. (Ord. O2003-132 §  
2 10)

3 **21A.15.400 Enhancement.**

4 “ Enhancement ” means an action that increases the functions and values of a stream, wetland, or other  
5 sensitive area or buffer. (Ord. O2003-132 § 10)

6 **21A.15.410 Erosion.**

7 “ Erosion ” means the process by which soil particles are mobilized and transported by natural agents such as  
8 wind, rainsplash, frost action or surface water flow. (Ord. O2003-132 § 10)

9 **21A.15.415 Erosion hazard areas.**

10 “ Erosion hazard areas ” means those areas in the City underlain by soils that are subject to severe erosion  
11 when disturbed. Such soils include, but are not limited to, those classified as having a severe or very severe  
12 erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any  
13 subsequent revisions or addition by or to these sources. These soils include the following when they occur on  
14 slopes 15 percent or steeper:

15 (1) The Alderwood gravelly sandy loam (AgD);

16 (2) The Alderwood and Kitsap soils (AkF);

17 (3) The Beausite gravelly sandy loam (BeD and BeF);

18 (4) The Everett gravelly sandy loam (EvD);

19 (5) The Kitsap silt loam (KpD);

20 (6) The Ovall gravelly loam (OvD and OvF);

21 (7) The Ragnar fine sandy loam (RaD); and

22 (8) The Ragnar-Indianola Association (RdE). (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

23 **21A.15.4XX Erosion Hazard Near Sensitive Water Body Overlay.** The Erosion Hazard Near Sensitive  
24 Water Body overlay means an area within the city where sloped areas posing erosion hazards, or  
25 contributing to erosion hazards, that drain directly to lakes or streams of high resource value that are  
26 particularly sensitive to the impacts of increased erosion and the resulting sediment loads from  
27 development. The department of community development shall maintain a map of the boundaries of the  
28 erosion hazard near sensitive water bodies overlay district.

29

30 The Erosion Hazard Near Sensitive Water Body overlay is divided into two areas:

31 (a) The no-disturbance area. The no-disturbance area shall be established on the sloped portion of the  
32 special district overlay to prevent damage from erosion. The upslope boundary of the no-disturbance  
33 area lies at the first obvious break in slope from the upland plateau over onto the valley walls. For  
34 the purposes of locating the first obvious break in slope, the first obvious break shall generally be  
35 located at the top of the erosion hazard area associated with the slope. The downslope boundary of

1 the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas.  
2 The department shall maintain maps, supported by LIDAR (Light Detection and Ranging) data or  
3 other suitable technology, of the approximate location of the no-disturbance areas, which shall be  
4 subject to field verification for new development proposals.

5 (b) Properties draining to the no-disturbance area. Properties draining to the no-disturbance area are  
6 within the Erosion Hazard near Sensitive Water body overlay that drain to the no-disturbance area.

7 **21A.15.420 Eutrophic.**

8 “Eutrophic” means a trophic status characterized by moderately high algal productivity, more serious oxygen  
9 depletion in the bottom waters, some recreational use impairment, summer chlorophyll a concentration  
10 greater than 10 micrograms/liter, a summer Secchi depth of less than two meters, and a winter total  
11 phosphorus concentration greater than 20 micrograms/liter.

12 **21A.15.XXX Feasible.**

13 “Feasible” means that an action, such as a development project, mitigation, or preservation requirement,  
14 meets all of the following conditions:

15 (a) The action can be accomplished with technologies and methods that have been used in the past in  
16 similar circumstances, or studies or tests have demonstrated in similar circumstances that such  
17 approaches are currently available and likely to achieve the intended results;

18 (b) The action provides a reasonable likelihood of achieving its intended purpose; and

19 (c) The action does not physically preclude achieving the project’s primary intended legal use. In cases  
20 where these guidelines require certain actions unless they are infeasible, the burden of proving  
21 infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may  
22 weigh the action’s relative public costs and public benefits, considered in the short- and long-term  
23 time frames.

24 **21A.15.467 Fish and wildlife habitat corridors.**

25 “Fish and wildlife habitat corridors” means those corridors set aside and protected for preserving  
26 connections between habitats on development proposal sites that contain Type F or Np streams and/or  
27 wetlands with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating  
28 System for Western Washington (Department of Ecology 2004 or as revised) that are located within 200 feet  
29 of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal  
30 to 29 on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat  
31 corridors do not increase streams buffers, except as required to provide a connection between two features  
32 as described above.

33  
34 **21A.15.468 Fish and wildlife habitat conservation areas.**

35 “Fish and wildlife habitat conservation areas” means those areas that are essential for the preservation of  
36 critical habitat and species. All areas within the City of Sammamish meeting one or more of the following  
37 criteria are designated wildlife habitat conservation areas:

38 (1) Areas with which state or federally designated endangered, threatened, and sensitive species have a  
39 primary association.

40 (a) Federally designated endangered and threatened species are those fish and wildlife species  
41 identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in

1 danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and  
2 the National Marine Fisheries Service should be consulted as necessary for current listing status;

3 (b) State-designated endangered, threatened, and sensitive species are those fish and wildlife species  
4 native to the coastal region of the Pacific Northwest identified by the State Department of Fish and  
5 Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining  
6 and -are likely to become endangered or threatened in a significant portion of their range within the  
7 state without cooperative management or removal of threats. State-designated endangered,  
8 threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered  
9 species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish  
10 and Wildlife maintains the most current listing and should be consulted as necessary for current listing  
11 status;

12 (2) ~~Wetlands, streams, and, lakes and naturally occurring ponds;~~

13 (3) State natural area preserves and natural resource conservation areas. Natural area preserves and natural  
14 resource conservation areas are defined, established, and managed by the State Department of Natural  
15 Resources; and

16 (4) ~~Fish and Wildlife habitat corridors as defined in 21A.15.467 for preserving connections between habitats~~  
17 ~~along the designated wildlife habitat network. (Ord. O2005-193 § 2)~~

18 **21A.15.470 Flood fringe.**

19 "Flood fringe" means that portion of the floodplain outside of the zero-rise floodway that is covered by  
20 floodwaters during the base flood, generally associated with standing water rather than rapidly flowing  
21 water. (Ord. O2003-132 § 10)

22 **21A.15.475 Flood hazard areas.**

23 "Flood hazard areas" means those areas in the City of Sammamish subject to inundation by the base flood  
24 and those areas subject to risk from channel relocation or stream meander including, but not limited to,  
25 streams, lakes, wetlands, and closed depressions. (Ord. O2003-132 § 10)

26 **21A.15.480 Flood insurance rate map.**

27 "Flood insurance rate map" means the official map on which the Federal Insurance Administration has  
28 delineated some areas of flood hazard. (Ord. O2003-132 § 10)

29 **21A.15.485 Flood insurance study for King County.**

30 "Flood insurance study for King County" means the official report provided by the Federal Insurance  
31 Administration that includes flood profiles and the flood insurance rate map. (Ord. O2003-132 § 10)

32 **21A.15.490 Flood protection elevation.**

33 "Flood protection elevation" means an elevation that is one foot above the base flood elevation. (Ord.  
34 O2003-132 § 10)

35 **21A.15.495 Floodplain.**

1 “Floodplain” means the total area subject to inundation by the base flood. (Ord. O2003-132 § 10)

2 **21A.15.500 Floodproofing.**

3 “Floodproofing” means adaptations that will make a structure that is below the flood protection elevation  
4 substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads  
5 including the impacts of buoyancy. (Ord. O2003-132 § 10)

6 **21A.15.505 Floodway, zero-rise.**

7 “Floodway, zero-rise” means the channel of a stream and that portion of the adjoining floodplain which is  
8 necessary to contain and discharge the base flood flow without any measurable increase in flood height. A  
9 measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal  
10 to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions  
11 directly attributable to development in the floodplain. This definition is broader than that of the FEMA  
12 floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on  
13 the flood insurance study for King County, are considered the boundaries of the zero-rise floodway unless  
14 otherwise delineated by a sensitive area special study. (Ord. O2003-132 § 10)

15 **21A.15.532 Frequently flooded areas.**

16 “Frequently flooded areas” means those lands in the City in the floodplain subject to a one percent or greater  
17 chance of flooding in any given year and those lands that provide important flood storage, conveyance, and  
18 attenuation functions, as determined by the City in accordance with WAC 365-190-080(3). Frequently  
19 flooded areas perform important hydrologic functions and may present a risk to persons and property.  
20 Frequently flooded areas include all areas of special flood hazards within the jurisdiction of the City of  
21 Sammamish. (Ord. O2005-193 § 2)

22 **21A.15.545 Geologist.**

23 “Geologist” ~~means a professional geologist who holds a current geologist license from the Washington state~~  
24 ~~Geologist Licensing Board. means a person who has earned at least a Bachelor of Science degree in the~~  
25 ~~geological sciences from an accredited college or university or who has equivalent educational training and at~~  
26 ~~least four years of professional experience. (Ord. O2003-132 § 10)~~

27 **21A.15.550 Geotechnical engineer.**

28 “Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil  
29 engineer by the state of Washington who has at least four years of professional employment as a  
30 geotechnical engineer. (Ord. O2003-132 § 10)

31 **21A.15.575 Hypereutrophic.**

32 “Hypereutrophic” means a trophic status characterized by high algal productivity, intense algal blooms, fish  
33 kills due to oxygen depletion in the bottom waters, frequent recreational use impairment, summer  
34 chlorophyll a concentration greater than 10 micrograms/liter, a summer Secchi depth generally less than two  
35 meters, and a winter total phosphorus concentration greater than 30 micrograms/liter.

36 **21A.15.620 Lake Management Plan.**

1 “Lake management plan” means the plan (and supporting documents as appropriate) describing the lake  
2 management recommendations and requirements.

3 **21A.15.670 Landscaping.**

4 “Landscaping” means live vegetative materials required for a development. Said materials provided along the  
5 boundaries of a development site are referred to as perimeter landscaping. (Ord. O2003-132 § 10)

6 **21A.15.675 Landslide.**

7 “Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow.  
8 (Ord. O2003-132 § 10)

9 **21A.15.680 Landslide hazard areas.**

10 “Landslide hazard areas” means those areas in the City of Sammamish potentially subject to risk of mass  
11 movement due to a combination of geologic, topographic, and hydrologic factors. These areas are typically  
12 susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope  
13 aspect, geologic structure, groundwater, or other factors. Landslide hazard areas include the following:

14 (1) Areas of historic failures, such as:

15 (a) Those areas delineated by the U.S. Department of Agriculture’s Natural Resources Conservation  
16 Service as having a “severe” limitation for building site development;

17 (b) Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by  
18 the U.S. Geological Survey or Department of Natural Resources;

19 (2) Areas that have shown movement during the Holocene epoch, from 10,000 years ago to the present, or  
20 which are underlain by mass wastage debris from that epoch;

21 (3) Any area with all three of the following characteristics:

22 (a) Slopes steeper than 15 percent; and

23 (b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively  
24 impermeable sediment or bedrock; and

25 (c) Springs or groundwater seepage;

26 (4) Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas  
27 composed of consolidated rock. A slope is delineated by establishing its toe and top, as defined in SMC  
28 21A.15.1230, and measured by averaging the inclination over at least 10 feet of vertical relief;

29 (5) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and  
30 fault planes) in subsurface materials;

31 (6) Slopes having gradients steeper than 80 percent subject to rock fall during seismic shaking;

1 (7) Areas potentially unstable because of rapid stream incision, stream bank erosion or undercutting by wave  
2 action; and

3 (8) Landslide hazard areas do not include those areas composed of slopes greater than 40 percent that were  
4 created from a previously non-landslide hazard area through legal grading activity and that are confirmed to  
5 be stable by a qualified professional. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

6 **21A.15.XXX Maintenance.** “Maintenance” means those usual acts to prevent a decline, lapse or cessation  
7 from a lawfully established condition or use. Maintenance may include, but is not limited to, pruning, plant  
8 material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape  
9 replaced with plant material.

10 **21A.15.720 Mesotrophic.**

11 “Mesotrophic” means a trophic status characterized by moderate algal productivity, oxygen depletion in the  
12 bottom waters, usually no recreational use impairment, summer chlorophyll a concentration averaging four  
13 to 10 micrograms/liter, a summer Secchi depth of two to five meters, and a winter total phosphorus  
14 concentration ranging from 10 to 20 micrograms/liter.

15 **21A.15.XXX Microclimate.** “Microclimate” means a climatic condition in a relatively small area, within a few  
16 feet above and below the Earth's surface and within canopies of vegetation. Microclimates are affected by  
17 such factors as temperature, humidity, wind and turbulence, dew, frost, heat balance, evaporation, the  
18 nature of the soil and vegetation, the local topography, latitude, elevation, and season. Weather and climate  
19 are sometimes influenced by microclimatic conditions, especially by variations in surface characteristics.

20 **21A.15.751 Mitigation bank.**

21 “Mitigation bank” means a property that has been protected in perpetuity, and approved by appropriate  
22 City, state, and federal agencies expressly for the purpose of providing compensatory mitigation in advance  
23 of authorized impacts through restoration, creation, and/or enhancement of wetlands, and in exceptional  
24 circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources. (Ord.  
25 O2003-132 § 10)

26 **21A.15.752 Mitigation banking.**

27 “Mitigation banking” means a system for providing compensatory mitigation in advance of authorized  
28 wetland impacts of development in the City in which credits are generated through restoration, creation,  
29 and/or enhancement of wetlands, and in exceptional circumstances, preservation of adjacent wetlands,  
30 wetland buffers, and/or other aquatic resources. (Ord. O2003-132 § 10)

31 **21A.15.765 Monitoring.**

32 “Monitoring” means evaluating the impacts of development proposals on biologic, hydrologic, and geologic  
33 systems and assessing the performance of required mitigation through the collection and analysis of data for  
34 the purpose of understanding and documenting changes in natural ecosystems, functions and features  
35 including, but not limited to, gathering baseline data. (Ord. O2003-132 § 10)

36 **21A.15.790 Native vegetation.**

1 “Native vegetation” means vegetation comprised of plant species, other than noxious weeds, which are  
2 indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to  
3 naturally occur on the site. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

4 ~~**21A.15.794 Naturalized species.**~~

5 ~~“Naturalized species” means non-native species of vegetation that are adaptable to the climatic conditions of~~  
6 ~~the coastal region of the Pacific Northwest. (Ord. O2011-300 § 1 (Att. A); Ord. O2003-132 § 10. Formerly~~  
7 ~~21A.15.795)~~

8 ~~**21A.15.795 Naturally occurring ponds.**~~

9 See “Ponds, naturally occurring,” SMC ~~21A.15.898~~. (Ord. O2011-300 § 1 (Att. A); Ord. O2005-193 § 2.  
10 Formerly 21A.15.796)

11 **21A.15.810 Oligotrophic.**

12 “Oligotrophic” means a trophic status characterized by low algal productivity, algal blooms are rare, water  
13 clarity is high, all recreational uses unimpaired, summer chlorophyll a concentration average less than four  
14 micrograms/liter, a summer Secchi depth greater than five meters, and a winter total phosphorus  
15 concentration ranging from zero to 10 micrograms/liter.

16 **21A.15.825 Ordinary high water mark.**

17 “Ordinary high water mark” means the mark found by examining the bed and banks of a stream, lake, or tidal  
18 water and ascertaining where the presence and action of waters are so common and long maintained in  
19 ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In  
20 any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.  
21 In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and  
22 alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the  
23 entire stream feature. (Ord. O2003-132 § 10)

24 **21A.15.850 Phosphorus.**

25 “Phosphorus” means elemental phosphorus and ~~for the purposes of this section~~ shall be measured as total  
26 phosphorus.

27 **21A.15.855 Phosphorus concentration.**

28 “Phosphorus concentration” means the mass of phosphorus per liquid volume.

29 **21A.15.860 Phosphorus loading.**

30 “Phosphorus loading” means the total mass of phosphorus per time basis.

31 ~~**21A.15.898 Ponds, naturally occurring.**~~

32 ~~“Ponds, naturally occurring” means those surface water bodies under 20 acres and their submerged aquatic~~  
33 ~~beds that provide fish or wildlife habitat, including those manmade ponds intentionally created in order to~~  
34 ~~mitigate critical area impacts. Naturally occurring ponds do not include ponds deliberately designed and~~  
35 ~~created from dry sites for other reasons such as canals, detention facilities, wastewater treatment facilities,~~

~~farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation. (Ord. O2005-193 § 2)~~

**21A.15.942 Qualified professional.**

“Qualified professional” means a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience.

(1) A qualified professional for watercourses, wetlands, and wildlife habitat conservation areas must have a degree in biology or a related field and relevant professional experience.

(2) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional geotechnical engineer or geologist licensed in the state of Washington. Identification of geologic hazards may be performed by geologists or other geology professionals with experience identifying geologic hazards.

(3) A qualified professional for preparing critical aquifer recharge reports must be a professional hydrogeologist or geologist licensed in the state of Washington.

**21A.15.1000 Restoration.**

“Restoration” means returning a stream, wetland, other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible. (Ord. O2003-132 § 10)

**21A.15.XXXX Riparian.**

“Riparian” means the area adjacent to flowing or standing freshwater aquatic systems. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are often influenced by perennial or intermittent water. Simultaneously, adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris influence the biological and physical properties of the aquatic ecosystem. Riparian habitat includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to stream courses or other freshwater.

**21A.15.1015 Salmonid.**

“Salmonid” means a member of the fish family Salmonidae, including:

(1) Chinook, coho, chum, sockeye and pink salmon;

(2) Rainbow, steelhead and cutthroat salmon;

(3) Brown trout;

(4) Brook and dolly varden char;

(5) Kokanee; and

1 (6) Whitefish. (Ord. O2003-132 § 10)

2 **21A.15.1045 Seismic hazard areas.**

3 “Seismic hazard areas” means those areas mapped as moderate to high and high liquefaction susceptibility  
4 and peat deposits on the Liquefaction Susceptibility Map of King County, Washington, Washington Division of  
5 Geology and Earth Sciences, OFR 2004-20, Palmer et al., September, 2004 as revised.~~those areas in the City~~  
6 ~~subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless~~  
7 ~~soils of low density and usually in association with a shallow groundwater table or of other seismically~~  
8 ~~induced settlement. (Ord. O2003-132 § 10)~~

9 **21A.15.1070 Setback.**

10 “Setback” means the minimum required distance between a structure and a specified line such as a lot,  
11 easement or buffer line that is required to remain free of structures. (Ord. O2003-132 § 10)

12 **21A.15.1230 Steep slope hazard areas.**

13 “Steep slope hazard areas” means those landslide hazard areas in the City on slopes 40 percent or steeper  
14 within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and  
15 is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this  
16 definition:

17 (1) The toe of a slope is a distinct topographic break in slope that separates slopes inclined at less than 40  
18 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the  
19 lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal  
20 distance of 25 feet; and

21 (2) The top of a slope is a distinct, topographic break in slope that separates slopes inclined at less than 40  
22 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the  
23 uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal  
24 distance of 25 feet. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

25 (3) A distinct topographic break occurs when the change in gradient is less than 5 feet vertically within a  
26 horizontal distance of 25 feet.

27 **21A.15.1235 Stream functions.**

28 “Stream functions” means natural processes performed by streams including functions that are important in  
29 facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic,  
30 terrestrial, and avian species, maintaining the availability and quality of water, such as purifying water, acting  
31 as recharge and discharge areas for groundwater aquifers, moderating surface and storm water flows and  
32 maintaining the free flowing conveyance of water, sediments, and other organic matter. (Ord. O2003-132 §  
33 10)

34 **21A.15.1240 Streams.**

35 “Streams” means those areas in the City where surface waters produce a defined channel or bed, not  
36 including irrigation ditches, canals, storm or storm water runoff conveyance devices or other entirely artificial  
37 watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to

1 construction of such watercourses. For the purpose of this definition, a defined channel or bed is an area that  
2 demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels,  
3 gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water  
4 year-round. For the purpose of defining the following categories of streams, normal rainfall is rainfall that is  
5 at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as  
6 recorded at the Seattle-Tacoma International Airport.

7 (1) Streams shall be classified according to the following criteria:

8 (a) Type S streams are all streams inventoried as “shorelines of the state” under the City’s shoreline  
9 master program. No Type S streams have been identified in the City as of September 1, 2005.

10 (b) Type F streams are those streams that are used by salmonids, have the potential to support  
11 salmonid uses, or that have been identified as being of special significance. Streams of special  
12 significance are those perennial reaches designated by the City based on historic fish presence and/or  
13 the probability of restoration of the following:

14 (i) George Davis Creek;

15 (ii) Ebright Creek;

16 (iii) Pine Lake Creek; and

17 (iv) Laughing Jacobs Creek, below Laughing Jacobs Lake.

18 (c) Type Np streams which are perennial during a year of normal rainfall and do not have the potential  
19 to be used by salmonids. Type Np streams include the intermittent dry portions of the perennial  
20 channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot  
21 be identified with simple, nontechnical observations, then the point of perennial flow should be  
22 determined using the best professional judgment of a qualified professional.

23 (d) Type Ns streams which are seasonal or ephemeral during a year of normal rainfall and do not have  
24 the potential to be used by salmonids.

25 (2) For the purposes of this definition, “used by salmonids” and “potential to support salmonid uses” is  
26 presumed for:

27 (a) Streams where naturally reoccurring use by salmonid populations has been documented by a  
28 government agency;

29 (b) Streams that are fish passable by salmonid populations from Lake Sammamish, as determined by a  
30 qualified professional based on review of stream flow, gradient and barriers and criteria for fish  
31 passability established by the Washington Department of Fish and Wildlife; and

1 (c) Streams that are planned for restoration in a six-year capital improvement plan adopted by a  
2 government agency that will result in a fish passable connection to Lake Sammamish. (Ord. O2005-193  
3 § 2; Ord. O2003-132 § 10)

4 **21A.15.1265 Submerged land.**

5 “Submerged land” means any land at or below the ordinary high water mark. (Ord. O2003-132 § 10)

6 **21A.15.1275 Total phosphorus.**

7 “Total phosphorus” means the phosphorus concentration as determined by a state-certified analytical  
8 laboratory using EPA 365.3 or SM 4500-P-B, E or an equivalent method.

9 **21A.15.1285 Trails.**

10 “Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians,  
11 and/or recreational users. Trails may be paved or unpaved, and may be intended and constructed for  
12 transportation, recreation, and nature contact and enjoyment. Types of trails are described and defined in  
13 the park and recreation plan, trails, bikeways and paths plan, or elsewhere in the city comprehensive plan.  
14 (Ord. O2005-172 § 2; Ord. O2003-132 § 10)

15 **21A.15.1295 Trophic state index.**

16 “Trophic state index” means a classification system which uses algal biomass as the basis for classification  
17 which can be independently measured by chlorophyll a, Secchi depth, and total phosphorus concentration.

18 **21A.15.1300 Trophic status.**

19 “Trophic status” means a classification which defines lake quality by the degree of biological productivity.

20 ~~**21A.15.1390 Wet meadows, grazed.**~~

21 ~~“Wet meadows, grazed” means palustrine emergent wetlands typically having up to six inches of standing~~  
22 ~~water during the wet season and dominated under normal conditions by meadow emergents such as reed~~  
23 ~~canary grass, spike rushes, bulrushes, sedges and rushes. During the growing season, the soil is often~~  
24 ~~saturated but not covered with water. These meadows have been frequently used for livestock activities.~~  
25 ~~(Ord. O2003-132 § 10)~~

26 **21A.15.1395 Wetland edge.**

27 “Wetland edge” means the line delineating the outer edge of a wetland, as determined by application of the  
28 federal 1987 *Wetland Delineation Manual* (Environmental Laboratory, 1987) and the United States Army  
29 Corps of Engineers (USACE) *Interim Regional Supplement for Western Mountains, Valleys, and Coast Region*  
30 (USACE, 2010), or such other manual(s) adopted by the Department consistent with RCW 90.58.380 and WAC  
31 173-22-035, as amended, consistent with the Washington State Wetlands and Delineation Manual (1997, as  
32 amended). (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

33 ~~**21A.15.1400 Wetland, forested.**~~

34 ~~“Wetland, forested” means a wetland that is characterized by woody vegetation at least 20 feet tall. (Ord.~~  
35 ~~O2003-132 § 10)~~

36 **21A.15.1405 Wetland functions.**

1 “Wetland functions” means natural processes performed by wetlands including functions that are important  
2 in facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic,  
3 terrestrial, and avian species, maintaining the availability and quality of water, acting as recharge and  
4 discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as  
5 performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. (Ord.  
6 O2003-132 § 10)

7 **21A.15.1410 Wetland, isolated.**

8 “Wetland, isolated” means a wetland that is hydrologically isolated from other ~~wetlands or streams, does not~~  
9 ~~have permanent open water, and is determined to be of low function~~ aquatic resources. Isolated wetlands  
10 may perform important functions and are protected by state law (RCW 90.48) whether or not they are  
11 protected by federal law. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)

12 **21A.15.1415 Wetlands.**

13 “Wetlands” are those areas in the City of Sammamish designated in accordance with the federal 1987  
14 Wetland Delineation Manual (Environmental Laboratory, 1987) and the United States Army Corps of  
15 Engineers (USACE) Interim Regional Supplement for Western Mountains, Valleys, and Coast Region (USACE,  
16 2010), or such other manuals adopted by the Department of Ecology pursuant to RCW 90.58.380 and WAC  
17 173-22-035, as amended. Washington State Wetlands Identification and Delineation Manual (1997, as  
18 amended). Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and  
19 duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation  
20 typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and  
21 similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites,  
22 including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,  
23 wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,  
24 1990, that were unintentionally created as a result of the construction of a road, street, or highway.  
25 Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the  
26 conversion of wetlands.

27 ~~Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington~~  
28 ~~(Department of Ecology, 2004, or as revised). This document contains the definitions, methods and a rating~~  
29 ~~form for determining the categorization of wetlands described below:~~

30 ~~(1) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based~~  
31 ~~on functions, or those that are rated Category 1 based on special characteristics as defined in the rating form.~~

32 ~~(2) Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions,~~  
33 ~~or those that are rated Category 2 based on special characteristics as defined in the rating form.~~

34 ~~(3) Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.~~

35 ~~(4) Category 4. Category 4 wetlands score less than 30 points based on functions. (Ord. O2005-193 § 2; Ord.~~  
36 ~~O2003-132 § 10)~~

37 **21A.15.14XX Wetlands of Local Significance.**

1 “Wetlands of local significance” include the wetland identified in the King Council Wetlands Inventory (1990)  
2 as the East lake Sammamish #21 wetland (North Beaver Lake Bog), and others as designated by the City  
3 Council. Wetlands of local significance shall be subject to greater protection and environmental education  
4 efforts where possible.

5  
6 **Chapter 21A.70**  
7 **NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES**

8 **21A.70.020 Nonconformance – Applicability.**

9 (1) All nonconformances except nonconforming uses and improvements related to the provisions of SMC  
10 21A.50, shall be subject to the provisions of this chapter.

11 (2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:

12 (a) The requirements of the Uniform Building and Fire Codes; or

13 (b) The provisions of this code beyond the specific nonconformance addressed by this chapter. (Ord.  
14 O99-29 § 1)

15

1 **25.02.010 Definitions.**

2 ...

3 (17) Buffer. "Buffer" means a critical area buffer as designated by regulations in Chapter 21A.50 SMC and defined in  
4 Section 21A.15.122 SMC.

5 ...

6 (49) Maintenance. "Maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully  
7 established condition or use. Maintenance may include, but is not limited to, pruning, plant material replaced with  
8 alternate plant material, hardscape replaced with alternate hardscape, hardscape replaced with plant material.

9 ...

10 **25.02.020 Scope of chapter.**

11 This chapter contains definitions of technical and procedural terms used throughout the Sammamish Municipal Code.  
12 The definitions in this chapter supplement those in Chapter 21A.15 SMC and the Standard Industrial Classification  
13 Manual (SIC). Where there is a conflict between a definition in Chapter 21A.15 SMC and this chapter, the definition  
14 herein shall apply.

15 **25.01.070 Critical Areas Regulations Incorporated by Reference**

16 Provisions of the Sammamish Critical Areas Ordinance codified in SMC 21A.50 exclusive of SMC 21A.50.050 (Complete  
17 exemptions), SMC 21A.50.060 (Partial Exemptions), SMC 21A.50.070 (Exceptions), and SMC 21A.50.400 (Sunset  
18 provisions) are considered part of this SMP.

19 **25.08.100 Existing development.**

20 (1) Existing single-family homes, other structures, existing uses, and appurtenances that were legally established prior to  
21 the effective date of this SMP are considered to be conforming to the SMP. Additions, expansion or reconstruction must  
22 meet the provisions of the SMP.

23 ~~(b)~~ **Structures Not Meeting Current Regulations Other Than Critical Areas Requirements.**

24 (i) Reconstruction, replacement, or expansion of the exterior footprint of an existing, legally established  
25 structure not meeting current regulations is allowed; provided, that the addition or reconstruction does not  
26 increase the noncompliance to current regulations.

1 (ii) Replacement may be allowed in a different location not meeting current regulations if a determination is  
2 made by the City that the new location results in less impact to shoreline functions than replacement in the  
3 existing footprint.

4 (iii) Existing structures that were legally established but which are not meeting current regulations with regard  
5 to the setback, area, bulk, height or density standards established by this program may be maintained,  
6 reconstructed, or repaired; provided, that the maintenance/reconstruction/repair does not increase the extent  
7 of noncompliance with current regulations by encroaching upon or extending into the building setback area or  
8 shoreline setback or other area where new construction or use would not be allowed.

9 (iv) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or  
10 natural disaster, it may be reconstructed to match the footprint that existed immediately prior to the time the  
11 damage occurred or in accordance with subsection (1)(b) of this section; provided, that all of the following  
12 criteria are met:

13 (A) The owner(s) submit a complete application within 24 months of the date the damage occurred;  
14 and

15 (B) All permits are issued within two years of initial submittal of the complete application, and the  
16 restoration is completed within two years of permit issuance. This period may be extended for one  
17 additional year by the director if the applicant has submitted the applications necessary to establish  
18 the use or activity and has provided written justification for the extension; and

19 (C) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty  
20 and/or natural disaster and these criteria are not met, the City may require the applicant to plant the  
21 vegetation enhancement area with native trees and shrubs in accordance with SMC 25.06.020.

22 (v) A structure not meeting current regulations that is moved outside the existing footprint must be brought  
23 into conformance with this program and Chapter 90.58 RCW, except as allowed by subsection (1)(b) of this  
24 section.

25 (vi) Allowances. The following developments, activities and uses are allowed, provided such activities are  
26 otherwise consistent with this program and other applicable regulations and law. The director may apply  
27 conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions  
28 of the program.

29 (A) Structural modification of, addition to or replacement of existing legally created structures, except  
30 single detached residences, in existence before the effective date of the program, which do not meet

1 the current shoreline setback or building setback requirements if the modification, addition,  
2 replacement or related activity does not increase the existing footprint of the structure lying within  
3 the above-described shoreline setback or building setback area.

4 (B) Structural modification of, or replacement of legally created single detached residences in  
5 existence before the effective date of the program, that do not meet the current shoreline setback or  
6 building setback, if:

7 (1) The modification, addition, replacement or related activity does not increase the existing  
8 total footprint of the residence and associated impervious surface lying within the shoreline  
9 or building setback area more than 200 feet over that existing before the effective date of the  
10 program; and

11 (2) No portion of the modification, addition or replacement is located closer to the OHWM.  
12 This allowance may only be used once.

13 (3) Mitigation proportional (1:1) to the setback area impacted is required through planting of  
14 the VEA in accordance with the standards of this program.

15 (C) Structural modification of, or replacement of legally created single detached residences in  
16 existence before the effective date of the program, which do not meet the current shoreline setback  
17 or building setback, if:

18 (1) The footprint expansion extends landward (to the rear) from the existing structure  
19 footprint and maintains the same interior lot line setback distances up to the shoreline  
20 setback line (known as the “shadow” of the existing structure).

21 (2) Mitigation proportional (1:1) to the setback area impacted is required through planting of  
22 the VEA in accordance with the standards of this program. If the area impacted is over 500  
23 square feet, the entire 15-foot VEA shall be vegetated with the exception of the allowed  
24 active use area.

25 ~~(a) Allowed Activities in Critical Areas. The following developments, activities and uses are allowed, provided such~~  
26 ~~activities are otherwise consistent with this program and other applicable regulations. The director may apply~~  
27 ~~conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this~~  
28 ~~chapter.~~

1 (i) Structural modification of, addition to or replacement of existing legally created structures, except  
2 single detached residences in existence before November 27, 1990, which do not meet the building  
3 setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification,  
4 addition, replacement or related activity does not increase the existing footprint of the structure lying  
5 within the above-described building setback area, critical area or buffer.

6 (ii) Structural modification of, addition to or replacement of legally created single detached residences in  
7 existence before November 27, 1990, which do not meet the building setback or buffer requirements for  
8 wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related  
9 activity does not increase the existing total footprint of the residence and associated impervious surface  
10 lying within the above-described buffer or building setback area by more than 1,000 square feet over that  
11 existing before November 27, 1990, and no portion of the modification, addition or replacement is located  
12 closer to the critical area. Mitigation of impacts to critical areas or buffers disturbed is required and shall  
13 be evaluated to assure no net loss of ecological function.

14 (iii) Maintenance or repair of structures that do not meet the development standards of this chapter for  
15 landslide or seismic hazard areas if the maintenance or repair does not increase the footprint of the  
16 structure and there is no increased risk to life or property as a result of the proposed maintenance or  
17 repair.

18 (iv) Conservation, Preservation, Restoration and/or Enhancement.

19 (A) Conservation and preservation of soil, water, vegetation, fish and other wildlife that does not  
20 entail alteration of the location, size, dimensions or functions of an existing critical area or buffer; and

21 (B) Restoration and enhancement of critical areas or buffers; provided, that actions do not alter the  
22 location, dimensions or size of the critical area or buffer; that actions improve and do not reduce the  
23 existing quality or functions of the critical areas or buffers; and that actions are implemented  
24 according to a restoration or enhancement plan that has been approved by the City of Sammamish.

25 (C) Existing and ongoing agriculture and grazing of livestock is allowed subject to any limitations  
26 established by law, if the agriculture or grazing activity was in existence before (1) Maintenance of  
27 Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and  
28 other existing uses that do not meet the requirements of this chapter, which were legally established  
29 according to the regulations in place at their time of establishment, may be maintained and no critical  
30 areas study or review is required.

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28

(2) Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:

(a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.

(b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following:

(i) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with the provisions of SMC 21A.50.130 and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;

(ii) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and

(iii) If an existing legally created single detached dwelling unit and an accessory dwelling unit and associated impervious surfaces are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:

1 (A) No portion of the modification, addition or replacement may be located closer to a wetland or  
2 stream than the nearest extent of the existing single detached dwelling unit, except as provided under  
3 subsection (2)(b)(iii)(B) of this section.

4 (B) When there is an intervening single detached dwelling unit(s) or accessory dwelling unit(s) on a  
5 perpendicular line in between the subject wetland or stream and a single detached dwelling unit or  
6 accessory dwelling unit that is proposed to be modified, added to, or replaced, the modification,  
7 addition or replacement may be located closer to the wetland or stream, provided no portion of the  
8 modification, addition or replacement is located closer than 50 feet to the wetland or stream.

9 (C) Modifications, additions, or replacements authorized under this subsection shall meet the  
10 following criteria:

11 (1) A critical areas study approved by the City demonstrates a net improvement in hydrologic and  
12 habitat values to the subject affected wetland, stream, fish and wildlife habitat conservation area  
13 through restoration of degraded areas and/or buffer or through provision of additional vegetated  
14 buffer; and

15 (2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this  
16 chapter. November 27, 1990.

17 **(2) Maintenance of Existing Improvements.** Existing single detached dwelling units, other structures, landscaping, and  
18 other existing uses that do not meet the requirements of this chapter, which were legally established according to the  
19 regulations in place at their time of establishment, may be maintained and no critical areas study or review is required.

20 **(3) Modifications of Existing Improvements.** Addition, expansion, reconstruction or revision of existing building(s) or  
21 other structures is subject to the following:

22 (a) Modification or Replacement. Structural modification or replacement of legally established structures that do  
23 not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation  
24 areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related  
25 activity does not increase the existing footprint of the structure lying within the critical area, buffer or building  
26 setback area, and there is no increased risk to life or property.

27 (b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition  
28 to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated  
29 impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams,  
30 fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square

1 foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and  
2 associated impervious surface areas lying within the buffer or building setback subject to the following:

3 (i) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated  
4 impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a  
5 critical areas study must be supplied consistent with the provisions of SMC 21A.50.130 and approved by the  
6 City that demonstrates that there will be no increased risk to life or property by the proposed footprint  
7 expansion;

8 (ii) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated  
9 impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further  
10 expansion within the wetland, stream, or landslide hazard area is allowed; and

11 (iii) If an existing legally created single detached dwelling unit and an accessory dwelling unit and associated  
12 impervious surfaces are located within the building setback or buffer for a stream or wetland, or within a fish  
13 and wildlife habitat conservation area:

14 (A) No portion of the modification, addition or replacement may be located closer to a wetland or stream  
15 than the nearest extent of the existing single detached dwelling unit, except as provided under subsection  
16 (2)(b)(iii)(B) of this section.

17 (B) When there is an intervening single detached dwelling unit(s) or accessory dwelling unit(s) on a  
18 perpendicular line in between the subject wetland or stream and a single detached dwelling unit or  
19 accessory dwelling unit that is proposed to be modified, added to, or replaced, the modification, addition  
20 or replacement may be located closer to the wetland or stream, provided no portion of the modification,  
21 addition or replacement is located closer than 50 feet to the wetland or stream.

22 (C) Modifications, additions, or replacements authorized under this subsection shall meet the following  
23 criteria:

24 1) A critical areas study approved by the City demonstrates a net improvement in hydrologic and habitat  
25 values to the subject affected wetland, stream, fish and wildlife habitat conservation area through  
26 restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and

27 (2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this  
28 chapter.

1 (c) Expansions of Buildings in Commercial Zoning Districts. Structural modification of, addition to, or replacement of  
2 legally created buildings and associated impervious surfaces located in the community business, neighborhood  
3 business, office, and Town Center A zones, that do not meet the applicable building setback or buffer requirements  
4 for wetlands, streams, fish and wildlife habitat conservation area, or landslide hazard areas are allowed a one-time  
5 up to 1,000 square foot increase in the existing total footprint of the building and associated impervious surface  
6 areas lying within the buffer or building setback subject to the following:

7 (i) If the existing legally created building(s) and associated impervious surfaces are located within the building  
8 setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with  
9 the provisions of SMC 21A.50.130 and approved by the City that demonstrates that there will be no increased  
10 risk to life or property by the proposed footprint expansion;

11 (ii) If the existing legally created building(s) and associated impervious surfaces are located over or within a  
12 wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard  
13 area is allowed; and

14 (iii) If an existing legally created building(s), and associated impervious surfaces, are located within the building  
15 setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:

16 (A) No portion of the modification, addition or replacement may be located closer to a wetland or stream  
17 than the nearest extent of the existing building(s), except as provided under subsection (2)(c)(iii)(B) of this  
18 section.

19 (B) When there is an intervening building(s) on a perpendicular line in between the subject wetland or  
20 stream and building(s) that is proposed to be modified, added to, or replaced, the modification, addition or  
21 replacement may be located closer to the wetland or stream, provided no portion of the modification,  
22 addition or replacement is located closer than 50 feet to the wetland or stream.

23 (C) Modifications, additions, or replacements authorized under this subsection shall meet the following  
24 criteria:

25 (1) A critical areas study approved by the City demonstrates that the proposed modification, addition, or  
26 replacements authorized by this subsection will also result in a net improvement in hydrologic and habitat  
27 values to the subject affected wetland, stream, fish and wildlife habitat conservation area through  
28 restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and

29 (2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter.

1 **(4) Revisions to existing legally established landscaping** are allowed subject to the following:

2 (a) The landscaped area shall not be increased within the critical area or buffer; and

3 (b) Landscaping features may be revised or replaced with similar features or features with less impact to the critical  
4 area or buffer, such that the remaining functions of the critical area and/or buffer are maintained or improved (e.g.,  
5 plant material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape  
6 replaced with plant material, etc.); and

7 (c) Revisions authorized under this subsection shall not require a critical areas study.

8 **(5) Conservation, preservation, restoration and/or enhancement is allowed within critical areas or buffers subject to**  
9 **the following:**

10 (a) Conservation and preservation of soil, water, vegetation, and other fish and wildlife habitat is allowed where it  
11 does not include alteration of the location, size, dimensions or functions of an existing critical area or buffer.

12 (b) Restoration and enhancement of critical areas or buffers is allowed; provided, that actions do not alter the  
13 location, dimensions or size of the critical area or buffer, that actions improve and do not reduce the existing  
14 quality or functions of the critical areas or buffers, and that actions are implemented according to a restoration or  
15 enhancement plan that has been approved by the City of Sammamish.

16 **(6) Select Vegetation Removal Activities.**

17 (a) Removal of nonnative or invasive Washington State and/or King County listed noxious weeds in an area of up to  
18 2,500 square feet within a critical area or buffer is allowed with no permit requirement if the following provisions  
19 are met:

20 (i) The plants are removed using hand labor and/or light equipment;

21 (ii) Soil disturbance is minimized and no filling or modification of soil contours occurs;

22 (iii) Water quality is protected and there is no modification of hydrology patterns within the critical area or  
23 buffer;

24 (iv) Native plants are protected from removal or damage;

25 (v) Appropriate erosion-control measures are used;

1 (vi) The area is replanted with a like kind and density of native vegetation following nonnative plant removal.  
2 For example, if dense nonnative blackberry is removed, at a minimum, dense native shrubs must be replanted  
3 following blackberry removal, though native trees and groundcover could also be included and are encouraged  
4 if desired; and

5 (vii) Removal of nonnative or invasive plants authorized under this subsection shall not require a critical areas  
6 study.

7 (b) For removal of nonnative vegetation in an area greater than 2,500 square feet, a clearing and grading permit is  
8 required and must be accompanied by a native plant restoration plan in accordance with applicable provisions of  
9 this chapter. A critical areas study may be required by the director.

10 (7) Reconstruction or replacement of the exterior footprint of an existing, legally established structure not meeting  
11 current regulations is allowed; provided, that the addition or reconstruction does not increase the noncompliance to  
12 current regulations. A critical areas study may be required by the director.

13 (a) Replacement may be allowed in a different location not meeting current regulations if a determination is made  
14 by the City that the new location results in less impact to environmentally critical area functions and values than  
15 replacement in the existing footprint.

16 (b) Existing structures that were legally established but which are not meeting current regulations may be  
17 maintained, reconstructed, or repaired; provided, that the maintenance/reconstruction/repair does not increase  
18 the extent of noncompliance with current regulations by encroaching upon or extending into the environmentally  
19 critical areas or other area where new construction or use would not be allowed.

20 (c) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural  
21 disaster or is otherwise demolished, it may be reconstructed to match the footprint that existed immediately prior  
22 to the time the damage occurred or in accordance with subsection (6)(a) of this section; provided, that all of the  
23 following criteria are met:

24 (i) The owner(s) submit a complete application within 24 months of the date the damage occurred; and

25 (ii) All permits are issued within two years of initial submittal of the complete application, and the restoration is  
26 completed within two years of permit issuance. This period may be extended for one additional year by the  
27 director if the applicant has submitted the applications necessary to establish the use or activity and has  
28 provided written justification for the extension.

1 (d) A structure not meeting current regulations that is moved outside the existing footprint must be brought into  
2 conformance with this chapter, except as allowed by subsection (6)(a) of this section.

3 (8) A permit or approval sought as part of a development proposal where previous critical areas review has been  
4 completed is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except  
5 for the notice on title provisions, SMC 21A.50.180 and 21A.50.190, if:

6 (a) The City previously reviewed all critical areas on the site;

7 (b) There is no material change in the development proposal since the prior review that would affect a critical area;

8 (c) There is no new information available that is important to any critical area review of the site or particular critical  
9 area;

10 (d) No more than five years have lapsed since the issuance of the permit or approval under which the prior review  
11 was conducted; provided, that the director may allow a longer time period if new review would be unlikely to  
12 provide new information about the critical area; and

13 (e) The prior permit or approval, including any conditions, has been complied with.

14 ~~(92)~~ Nonconforming Lots. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that  
15 was legally established prior to the effective date of this program, but which does not conform to the present lot size  
16 standards, may be developed subject to conformance to other applicable requirements of this program.

17 ~~(103)~~ Nonconforming Uses.

18 (a) Uses that were legally established prior to the adoption or amendment of this program and are nonconforming  
19 with regard to the use regulations of this program may continue as legal nonconforming uses.

20 (b) An existing use designated as a conditional use that lawfully existed prior to the adoption or amendment of this  
21 program and which has not obtained a conditional use permit shall be considered a legal nonconforming use and  
22 may be continued subject to the provisions of this section without obtaining a conditional use permit.

23 (c) If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two-year period,  
24 the nonconforming rights shall expire and any subsequent use shall be conforming unless in compliance with this  
25 program.

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED LIMITED AMENDMENT TO THE CITY OF SAMMAMISH  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted January 17, 2014, Ordinance No. 02013-350  
Prepared by Joe Burcar on March 2, 2016

**Brief Description of Proposed Amendment:**

The City of Sammamish submitted to Ecology for approval, a limited amendment to their Shoreline Master Program (SMP) incorporating revised standards from their updated environmental Critical Areas Ordinance (CAO).

**FINDINGS OF FACT**

**Need for amendment.** Following the City’s 2013 review of their environmental CAO, the proposed shoreline amendment intends to incorporate changes affecting the SMP to allow implementation of the updated CAO standards city-wide. According to the City, the 2013 amendments were informed by an updated Best Available Science review, which they conclude will ensure adequate environmental protection while also providing flexibility for property owners developing sites constrained by environmental critical areas.

**SMP provisions to be changed by the amendment as proposed:** As described within the City’s Cumulative Impact Analysis (ESA, 2013; 2):

*“The new (revised) ECA regulations as adopted by the Council maintain most of the critical areas protections incorporated by reference into the SMP. Some of the proposed amendments would alter the standards for wetlands, streams, fish and wildlife habitat conservations areas, and erosion hazards – all of which play an important role in maintaining shoreline ecological functions”.*

The amendment includes a number of changes that vary in significance to the SMP. As described in Ecology’s comments to the City in April of 2013, the most significant concerns are related to the proposed wetland amendments.

The following table adapted from the City’s Cumulative Impact Analysis (ESA, 2013) provides a summary of the major revisions adopted by the City. The middle column of the table generally describes the City’s intent in making the revision and the right-hand column describes the anticipated effect of the change on shoreline ecological functions as they are described by the City’s shoreline Inventory/Characterization report.

CAO Section	Intent of Revision to CAO	Potential Effect – to Shoreline Ecologic Functions
21A.50.350 (3) Streams – Mitigation requirements	<b>Allows fee-in-lieu mitigation for impacts to streams</b>	<b>Neutral or Beneficial</b> , especially with use of mitigation” receiving” sites within City’s shoreline jurisdiction.
21A.50.327 Fish and wildlife habitat corridors.	<b>Alternative wildlife protection approach for fish and wildlife habitat corridors</b> - requires site specific analysis of wildlife habitats as opposed to reliance on outdated King County habitats map.	<b>Beneficial</b> , especially for habitat functions.
21A.50.060 Allowances for existing	<b>New allowances for addition to existing single detached dwelling units and accessory dwelling</b>	Detailed analysis of potential cumulative impacts provided in Chapter 4.

## Exhibit 2

CAO Section	Intent of Revision to CAO	Potential Effect – to Shoreline Ecologic Functions
urban development and other uses	<b>units within critical areas buffers</b> – allows for limited expansion of these structures within some ECA buffers which could weaken buffer protection.	
21A.50.310(4) & 21A.50.315 (2) Wetlands – Mitigation requirements / Alternative mitigation	Allows fee-in-lieu mitigation for allowed impacts to wetlands	<b>Neutral or Beneficial</b> , especially with use of mitigation “receiving” sites within City’s shoreline jurisdiction.
Wetlands – Mitigation requirements	<b>Revised wetland mitigation ratios</b> – requires mitigation ratios to be based upon different types of wetland mitigation (e.g., creation, rehabilitation, etc), and provides specific criteria for Category 1 bog and natural heritage site wetlands ensuring that mitigation is functionally appropriate and feasible for wetlands with special characteristics. Clarifies expectations for wetland mitigation and establishes consistency with state and federal regulatory guidelines.	<b>Beneficial</b> , especially for habitat and water quality functions.
21A.50.320(3) Wetlands – Development Flexibilities	<b>Allowance for Alteration of Small, Isolated Wetlands</b> – Establishes a pilot program that would allow isolated wetlands less than 4,000 SF to be filled without first avoiding the impact; must be non-riparian and score 15 or less habitat points. Allowed for a maximum of three single family home development projects.	<b>Potentially negative</b> ; detailed analysis of potential cumulative impacts provided in Chapter 4.
21A.50.320(2) Wetlands – Development Flexibilities	<b>Buffer reduction without avoidance / minimization for Category III and IV wetlands 4,000 SF or less in size</b> – mitigation as enhancement is provided within wetland, remaining buffer, or adjoining high value habitat.	<b>Potentially negative</b> ; detailed analysis of potential cumulative impacts provided in Chapter 4.
21A.50.225(3) EHNSWB Overlay, No-disturbance area development standards.	<b>New allowances for development and subdivision in the no-disturbance area of the Erosion Hazard Near Sensitive Water Bodies (EHNSWB) Overlay.</b> The update provides new allowances for single-family home construction and modification on existing lots in the EHNSWB Overlay no-disturbance area; allows for an expansion in the amount of impervious surface on a site as long as there is no increase in stormwater volume; limited areas overlap with Lake Sammamish shoreline jurisdiction.	<b>Potentially negative</b> to functions supporting Lake Sammamish water quality; detailed analysis of potential cumulative impacts provided in Chapter 4.
21A.50.225(5) EHNSWB Overlay, Pilot program	The update authorizes up to four subdivisions in the no-disturbance area of the EHNSWB Overlay subject to a pilot program; criteria are provided directing how subdivision would manage runoff (either through a direct discharge / tightline approach, or through use of LID approaches for land development and stormwater management).	<b>Potentially negative</b> to functions supporting Lake Sammamish water quality; detailed analysis of potential cumulative impacts provided in Chapter 4.

**Amendment History, Review Process:** According to the City, the proposed SMP amendment was prompted by a comprehensive review of the City’s environmental Critical Areas Ordinance that started in 2011. The record shows that the City provided multiple opportunities for the public or interested parties to comment on the proposed amendments. In fact, the City Council held a public hearing on the amendments, which was preceded by five study sessions and six public meetings dedicated to this topic. In addition, the City’s Planning Commission reportedly held over 20 public meetings throughout their time developing the proposed amendment.

## Exhibit 2

With passage of Ordinance #02013-350, on July 13, 2013 the City authorized staff to forward the proposed amendments to Ecology for state review of the limited amendment to the City's existing Shoreline Master Program.

Ecology certified the amendment package as complete on January 17, 2014. In compliance with the requirements of WAC 173-26-120 (2) Notice of Ecology's comment period was distributed to over 100 state or local interested parties identified by the City in early September 2014 and was posted on Ecology's website.<sup>1</sup> The notice included a description of the proposed amendment, a description of the authority under which the action is proposed, and details of the manner in which interested persons may obtain copies and present their views. The state comment period formally started on September 12, 2014 and continued through October 13, 2014. At the close of the comment period, Ecology received written comments from three individuals, as summarized in attachment D.

### **Finding**

*Ecology finds that the City satisfied SMP-Guideline requirements related to public process in WAC 173-26-201 (3) (b), through Planning Commission review/deliberation and City Council review/deliberation, as well as extensive staff outreach throughout their amendment process.*

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090 (3), (4) and (5). The City also provided evidence of compliance with SMA procedural requirements in amending their SMP, as contained in RCW 90.58.090 (1) and (2).

**Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City and submitted to Ecology along with the other amendment materials.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendment on May 20, 2013. Notice of the SEPA determination was published in *The Seattle Times*.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following materials submitted by the City in support of the limited SMP amendment:

These materials include:

- *City of Sammamish Best Available Science Review (AMEC, 2013);*
- *Cumulative Impacts Analysis dated October 2, 2013 (ESA, 2013);*
- *City of Sammamish Ordinance #02013-35 dated July 9, 2013*
- *Shoreline Master Program Submittal Checklist dated November 8, 2013;*
- *Department of Ecology comment letter dated October 3, 2012*

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<sup>1</sup> <http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/SammamishLimitedAmendment.html>

## Exhibit 2

- *Department of Ecology comment letter dated April 23, 2013; and*
- *Additional materials provided by the City's limited amendment submittal accepted by Ecology as complete on January 17, 2014.*

**Summary of Issues Identified by Ecology as Relevant To Its Decision:** The scope of the City's amendments to their Shoreline Master Program (SMP) are a subset of the changes included in the City's 2013 amendments to their Critical Areas Ordinance (CAO), as not all of the CAO provisions are included in the City's SMP. As described in our October 3, 2012 and April 23, 2013 letters to the City, the adequacy of the City's wetland provisions are particularly important to Ecology, as the SMP-Guidelines require that SMP provisions protect existing functions from loss from anticipated future development (i.e., No Net Loss). Consistent with this early feedback to the City, Ecology's formal review of the amendment considered all information provided in the record in determining consistency with state requirements.

WAC 173-26-186 (8) (b) of the SMP-Guidelines requires that; *"Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions."*

Consistent with the process described in WAC 173-26-201 of the SMP Guidelines, the City submitted to Ecology a Cumulative Impact Analysis prepared by ESA dated October 2013, analyzing the likely effects of amended SMP provisions.

WAC 173-26-221 (2) of the SMP-Guidelines requires that Shoreline Master Programs manage critical areas located within shoreline jurisdiction in a manner that adequately protects shoreline ecological functions. Subsection (c) (i) provide minimum standards specific to managing wetlands. Related to the City's "isolated wetland" amendment, WAC 173-26-221 (2) (c) (i) (C) states: ***"Alterations to wetlands. Master program provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC [173-26-201](#) (2) (e)."***

Based on our review of the amended provisions for consistency with applicable SMP-Guideline requirements, and consideration of information/comments provided during Ecology's comment period (attachment D), the following topics remain relevant to Ecology's decision on this amendment:

**Isolated Wetland Provisions** – The City's amendment adds a definition for "wetlands isolated" in section 21A.15.1410 and authorizes alteration (filling) of some "isolated wetlands," without first demonstrating avoidance of impacts through new provisions in section 21A.50.320. The amendments appear to authorize wetland alteration under three of the following scenarios:

- Provision 21A.50.320 (1) modifies the definition of "isolated wetlands" provided in section 21A.15.1410 by deferring to a "qualified professional" in designating "isolated wetlands" that are less than 1000-sq' in total area;
- Provision 21A.50.320 (2) provides a 15-foot buffer reduction for Category III and IV wetlands less than 4,000-sq' in size and with a habitat score of "4"<sup>2</sup> or less;
- Provision 21A.50.320 (3) creates a pilot program, authorizing alteration of up to three Category III and IV "isolated wetlands" over a two year period. The pilot program would be

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<sup>2</sup> Note the 2014 Wetland Rating System provide an updated scoring system, for which a score of "15" under the previous rating system is equivalent to a score of "4 or less" under the updated system.

## Exhibit 2

limited to “isolated wetlands” that are less than 4,000-sq’ in size and are characterized as “non riparian” and have a habitat score of “4”<sup>3</sup> or less.

### **Issue #1: By definition it is unlikely that “isolated wetlands” exist within shoreline jurisdiction, raising questions related to the need or appropriateness for the City’s amendment.**

As detailed in *attachment B* and *attachment C*, Ecology noted a number of inconsistencies with the City’s amendment related to definitions and authorities associated with managing “isolated wetlands.”

Provision 21A.50.320 (1) authorizes alteration of wetlands less than 1,000-sq’ and inappropriately defers federal authority to a “qualified professional” to designate these features as “isolated wetlands.” Under the Clean Water Act (CWA), the federal government (not the City or Ecology) has authority to make a jurisdictional determination on whether a particular wetland is regulated under the CWA or not. The U.S. Army Corps of Engineers regulates wetlands as waters of the United States, except for isolated wetlands which the Corps generally considers to be those wetlands without sufficient hydrologic connection with, or location next to, navigable water (such as a river, lake, or marine water). This federal authority was reaffirmed through a United States Supreme Court ruling in 2001 (*Solid Waste Agency of Northern Cook County vs. United States Army Corps of Engineers et al.*, 531 U.S. 159). In this case, the Court determined that jurisdictional waters of the United States should be regulated under the Clean Water Act and that non-jurisdictional water called “isolated wetlands” would not be subject to federal oversight. The case clearly confirmed the federal government’s authority to determine Clean Water Act jurisdiction, including designation of wetlands as connected or isolated from waters of the United States. Even though a qualified professional can assess the wetland and offer a written opinion of jurisdiction, they do not have the authority to determine if a wetland is in or out of Clean Water Act jurisdiction. As noted in the City’s *Cumulative Impact Analysis*, the approach being proposed would likely generate ongoing disputes or debate between City staff, private consultants and Ecology when the ultimate decision lies with the federal government to determine jurisdiction relative to the Clean Water Act.

In addition, associated wetlands as defined in the City’s SMP<sup>4</sup> and under state statute could not be considered to be an “isolated wetlands,” as any influence to the wetland from the adjacent lake or stream is evidence of a connection and thus not “isolated.”

Based on consideration of applicable SMP-Guideline requirements and the issues described above, Ecology cannot approve provision 21A.50.320 (1) to be included in the SMP as proposed. The proposed standards create inconsistencies related to the SMP’s definition of “isolated wetlands” provided in 21A.15.1410 and inappropriately defers to a “qualified professional” to designate “isolated wetlands” as opposed to relying upon the federal authority (confirmed by the Supreme Court in 2001) under the CWA. Further, the underlying need to allow the amendment (within shoreline jurisdiction), is not adequately described in the record, nor are any “isolated wetlands”

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<sup>3</sup> Note the 2014 Wetland Rating System provide an updated scoring system, for which a score of “15” under the previous rating system is equivalent to a score of “4 or less” under the updated system.

<sup>4</sup> (97) **Wetland, Associated.** Associated Wetland means wetlands that are in proximity to lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline waterbody, presence of a surface connection including through a culvert or similar device, location in part or whole within the 100 year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

identified or anticipated to be found in shoreline jurisdiction according to the City's *Cumulative Impact Analysis*. Therefore, Ecology has no information or analysis to support a conclusion that the amendment would be consistent with applicable SMP-Guideline requirements such as maintaining no net loss of shoreline ecological functions (WAC 173-26-186) or consistency with applicable Critical Area standards in WAC 173-26-221.

**Issue #2: Potential impacts associated with the amendment cannot be determined, as it is not clear if "isolated wetlands" exist in shoreline jurisdiction.**

Ecology is not aware of any technical information or scientific literature that would support exempting the alteration of small wetlands. As suggested in comments provided to the City on April 23, 2013, if exemptions are proposed as a matter of regulatory flexibility, then the regulations should clearly state that the exemptions would only apply to "isolated" Category III and Category IV wetlands that meet the specific criteria.<sup>5</sup> In addition, Ecology recommended that a critical areas study would need to be required to demonstrate that the wetland to be altered satisfies the applicable criteria and to assure that all impacts are fully mitigated.

Section 21A.50.320 (1) of the amended ordinance does not limit alteration of wetlands based on criteria recommended by Ecology. Section 21A.50.320 (1) make no mention of wetland type (i.e., Category I – IV), characterization of riparian areas, buffers, wetland mosaics or local populations of priority species, as potential factors to consider before authorizing alteration of the wetland.

Ecology notes that the City did adopt language consistent with the Washington Department of Fish and Wildlife for "riparian area"<sup>6</sup> in the definitions section, but have not included the term "riparian" in 21.A50.320 (1) with regards to alteration of small isolated wetlands less than 1,000-sq' in size. As described in Ecology's October 3, 2012 letter to the City, it is not possible to conclude from size alone what functions and values a particular wetland is providing. Ecology's *Wetlands in Washington State, Volume 1: A Synthesis of the Science*<sup>7</sup> emphasizes that small wetlands and isolated wetlands provide many important functions. Many of these small and/or isolated wetlands are biologically unique systems that are critically important to amphibians. The loss of small wetlands could result in increased fragmentation of habitat and greater distances between wetland patches (See Chapter 4 of Volume 1). These impacts could have a significant effect on the ability of a landscape to support viable populations of wetland-dependent wildlife, including amphibians.

Consistent with the City's *Cumulative Impact Analysis* (CIA) prepared by ESA dated October 2013, Ecology believes that by definition it is very unlikely that "isolated wetlands" exist within shoreline jurisdiction. In fact, section 4.5.2. of the CIA acknowledges that while unlikely, it might be possible

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<sup>5</sup> See *Wetlands & CAO Updates: Guidance for Small Cities (Western Washington Version)*, Ecology Publication #10-06-002, January 2010

<sup>6</sup> As described in Ecology's comment letter to the City, WDFW defines riparian areas as the area adjacent to flowing or standing freshwater aquatic systems. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are often influenced by perennial or intermittent water. Simultaneously, adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris, influence the biological and physical properties of the aquatic ecosystem. Riparian habitat includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to stream courses or other freshwater.

<sup>7</sup> Ecology Publication #05-06-006, March 2005, sections 5.3.3 and 5.3.4

## Exhibit 2

for an isolated wetland to exist, they state: *“it could be argued that any wetland within the shoreline jurisdiction is still within or adjacent to the riparian area...”*

In addition, Section 4.5.2 of the *Cumulative Impacts Analysis* cautions that: *“The allowance may create a tendency for applicants to claim that some wetlands are isolated and non-riparian, which could put an administrative burden on City staff to determine if wetlands in question are in fact isolated and not adjacent to a riparian area.”*

The SMP-Guidelines at WAC 173-26-191 (2) (a) (ii) requires that master program regulations *“be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and the local master program policies.”*

Therefore, Ecology cannot approve the incorporation of provision 21A.50.320 (1) into the updated SMP, as the standards do not provide sufficient detail related to anticipated effects and/or potential cumulative impacts resulting from implementation of the amended provisions within the City’s shoreline areas.

### **Finding**

*Ecology finds that the proposed SMP amendments as approved by the City under Ordinance 02013-350 cannot be approved as submitted, but can be modified to be consistent with applicable SMP-Guideline requirements as identified by Ecology’s required changes listed in attachment B. Ecology also finds the proposed SMP amendments would be improved through adoption of recommended changes listed in attachment C.*

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposal, subject to and including Ecology's required changes (**attachment B**), could be considered consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP-Guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the proposed SMP amendment, subject to the required changes in attachment B, can satisfy the intent of the provision for no net loss of shoreline ecological functions provided in WAC 173-26-201 (2) (c).

Ecology concludes that recommended changes in attachment C will further clarify and improve the proposed SMP amendment.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090 (5)).

Ecology concludes that the City of Sammamish complied with the purpose and intent of local amendment requirements contained in WAC 173-26-100, including conducting public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City of Sammamish complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City of Sammamish complied with requirements of Chapter 43.21 (C) RCW, the State Environmental Policy Act.

Ecology concludes that the City of Sammamish's limited SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201 (3) (a) and (h) and as demonstrated through the SMP Submittal Checklist submitted by the City.

Ecology concludes that procedural requirements for state review and approval of shoreline master program amendments have been followed, as set forth in WAC 173-26-120.

## DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments will be consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **attachment B** are accepted by the City.

As provided in RCW 90.58.090 (2) (e) (ii) the City may choose to submit an alternative to all or part of changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

As provided in RCW 90.58.090 (7) Ecology's final approval of the proposed amendment will become effective fourteen days from the date of Ecology's written notice of final action.

Exhibit 2

The following changes are necessary to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
1	25.01.060	Incorporation by reference	<p><b>25.01.060 Relationship to Plans, Policies and Regulations</b></p> <p>(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City’s Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009, <u>and Ord 02013-350 on July 9, 2013</u>).</p>	<p><i>Ecology’s guidelines at WAC 173-26- 191(2) (a) require that documents incorporated by reference must indicate the specific ordinance that will apply. This change is the mechanism for formally acknowledging the critical area ordinance amendments adopted July 9, 2013 that will apply within shoreline areas.</i></p>
2	25.01.070	Exceptions to critical areas regulations	<p><b>25.01.070 Critical Areas Regulations Incorporated by Reference</b></p> <p>Provisions of the Sammamish Critical Areas Ordinance codified in SMC 21A.50 exclusive of SMC 21A.50.050 (Complete exemptions), SMC 21A.50.060 (Partial Exemptions), SMC 21A.50.070 (Exceptions), and SMC 21A.50.400 (Sunset provisions) are considered part of this SMP.</p> <p><u>In shoreline jurisdiction, the critical area shall be implemented consistent with the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Under 21A.50.320 (1) and 21A.15.1410, isolated wetlands shall be determined by the United States Army Corps of Engineers.</u></li> <li>• <u>Pilot projects under 21A.50.320 (3) shall require approval of a shoreline conditional use permit if located within shoreline jurisdiction. The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to beginning any ground disturbing activities or timber harvest.</u></li> </ul>	<p><b>Regulations addressing isolated wetlands:</b> <i>This change is required because under the City’s Critical Areas Code 21A.50.320 (1) and 21A.15.1410, federal authority in determining Clean Water Act (CWA) jurisdiction is deferred to a “qualified professional.” This change would be inconsistent with a 2001 US Supreme Court decision” (<a href="#">Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers et al., 531 U.S. 159</a>). As established by the Court in 2001, the United States Army Corps of Engineers (USACOE) has authority to determine CWA jurisdiction, including the authority to designate a wetland as “isolated” or not a jurisdictional water of the United States. Further, as described in previous communication to the City (letters dated October 3, 2012 and April 23, 2013), the wetland rating system is not an appropriate tool for determining hydrological isolation or regulatory authority of isolated wetlands. A qualified professional can assess the likelihood of jurisdiction, but lacks the authority to make a regulatory decision affecting the jurisdiction of the CWA. Therefore, the identified change is necessary to assure consistency with SMP-Guidelines requirements at WAC 173-26-186 (8) (b) and WAC 173-26-221 related to designing SMP provisions to achieve no net loss of shoreline ecological functions and consistency with wetland development standards, Further confirmation of “isolated” wetland determination from state and/or federal agencies is recommended in the City’s Cumulative Impact Analysis (ESA, 2013; 22).</i></p> <p><b>Requirement for a CUP for pilot projects:</b> <i>As described in the City’s Cumulative Impact Analysis (ESA, 2013) and in Ecology’s Findings &amp; Conclusions (attachment A), “isolated wetlands” are not expected to be found within shoreline jurisdiction. Despite this conclusion, the City has adopted a Pilot Program as defined under section 21A.50.320 (3). Therefore, to accommodate the City’s request, Ecology has incorporated this requirement for a shoreline Conditional Use Permit (CUP) that would be required for review of any isolated wetland alterations within shoreline jurisdiction. A shoreline CUP requires that a unique or unanticipated proposal demonstrate consistency with the local master program and shoreline management act goals through evaluation of CUP approval criteria listed in WAC 173-27-160. This criteria includes consideration of “cumulative impacts”, which would be appropriate in this case, as the City’s CIA (ESA, 2013) did not anticipate the occurrence of isolated wetlands within shoreline jurisdiction and therefore did not attempt to characterize potential cumulative impacts resulting from this provision.</i></p>

Exhibit 2

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - <i>DISCUSSION/RATIONALE</i>
3	25.01.080	Effective Date	<p>25.01.080 <i>Effective Date</i></p> <p>This Program and all amendments thereto shall become effective <del>immediately upon</del> <u>fourteen days from the date of the Department of Ecology's written notice of</u> final approval <del>by the Department of Ecology.</del></p>	<p><i>Required for consistency with RCW 90.58.090 (7).</i></p>

Exhibit 2

The following changes are recommended to the City pursuant to WAC 173-26-120 (7)

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE																														
A	21A.50.290 (1) & (2)	Revised Wetland Rating System	<p>(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, <del>2004</del> <u>2014</u>, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:</p> <p>(a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to <del>70</del> <u>23-27</u> based on functions, or those that are rated Category 1 based on special characteristics as defined in the rating form.</p> <p>(b) Category 2. Category 2 wetlands include those that receive a score of <del>51 through 69</del> <u>20-22</u> based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.</p> <p>(c) Category 3. Category 3 wetlands include those that receive a score of <del>30 through 50</del> <u>16-19</u> based on functions.</p> <p>(d) Category 4. Category 4 wetlands score less than <del>30</del> <u>9-15</u> points based on functions.</p> <p>(2) The following standard buffers shall be established from the wetland edge</p> <table border="1" data-bbox="612 683 1634 1182"> <thead> <tr> <th colspan="2">Wetland Category</th> <th>Standard Buffer Width (ft)</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Category I:</td> <td>Natural Heritage or bog wetland</td> <td>215</td> </tr> <tr> <td>Habitat score <del>29-36</del> <u>8-9</u></td> <td>200</td> </tr> <tr> <td>Habitat score <del>20-28</del> <u>5-7</u></td> <td>150</td> </tr> <tr> <td>Not meeting above criteria</td> <td>125</td> </tr> <tr> <td rowspan="3">Category II:</td> <td>Habitat score <del>29-36</del> <u>8-9</u></td> <td>150</td> </tr> <tr> <td>Habitat score <del>20-28</del> <u>5-7</u></td> <td>100</td> </tr> <tr> <td>Not meeting above criteria</td> <td>75</td> </tr> <tr> <td rowspan="2">Category III:</td> <td>Habitat score <del>20-28</del> <u>5-7</u></td> <td>75</td> </tr> <tr> <td>Not meeting above criteria</td> <td>50</td> </tr> <tr> <td>Category IV:</td> <td>Habitat score <del>20-28</del> <u>5-7</u></td> <td>All Land Use Types - 50</td> </tr> <tr> <td>Category III and IV:</td> <td colspan="2">Subject to SMC 21A.50.320</td> </tr> </tbody> </table>	Wetland Category		Standard Buffer Width (ft)	Category I:	Natural Heritage or bog wetland	215	Habitat score <del>29-36</del> <u>8-9</u>	200	Habitat score <del>20-28</del> <u>5-7</u>	150	Not meeting above criteria	125	Category II:	Habitat score <del>29-36</del> <u>8-9</u>	150	Habitat score <del>20-28</del> <u>5-7</u>	100	Not meeting above criteria	75	Category III:	Habitat score <del>20-28</del> <u>5-7</u>	75	Not meeting above criteria	50	Category IV:	Habitat score <del>20-28</del> <u>5-7</u>	All Land Use Types - 50	Category III and IV:	Subject to SMC 21A.50.320		<p><i>The recommended changes reflect the new scoring system used in the revised 2014 Wetland Rating System. The City has already adopted an automatic update provision and is using the latest manual – these changes clarify areas where the code will be implemented consistent with the latest version of the manual and will ensure consistency with SMP-Guideline requirements under WAC 173-26-221 (2) (c) (i) (B).</i></p>
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B	21A.50.290 (7) (c)	Buffer averaging	(c) The buffer width is not reduced to less than <del>50</del> <u>75</u> percent of the standard buffer width at any location;	<p><i>The identified change reducing administrative buffer reductions to less than 25-percent is intended to ensure consistency with scientific documentation related to protection of shoreline ecological functions.</i></p>																														
C	21A.50.290 (7) (f)	Buffer averaging	(d) Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than <del>50</del> <u>75</u> percent of the standard buffer width at any location;	<p><i>Same rationale as item “B” above.</i></p>																														
D	21A.50.290 (8) (a)	Increased buffers	(a) When a Category 1 or 2 wetland with a habitat score of greater than <del>29</del> <u>8-9</u> points [...]	<p><i>Same rationale as item “A” above.</i></p>																														

Exhibit 2

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
E	21A.50.290 (9)	Buffer reduction	(89) Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC <u>21A.50.135</u> . A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of <del>50</del> <u>25</u> percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.	Same rationale as item "B" above.
F	21A.50.290 (9) (i)	Buffer reduction	<del>(H)</del> Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed <del>50</del> <u>25</u> percent of the standard buffer width; <u>the remaining buffer shall be no less than 75% of the standard buffer.</u>	Same rationale as item "B" above.
G	21A.50.320 (1)	Isolated wetlands	(1) Isolated wetlands, <del>as designated by a qualified professional using the adopted Washington State Wetland rating System for Western Washington as defined consistent with SMC 21A.15.1410, and evaluated</del> in a written and approved critical areas study meeting the requirements of SMC 21A.0.130, with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21A.50.135 (1) (a) <del>and the provisions of SMC 21A.50.290 and may be altered.</del>	<p>Ecology recommends that the city amend this critical area code provision, which authorizes a qualified professional to "designate" isolated wetlands, which is a jurisdictional determination affecting implementation of the Clean Water Act (CWA). This appears to be inconsistent with a 2001 US Supreme Court decision (<u>Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers et al., 531 U.S. 159</u>). As established by the Court, the United States Army Corps of Engineers (USACOE) are provided authority to determine CWA jurisdiction, including the authority to designate a wetland as "isolated" or not a jurisdictional water of the United States.</p> <p>Further, as described in previous communication to the City (letters dated October 3, 2012 and April 23, 2013), the wetland rating system is not an appropriate tool for determining hydrological isolation or regulatory authority of isolated wetlands. A qualified professional can assess the likelihood of jurisdiction, but lacks the authority to make a regulatory decision affecting the jurisdiction of the CWA.</p> <p>Further confirmation of "isolated" wetland determination from state and/or federal agencies is a listed recommendation in the City's Cumulative Impact Analysis (ESA, 2013; 22).</p> <p>Note: See required changes to SMP Section 25.01.070 in Attachment B. Ecology has required changes to clarify that isolated wetlands within shoreline jurisdiction shall be determined by the USACOE.</p>
H	21A.50.320 (2) (a)	Small Cat. III & IV wetlands	(a) The wetland does not score <del>15</del> <u>4 points</u> or <del>greater</del> <u>less</u> for habitat in the adopted Western Washington Rating System; and .... [...]	Same rationale as item "A" above.

Exhibit 2

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
I	21A.50.320 (3)	Isolated Category III & IV wetland Pilot Program	<p>(3) Pilot Program.</p> <p>(a) Establishment of Pilot Program. A Pilot Program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to <u>approval of a shoreline conditional use permit if located within shoreline jurisdiction and</u> the provisions of this section.</p> <p>(b) Purpose. The purpose of this Pilot Program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values.</p> <p>(c) Application. Applications for eligible projects meeting the provisions of subsections (d) through (g) below must be submitted within two calendar years from the effective date of the revision to the Sammamish Shoreline Master Program.</p> <p>(d) Pilot Program Administration.</p> <p>(i) Three (3) projects associated with the construction of a single family home are authorized by this pilot project, subject to the provisions of this section.</p> <p>(i) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the city’s application material and SMC 20.05, and completed any necessary preliminary steps prior to application as set forth in SMC 20.05.</p> <p>(ii) In the event that an application for a project accepted into the Pilot Program is withdrawn by the applicant or cancelled by the director prior to the expiration of the Pilot Program, the next submitted application shall be accepted into the Pilot Program.</p> <p>(iii) The director shall use the authority under SMC 20.05.100 to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.</p> <p>(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (d) above, wetlands that meet the following criteria, may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:</p> <p>(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and</p> <p>(ii) The total area of the isolated wetland is 4,000 square feet or less; and</p> <p>(iii) The wetland is not adjacent to a riparian area; and</p> <p>(iv) The wetland has a score of <del>15</del> <u>4</u> points or less for habitat in the adopted Western Washington Rating System; and</p> <p>(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; <u>and</u></p> <p><u>(vi) The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to</u></p>	<p><i>See required changes to SMP Section 25.01.070 in Attachment B. Ecology has required a CUP for pilot program projects within shoreline jurisdiction. The cross-reference to that requirement is intended to prevent confusion over permit requirements under the Pilot Program.</i></p> <p><i>In addition, Ecology recommends the following amendment to the city’s critical area code to improve clarity and reduce potential for confusion.</i></p> <p><i>Recommended changes to provision (3) (e) (iv) will ensure consistency with the revised 2014 Wetland Rating System, similar to item “A” above.</i></p> <p><i>As Ecology commented during the SMP Update Review Process, riparian wetlands within the City’s shorelands cannot be considered to be isolated wetlands, because they are considered associated wetlands (October 3, 2012). This change would provide clarity in the city’s Critical Areas code.</i></p> <p><i>The change to provision (3) (e) (vi) reflects a recommendation from the City’s CIA (ESA, 2013;22) and will help to ensure consistency with the changes in item #3 (above) and item #7 (below) in defining “isolated wetlands” and reliance on the appropriate authority in determining regulatory jurisdiction.</i></p>

Exhibit 2

ITEM	PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
			<p><u>beginning any ground disturbing activities or timber harvest. Isolated wetlands are those wetlands as defined consistent with SMC 21A.15.1410</u></p> <p>(f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310 shall be prepared for review and approval by the director; and,</p>	
J	21A.50.330 (4) (c)	Stream buffer averaging	(c) The buffer is not reduced to less than <u>5075</u> percent of the standard buffer; <del>and</del>	Same rationale as item "B" above.
K	21A.50.330 (4) (e)	Stream buffer averaging	<del>(e)</del> Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than <u>5075</u> percent of the standard buffer width at any location.	Same rationale as item "B" above.
L	21A.50.330 (6)	Stream buffer reduction	<p>(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or great protection of the <u>ecological</u> stream functions.</p> <p>Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC <u>21A.50.135</u>. A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of <u>5025</u> percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.</p>	Same rationale as item "B" above.
M	21A.50.330 (6) (e) (ii)	Stream buffer reduction	<p><del>(e)</del> In-stream habitat enhancement:</p> <p>(i) Up to 20 percent reduction in standard buffer width for log structure placement, bioengineered bank stabilization, or culvert removal; or</p> <p>(ii) Up to <u>3025</u> percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.</p>	Same rationale as item "B" above.
N	21A.50.13[...]	New validity of wetland delineation standard	<p><u>A wetland delineation completed over five years ago needs to be revisited. Revisiting a wetland delineation that is five or more years old does not necessarily mean that a new wetland delineation needs to be completed. It means that a field verification may need to be performed to determine whether the delineation is still accurate or whether it needs to be redone based on existing conditions.</u></p>	<p>Wetlands can change significantly in a five-year period, due to changes in hydrology, adjacent land uses, and plant species composition. Approved jurisdictional determinations by the U.S. Army Corps of Engineers expire after five years. The 1987 wetland delineation manual by the U.S. Army Corps of Engineers has a requirement for comprehensive determinations to "quantitatively describe the vegetation in the past 5 years" (page 41, step 5).</p>

Responsiveness Summary to Public Comments

The City of Sammamish (City) adopted Ordinance #02013-350 on July 9, 2014 authorizing submittal of the updated Shoreline Master Program (SMP) to the Department of Ecology (Ecology) for review. Ecology notified the City of a complete submittal in a letter dated January 17, 2014, initiating formal review of the updated SMP. The Department of Ecology accepted public comments on the City’s updated SMP between September 12, 2014 and October 13, 2014. Notice of the comment period was provided to over 100 individuals listed as regional or local interested parties. Ecology received written comments from three individuals as summarized below.

Please note, the statements below are not the opinions or comments of Ecology, but rather summary of issues raised in comments submitted to Ecology.

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
W-1	<b>Revisions to ECA</b> Wetland and other critical area buffers	Save Lake Sammamish (SLS) prepared by Erica Tiliacos	The commenter suggests that the proposed amendments would “roll back important protections from the 2005 code...” and result in increased encroachments into wetland (and critical area) buffers, clearing without the need for a permit and piping of stormwater directly to Lake Sammamish.	<p><b>City of Sammamish Response:</b></p> <p>The City Council, in adopting the amendments to the Environmentally Critical Areas regulations, adopted regulations that were informed by the Best Available Science. The regulations, as amended, ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas.</p> <p>Clearing is allowed only (SMC 21A.50.060) for the limited removal of non-native or invasive noxious weeds in limited circumstances with appropriate controls to avoid impacts to critical areas or buffers.</p> <p>The amendments to the Environmentally Critical Areas regulations also reflect an update in the terminology used to reference the current wetland delineation and categorization methodology recommended by the Department of Ecology. The City recognizes that this change may appear to be a “roll back” by the commenter; however the proposed change is supported by Best Available Science and is consistent with past Ecology guidance.</p> <p>The proposed allowance for direct discharge of stormwater from subdivisions located in the Erosion Hazard Near Sensitive Water Bodies (EHNSWB) overlay (SMC 21A.50.225(5)) mischaracterizes the amendment. Under the adopted amendment, direct discharge of treated stormwater to a receiving water body, in this case Lake Sammamish, may only be authorized under the Ecology compliant King County Surface Water Design Manual (SWDM), which the City of Sammamish has adopted. The proposed pilot program within the EHNSWB overlay allows for direct discharge of clean water, fully compliant with the adopted SWDM. The substantive change is the authorization of subdivision in the no-disturbance area, where subdivision has previously been prohibited. However, the proposed pilot program allowing subdivision would require a significant increase in water quality control and</p>

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
				construction monitoring than would be otherwise required by the SWDM.
W-2	<b>Revisions to ECA Exemptions</b>	Save Lake Sammamish (SLS)	The commenter suggests that the proposed amendments would allow for one time exemptions that are excessive and would be allowed for accessory dwelling units as well as primary structures.	<p><b>City of Sammamish Response:</b></p> <p>The City Council, in adopting the amendments to the Environmentally Critical Areas regulations, adopted regulations that were informed by the Best Available Science. The regulations, as amended, ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas. Accessory dwelling units are encouraged by the City and must meet all applicable environmental regulations.</p>
W-3	<b>Revisions to ECA Variance</b>	Save Lake Sammamish (SLS)	The commenter argues that the SMP amendment will allow the City to consider shoreline variance requests to further reduce critical area protections below minimum standards provided in the 2005 CAO. Citing the result of shoreline variance requests since 2005, comments suggest that the proposed amendment will result in reduction of resource protection and will enable more inappropriate development along the City’s shoreline.	<p><b>City of Sammamish Response:</b></p> <p>In 2009, with the adoption of the Sammamish Shoreline Master Program, the Department of Ecology affirmed that the appropriate approach in requesting a “modification” to the ECA regulations within the shoreline jurisdiction is through a shoreline variance. The proposed amendments to the ECA regulations do not reflect a change to this requirement.</p> <p>The approach used for considering such modifications outside of the shoreline jurisdiction is the Reasonable Use Exception process – which is considered under a similar set of criteria.</p> <p>Shoreline Variances allow the City (and other jurisdictions) to evaluate, on a case-by-case basis, the appropriate balance of environmental protection and property rights, in those cases where ECA regulations would otherwise prevent reasonable use of a property.</p> <p>Generally, the City has issued more decisions approving shoreline variances than denying shoreline variances. The approvals are a result of the City’s collaborative approach to land use review with an applicant before a decision is made, and often before an application is submitted. The City is able to illustrate the challenges in a shoreline variance such that un-approvable shoreline variances are not normally received. Shoreline variance proposals that move forward to submittal reflect efforts by the City to guide the applicant in their application to minimize and mitigate impacts to the maximum extent feasible.</p>

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
W-4	<b>Revisions to ECA</b> Small Cities Guidance inappropriate	Save Lake Sammamish (SLS)	The commenter notes that the 2005 ECA was based on Best Available Science (BAS). However, they argue that the proposed changes disregard the previous BAS as they only draw from the Small Cities Guidance and do not consider other relevant sources. Therefore, they conclude that the amendment is inconsistent in that the City has not considered all the scientific data/resources available.	<b>City of Sammamish Response:</b>  The City considered other Best Available Science sources in crafting the proposed revisions. The record reflects that the City Council and Planning Commission reviewed the East Sammamish Basin and Non Point Action Plan, along with other Best Available Science material prepared by the City’s consultant AMEC Environment & Infrastructure. A copy of the Best Available Science material considered was submitted to Ecology for review along with the Shoreline Master Program amendment.
W-5	<b>Revisions to ECA</b> Procedural concerns in review and adoption	Save Lake Sammamish (SLS)	<p>Comments state that the review conducted by the Planning Commission was “flawed procedurally” as they focused too heavily on property rights and ease of administering new codes elements.</p> <p>SLS suggest that the Planning Commission did not adequately consider the City’s updated Best Available Science review as a part of their recommendation on the SMP amendment.</p> <p>In addition, SLS suggests that individual property owners had excessive influence in the development of the amendment outside of the public’s view.</p>	<b>City of Sammamish Response:</b>  The review and recommendation by the Planning Commission to the City Council was procedurally consistent with the requirements of WAC 365-195 and 365-196.  The record does not support the commenter’s assertions. The Planning Commission’s recommendation was widely informed by the Best Available Science material and public comment. As potential amendments were evaluated, additional Best Available Science documents were generated by the consultant, AMEC, to further inform the Planning Commission’s recommendation process. The Planning Commission held over 25 public meetings, several open houses and roundtable discussions, and received 280 written comments and more than 165 verbal comments. All public comments were accepted and reviewed by the Planning Commission.  To aid in deliberations, the Planning Commission developed an evaluation form, which considered the effects of a given amendment in the context of the amendments effects on the environment, on the property owner, and in “administrative” terms. These effects were evaluated as to their qualitative positive or negative result – any amendment that resulted in a qualitatively significant environmental impact was generally not supported. The City Council thoroughly reviewed the Planning Commission recommended amendments over 5 study sessions, held a public hearing on 3 different dates, and deliberated for 4 City Council meetings thereafter.
W-6	<b>Revisions to ECA</b> Mitigation banking	Save Lake Sammamish (SLS)	SLS argues that the City does not currently have a mitigation bank and therefore using King County’s In-	<b>City of Sammamish Response:</b>  The use of wetland mitigation banking is generally supported by Best Available

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
			Lieu-Fee Program would likely not replace lost resources within City limits and thus would not satisfy the no-net loss criteria.	<p>Science. However, off-site wetland mitigation banking is generally the least preferred mitigation approach (ref. SMC 21A.50.310(4) and SMC 21A.50.315) under the City’s mitigation sequencing approach. Therefore, it is expected that a qualifying use of mitigation bank credits will be very infrequent.</p> <p>The proposed ECA amendments require that any wetland mitigation bank used, be certified pursuant to WAC 173-700, and would be subject to specific City review and approval on a case-by-case basis to ensure that appropriate mitigation for unavoidable impacts is provided.</p>
W-7	<b>Revisions to ECA</b> Increased impacts to critical area buffers	Save Lake Sammamish (SLS)	SLS argue that more encroachments into buffers will be allowed through exemptions allowed by the SMP amendment, which will produce negative cumulative impacts within the shoreline jurisdiction. They note that this will be especially true on small lots in the City.	<p><b>City of Sammamish Response:</b></p> <p>The Sammamish October 2013 Cumulative Impact Analysis (CIA) prepared by ESA, addresses the concerns over negative cumulative impacts in general (section 4), and as specifically related to this comment. The City understands that this comment is intended to address the provisions for “Existing Urban Development”, which is specifically discussed in sections 4.3 of the CIA document.</p> <p>The proposed amendments require the mitigation, consistent with Best Available Science, of lost functions and values resulting from the expanded exemptions.</p>
W-8	<b>Revisions to ECA</b> Exemptions to small isolated wetlands	Save Lake Sammamish (SLS)	SLS does not support increasing the exemption of isolated wetlands to greater than 1,000 sq. ft., as they argue the change would have a detrimental effect upon amphibians and storm flow attenuation.	<p><b>City of Sammamish Response:</b></p> <p>The Sammamish October 2013 Cumulative Impact Analysis (CIA) prepared by ESA, addresses the concerns over negative cumulative impacts in general (section 4), and as specifically related to this comment. The City understands that this comment related to the provisions for “Small Isolated Wetlands”, which is specifically addressed under sections 4.5 of the CIA document.</p> <p>The proposed amendments that allow for impacts to small isolated wetlands do require mitigation consistent with Best Available Science.</p>
W-9	<b>Revisions to ECA</b> Proposed use of 1987 Army Corps Delineation Manual	Save Lake Sammamish (SLS) and Ilene Stahl for Friends of Pine Lake	Commenter’s suggest that the City continue to use the 1997 Ecology Wetland Delineation Manual and not switch to the 1987 Army Corps Manual.	<p><b>City of Sammamish Response:</b></p> <p>This comment appears to be inconsistent with the Best Available Science recommendations provided by AMEC Environment and Infrastructure and relevant state guidance and law. The 1987 Army Corps Manual and the United States Army Corps of Engineers (USACE) Interim Regional Supplement for Western Mountains,</p>

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
				<p>Valleys, and Coast Region (USACE, 2010) is used to conduct wetland delineation; the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as may be amended or revised by the Department from time to time) is used for wetland categorizations. The City understands that this approach is effectively required by the Department of Ecology.</p>
W-10	<p><b>Revisions to ECA</b> Pilot programs in Erosion and LHA near Lake Sammamish</p>	<p>Save Lake Sammamish (SLS)</p>	<p>SLS opposes exemptions and/or a pilot program that would allow new development within areas delineated as “Special Overlay Zones”. As a part of their opposition, they argue that the pilot program would be inappropriate since existing studies show that allowing development in these sensitive areas will increase erosion, phosphorous loading and potential landslides.</p> <p>Further they state that pipes and associated infrastructure to service development will destabilize slopes and potentially impact downslope properties and the lake.</p> <p>In conclusion they are concerned that piping storm water directly into Lake Sammamish will lead to water quality degradation and create flashier lake levels. The comments also reference findings from a related Shoreline Hearings Board Case (SHB no. 93-40), supporting many of their water quality concerns.</p>	<p><b>City of Sammamish Response:</b></p> <p>This comment appears to focus primarily on the pilot program created for the Erosion Hazard Near Sensitive Water Body (EHNSWB) overlay. As noted above, the regulations adopted by the City Council ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas.</p> <p>The BAS documentation generally supports allowing for limited development, subject to increased erosion and sediment control. Concerns over impacts to Lake Sammamish were prominent in the City Council review – consequently the City Council determined that a pilot program to “try out” the proposed amendments to the EHNSWB overlay would be appropriate.</p> <p>The pilot program requires full compliance with the adopted SWDM and the NPDES permits issued by Ecology. In addition, the pilot program incorporates a number of different Low Impact Development techniques that are intended to further reduce the risk of erosion and sediment into Lake Sammamish. In particular, the pilot program requires the removal of 80% of all new total phosphorous using all known and reasonable techniques, a requirement for 50% open space, and a limit in overall site impervious surface of 30%.</p>





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 9, 2016

The Honorable Don Gerend  
City of Sammamish  
801 – 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075

Re: City of Sammamish Limited Shoreline Master Program Amendment – Conditional Approval

Dear Mayor Gerend:

Thank you for submitting to Ecology the city of Sammamish (City) limited Shoreline Master Program (SMP) amendment. We have completed our review of the proposal for consistency with the Shoreline Management Act and implementing guidelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are included in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP amendment are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology  
Attention: Director's Office  
PO Box 47600  
Olympia, WA 98504-6700



Exhibit 2

The Honorable Don Gerend  
March 9, 2016  
Page 2

Ecology appreciates the dedicated work that you, the City Council, the Planning Commission and engaged interested parties have put into this amendment.

Thank you again for your efforts. We look forward to concluding the SMP amendment review process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Joe Burcar at [Joe.Burcar@ecy.wa.gov](mailto:Joe.Burcar@ecy.wa.gov) or (425) 649-7145.

Sincerely,



Maia D. Bellon  
Director

Enclosures (4)

By Certified Mail [7012 1010 0003 3028 4291]

cc: Evan Maxim, City of Sammamish  
Joe Burcar, Ecology  
Tim Gates, Ecology  
Erik Stockdale, Ecology

# Proposed Amendments to the Environmentally Critical Area / SMP Regulations

**Summary of amendments proposed through April 27, 2016**

“Normal Text” is existing code language

~~“Strikethrough Text”~~ is existing language that will be deleted

“Underline Text” is code language that will be added

“...” indicates that there is additional code language that has been omitted

#	Commenter	Code Section	Current Regulation	Proposed Amendment
1	Ecology <b>Required</b> Amendment (Attachment B)	25.01.060	(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City’s Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009).	(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City’s Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009, <u>and Ord 02013-350 on July 9, 2013</u> ).
2a	Ecology <b>Required</b> Amendment (Attachment B)	25.01.070	Provisions of the Sammamish critical areas ordinance codified in Chapter 21A.50 SMC, exclusive of SMC 21A.50.050 (Complete exemptions), 21A.50.060 (Partial exemptions – Critical areas), 21A.50.070 (Exceptions), and 21A.50.400 (Sunset provisions) are considered part of this SMP.	Provisions of the Sammamish critical areas ordinance codified in Chapter 21A.50 SMC, exclusive of SMC 21A.50.050 (Complete exemptions), 21A.50.060 (Partial exemptions – Critical areas), 21A.50.070 (Exceptions), and 21A.50.400 (Sunset provisions) are considered part of this SMP. <u>In shoreline jurisdictions, the environmentally critical area regulations shall be implemented consistent with the following:</u>

## Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
				<p><u>1. Under 21A.50.320(1) and 21A.15.1410, isolated wetlands shall be determined by the United States Army Corps of Engineers.</u></p> <p><u>±2. Pilot projects under 21A.50.320(3) shall require approval of a shoreline conditional use permit if located within the shoreline jurisdiction. The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to beginning any ground disturbing activities or timber harvest.</u></p>
2b	Staff Recommended Alternative Amendment	21A.50.320(3)	<p>(3) Pilot Program.</p> <p>(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section.</p> <p>(b) Purpose. The purpose of this pilot program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values.</p> <p>(c) Application. Applications for eligible projects meeting the provisions of subsections (3)(d) through (g) of this section must be submitted within two calendar years from the effective date of the revision to the Sammamish shoreline master program.</p> <p>(d) Pilot Program Administration.</p>	<p><del>(3) Pilot Program.</del></p> <p><del>(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section.</del></p> <p><del>(b) Purpose. The purpose of this pilot program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values.</del></p> <p><del>(c) Application. Applications for eligible projects meeting the provisions of subsections (3)(d) through (g) of this section must be submitted within two calendar years from the effective date of the revision to the Sammamish shoreline master program.</del></p> <p><del>(d) Pilot Program Administration.</del></p>

# Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			<p>(i) Three projects associated with the construction of a single-family home are authorized by this pilot project, subject to the provisions of this section.</p> <p>(ii) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the City’s application material and Chapter 20.05 SMC, and completed any necessary preliminary steps prior to application as set forth in Chapter 20.05 SMC.</p> <p>(iii) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the director prior to the expiration of the pilot program, the next submitted application shall be accepted into the pilot program.</p> <p>(iv) The director shall use the authority under SMC 20.05.100 to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.</p> <p>(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be</p>	<p><del>(i) Three projects associated with the construction of a single-family home are authorized by this pilot project, subject to the provisions of this section.</del></p> <p><del>(ii) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the City’s application material and Chapter 20.05 SMC, and completed any necessary preliminary steps prior to application as set forth in Chapter 20.05 SMC.</del></p> <p><del>(iii) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the director prior to the expiration of the pilot program, the next submitted application shall be accepted into the pilot program.</del></p> <p><del>(iv) The director shall use the authority under SMC 20.05.100 to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.</del></p> <p><del>(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be</del></p>

# Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			<p>altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:</p> <ul style="list-style-type: none"> <li>(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and</li> <li>(ii) The total area of the isolated wetland is 4,000 square feet or less; and</li> <li>(iii) The wetland is not adjacent to a riparian area; and</li> <li>(iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and</li> <li>(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.</li> </ul> <p>(f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310, shall be prepared for review and approval by the director; and</p> <p>(g) Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and assessment of the performance of required mitigation shall be provided by the applicant for five years following the completion of pilot projects authorized by this section. Annual monitoring reports shall be provided to the City for review and approval. Monitoring shall include the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features</p>	<p><del>altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:</del></p> <ul style="list-style-type: none"> <li><del>(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and</del></li> <li><del>(ii) The total area of the isolated wetland is 4,000 square feet or less; and</del></li> <li><del>(iii) The wetland is not adjacent to a riparian area; and</del></li> <li><del>(iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and</del></li> <li><del>(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.</del></li> </ul> <p><del>(f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310, shall be prepared for review and approval by the director; and</del></p> <p><del>(g) Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and assessment of the performance of required mitigation shall be provided by the applicant for five years following the completion of pilot projects authorized by this section. Annual monitoring reports shall be provided to the City for review and approval. Monitoring shall include the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features</del></p>

## Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			<p>including, but not limited to, gathering baseline data.</p> <p>(h) No subsequent exemption from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) or 21A.50.290 is authorized for the property participating in this pilot program.</p> <p>(i) Effective Date. The pilot program described in this subsection (3) shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish shoreline master program.</p>	<p><del>including, but not limited to, gathering baseline data.</del></p> <p><del>(h) No subsequent exemption from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) or 21A.50.290 is authorized for the property participating in this pilot program.</del></p> <p><del>(i) Effective Date. The pilot program described in this subsection (3) shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish shoreline master program.</del></p>
3	Ecology <b>Required</b> Amendment (Attachment B)	25.01.080	This program and all amendments thereto shall become effective immediately upon final approval by the Department of Ecology.	This program and all amendments thereto shall become effective <del>immediately</del> <u>immediately fourteen days from the date of the Department of Ecology's written notice of upon</u> final approval <del>by the Department of Ecology.</del>
4	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.290(1) & (2)	<p>(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:</p> <p>(a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based on functions, or those that are rated</p>	<p>(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, <del>2004</del><u>2014</u>, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below:</p> <p>(a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to <del>70</del> <u>23-27</u> based on functions, or those that are rated</p>

# Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment						
			<p>Category 1 based on special characteristics as defined in the rating form.</p> <p>(b) Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.</p> <p>(c) Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.</p> <p>(d) Category 4. Category 4 wetlands score less than 30 points based on functions.</p> <p>(2) The following standard buffers shall be established from the wetland edge:</p> <table border="1" data-bbox="690 1110 1285 1399"> <thead> <tr> <th colspan="2">Wetland Category</th> <th>Standard Buffer Width (ft)</th> </tr> </thead> <tbody> <tr> <td>Category I:</td> <td>Natural Heritage or bog wetlands</td> <td>215</td> </tr> </tbody> </table>	Wetland Category		Standard Buffer Width (ft)	Category I:	Natural Heritage or bog wetlands	215	<p>Category 1 based on special characteristics as defined in the rating form.</p> <p>(b) Category 2. Category 2 wetlands include those that receive a score of <del>51 through 69</del><u>20-22</u> based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.</p> <p>(c) Category 3. Category 3 wetlands include those that receive a score of <del>30 through 50</del><u>16-19</u> based on functions.</p> <p>(d) Category 4. Category 4 wetlands <del>score less than 30 equal to or less than 15</del> points based on functions.</p> <p>(2) The following standard buffers shall be established from the wetland edge:</p>
Wetland Category		Standard Buffer Width (ft)								
Category I:	Natural Heritage or bog wetlands	215								

# Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation			Proposed Amendment		
				Habitat score 29 – 36	200			<b>Standard Buffer Width (ft)</b>
				Habitat score 20 – 28	150			
				Not meeting above criteria	125		Category I:	Natural Heritage or bog wetlands
			Category II:	Habitat score 29 – 36	150			215
				Habitat score 20 – 28	100			Habitat score <del>29</del> <del>–368-9</del>
				Not meeting above criteria	75			200
			Category III:	Habitat score 20 – 28	75			Habitat score <del>20</del> <del>–285-7</del>
				Not meeting above criteria	50			150
			Category IV:		All land use types – 50			100
								Not meeting above criteria
							Category II:	75
								Habitat score <del>20</del> <del>–288-9</del>
							Category III:	75

## Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment											
			<table border="1"> <tr> <td>Category III and IV:</td> <td>Subject to SMC <a href="#">21A.50.320</a></td> </tr> </table>	Category III and IV:	Subject to SMC <a href="#">21A.50.320</a>	<table border="1"> <tr> <td></td> <td>Not meeting above criteria</td> <td>50</td> </tr> <tr> <td>Category IV:</td> <td></td> <td>All land use types – 50</td> </tr> <tr> <td>Category III and IV:</td> <td colspan="2">Subject to SMC <a href="#">21A.50.320</a></td> </tr> </table>		Not meeting above criteria	50	Category IV:		All land use types – 50	Category III and IV:	Subject to SMC <a href="#">21A.50.320</a>	
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Category IV:		All land use types – 50													
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5	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.290 (7) (c)	The buffer width is not reduced to less than 50 percent of the standard buffer width at any location	The buffer width is not reduced to less than <del>50-75</del> percent of the standard buffer width at any location											
6	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.290 (7) (f)	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of standard buffer width at any location.	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than <del>50-75</del> percent of standard buffer width at any location.											
7	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.290 (8) (a)	When a Category 1 or 2 wetland with a habitat score of greater than 29 points (per Washington State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is located within 200 feet of the wetland subject to the increased buffer;	When a Category 1 or 2 wetland with a habitat score of greater than <del>29-8</del> points (per Washington State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is located within 200 feet of the wetland subject to the increased buffer;											
8	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.290 (9)	Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC <a href="#">21A.50.135</a> . A plan for mitigating buffer-reduction impacts must be	Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC <a href="#">21A.50.135</a> . A plan for mitigating buffer-reduction impacts must be											

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			prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.	prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of <del>50-25</del> percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
9	Ecology <b>Recommended Amendment</b> (Attachment C)	21A.50.290 (9) (i)	Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed 50 percent of the standard buffer width.	Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed <del>50-25</del> percent of the standard buffer width; <u>the remaining buffer shall be no less than 75% of the standard buffer.</u>
10	Ecology <b>Recommended Amendment</b> (Attachment C)	21A.50.320 (1)	Isolated wetlands, as designated by a qualified professional using the adopted Washington State Wetland Rating System for Western Washington in a written and approved critical areas study meeting the requirements of SMC 21A.50.130, with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered.	Isolated wetlands, <del>as designated by a qualified professional using the adopted Washington State Wetland Rating System for Western Washington</del> <u>as defined consistent with SMC 21A.15.1410, and evaluated</u> in a written and approved critical areas study meeting the requirements of SMC 21A.50.130, with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) <del>and the provisions of SMC 21A.50.290 and may be altered.</del>
11	Ecology <b>Recommended Amendment</b> (Attachment C)	21A.50.320 (2) (a)	(2) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet, provided: (a) The wetland does not score 15 points or greater for habitat in the adopted Western Washington rating system; and	(2) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet, provided: (a) The wetland does not score <del>15-4</del> points or <u>greater-less</u> for habitat in the adopted Western Washington rating system; and
12	Ecology	21A.50.320 (3)	(3) Pilot Program.	(3) Pilot Program.

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#	Commenter	Code Section	Current Regulation	Proposed Amendment
	<p><b>Recommended</b> Amendment (Attachment C)</p>		<p>(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section.</p> <p>...</p> <p>(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:</p> <ul style="list-style-type: none"> <li>(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and</li> <li>(ii) The total area of the isolated wetland is 4,000 square feet or less; and</li> <li>(iii) The wetland is not adjacent to a riparian area; and</li> <li>(iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and</li> <li>(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.</li> </ul>	<p>(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to <u>approval of a shoreline conditional use permit if located within shoreline jurisdictions and</u> the provisions of this section.</p> <p>...</p> <p>(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:</p> <ul style="list-style-type: none"> <li>(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and</li> <li>(ii) The total area of the isolated wetland is 4,000 square feet or less; and</li> <li>(iii) The wetland is not adjacent to a riparian area; and</li> <li>(iv) The wetland has a score of <del>15</del><u>4</u> points or less for habitat in the adopted Western Washington rating system; <del>and</del></li> <li>(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the</li> </ul>

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				Washington Department of Fish and Wildlife; <del>and-</del> <u>(vi) The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to beginning any ground disturbing activities or timber harvest. Isolated wetlands are those wetlands as defined consistent with SMC 21A.50.1410.</u>
13	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.330 (4) (c)	The buffer width is not reduced to less than 50 percent of the standard buffer;	The buffer width is not reduced to less than <del>50</del> <u>75</u> percent of the standard buffer;
14	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.330 (4) (e)	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of the standard buffer width at any location.	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than <del>50</del> <u>75</u> percent of the standard buffer width at any location.
15	Ecology <b>Recommended</b> Amendment (Attachment C)	21A.50.330 (6)	(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction	(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of <del>50</del> <u>25</u> percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction

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			plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.	plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
16	Ecology <b>Recommended Amendment</b> (Attachment C)	21A.50.330 (6) (e) (ii)	Up to 30 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.	Up to <del>30-25</del> percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.
17	Ecology <b>Recommended Amendment</b> (Attachment C)	21A.50.13XX	No current limit on the wetland delineation.	<u>A wetland delineation completed over five years ago needs to be revisited. Revisiting a wetland delineation that is five or more years old does not necessarily mean that a new wetland delineation needs to be completed. It means that a field verification may need to be performed to determine whether the delineation is still accurate or whether it needs to be redone based on existing conditions.</u>
18	Staff Recommended Amendment	21A.50.327	On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29, that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to 29, a fish and wildlife habitat corridor shall be set aside and protected as follows:	On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to <del>29</del> , that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to <del>29</del> , a fish and wildlife habitat corridor shall be set aside and protected as follows:
19	Staff Recommended Amendment	21A.15.469	“Fish and wildlife habitat corridors” means those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington (Department of Ecology 2004 or as revised) that are located within 200 feet of an on-site or off-site	“Fish and wildlife habitat corridors” means those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to <del>29</del> on the Washington State Wetland Rating System for Western Washington (Department of Ecology <del>2004-2014</del> or as revised) that are located within 200 feet of an on-site or off-

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			<p>F or Np stream and/or wetland with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat corridors do not increase streams buffers, except as required to provide a connection between two features as described above.</p>	<p>site Type F or Np stream and/or wetland with a high habitat score greater than or equal to <del>29</del><u>8</u> on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat corridors do not increase streams buffers, except as required to provide a connection between two features as described above.</p>
20	Staff Recommended Amendment	21A.50.060 and 25.08.100(2)	<p>The following developments, activities, and uses are allowed in critical areas and associated buffers and building setbacks as specified in the following subsections, provided such activities are otherwise consistent with this program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.</p> <p>(1) Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according to the regulations in place at their time of establishment, may be maintained and no critical areas study or review is required.</p> <p>(2) Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:</p> <p>(a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat</p>	<p><u>Subject to the limitations set forth in subsection (1) below,</u> the following developments, activities, and uses are allowed in critical areas and associated buffers and building setbacks as specified in the following subsections, provided such activities are otherwise consistent with this program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.</p> <p><u>(1) Change of Use and Existing Improvements. Approval of a preliminary subdivision, short subdivision or binding site plan shall require that an existing improvements, or nonconformance, as that term is defined in SMC 21A.15.800, be removed or discontinued prior to recording of the final plat, final short plat, or binding site plan in the following circumstances:</u></p> <p><u>(a) The existing improvements or nonconformance is located within environmentally critical areas or buffers. This includes, but is not limited to, a nonconformance within an area proposed to be included in an averaged or reduced buffer; and,</u></p>

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			<p>conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.</p> <p>(b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following:</p> <p>...</p>	<p><u>(b) Removal of the existing improvement or nonconformance will result in a reduced impact to environmentally critical areas; or</u></p> <p><u>(c) One of or more of the following criteria are met:</u></p> <ul style="list-style-type: none"> <li><u>i. Removal or discontinuance of the existing improvement or nonconformance is necessary to meet water quality, drainage, or re-vegetation requirements or to qualify for incentives.</u></li> <li><u>ii. The existing improvement or nonconformance is a use no longer allowed in the zoning designation or would be incompatible with a proposed use.</u></li> <li><u>iii. Removal or discontinuance of the existing improvement or nonconformance is necessary for public health, safety, or welfare, including but not limited to adequate sanitation, access, and/or safe walking conditions for school children.</u></li> </ul> <p><del>(24)</del> Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according to the regulations in place at their time of establishment, may be</p>

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				<p data-bbox="1350 235 1955 298">maintained and no critical areas study or review is required.</p> <p data-bbox="1350 342 1955 477"><b>(23)</b> Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:</p> <p data-bbox="1398 488 1955 902">(a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.</p> <p data-bbox="1398 914 1955 1367">(b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated</p>

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								impervious surface areas lying within the buffer or building setback subject to the following: ...						
21	Staff Recommended Amendment	25.07.010-2	Impervious surface (max.)	R-4, no additional % for lots under 9,076 square feet	40%	R-4, no additional % for lots under 9,076 square feet	40%	<del>Impervious surface (max.)</del>	<del>R-4, no additional % for lots under 9,076 square feet</del>	<del>40%</del>	<del>R-4, no additional % for lots under 9,076 square feet</del>	<del>40%</del>	<del>40%</del>	<del>40%</del>
22	Staff Recommended Amendment	25.07.080(2)(c)	For shoreline residential areas, impervious surface allowances shall be in accordance with R-4 zoning requirements, with the exception that no additional impervious surface percentage is allowed for lots less than 9,076 square feet. See SMC 21A.25.030, Note (4)(c).					For shoreline residential areas, <u>45% of the lot shall be yard area. For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial turf, but do not include areas covered by pervious concrete or other similar materials.</u> <del>impervious surface allowances shall be in accordance with R-4 zoning requirements, with the exception that no additional impervious surface percentage is allowed for lots less than 9,076 square feet. See SMC 21A.25.030, Note (4)(c).</del>						
23	Staff Recommended Amendment	25.07.080(2)(d)	For urban conservancy areas, the maximum amount of impervious surface shall not exceed 40 percent of the lot area above OHWM.					For urban conservancy areas, the <del>maximum</del> <u>minimum</u> <del>amount of impervious surface shall not</del> <u>yard area shall be exceed 40</u> percent of the lot area above OHWM. <u>For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial</u>						

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24	Staff Recommended Amendment	20.05.020(4)	<p>LAND USE DECISION TYPE</p> <p>...</p> <table border="1"> <tr> <td><b>Type</b></td> <td>Decision by</td> <td>Short plat; road variance</td> </tr> <tr> <td><b>2</b></td> <td>director</td> <td>decisions rendered in</td> </tr> <tr> <td></td> <td>appealable to</td> <td>conjunction with a short plat</td> </tr> <tr> <td></td> <td>hearing</td> <td>decision; zoning variance;</td> </tr> <tr> <td></td> <td>examiner, no</td> <td>conditional use permit;</td> </tr> <tr> <td></td> <td>further</td> <td>shoreline substantial</td> </tr> <tr> <td></td> <td>administrative</td> <td>development permits</td> </tr> <tr> <td></td> <td>appeal</td> <td>(SSDPs); procedural and</td> </tr> <tr> <td></td> <td></td> <td>substantive SEPA decision;</td> </tr> <tr> <td></td> <td></td> <td>site development permit;</td> </tr> <tr> <td></td> <td></td> <td>approval of residential</td> </tr> <tr> <td></td> <td></td> <td>density incentives; reuse of</td> </tr> <tr> <td></td> <td></td> <td>public schools; reasonable</td> </tr> <tr> <td></td> <td></td> <td>use exceptions under SMC</td> </tr> <tr> <td></td> <td></td> <td><a href="#">21A.50.070(2)</a>; preliminary</td> </tr> <tr> <td></td> <td></td> <td>determinations under SMC</td> </tr> <tr> <td></td> <td></td> <td><a href="#">20.05.030(3)</a>; critical areas</td> </tr> <tr> <td></td> <td></td> <td>exceptions and decisions to</td> </tr> <tr> <td></td> <td></td> <td>require studies or to</td> </tr> <tr> <td></td> <td></td> <td>approve, condition or deny a</td> </tr> </table>	<b>Type</b>	Decision by	Short plat; road variance	<b>2</b>	director	decisions rendered in		appealable to	conjunction with a short plat		hearing	decision; zoning variance;		examiner, no	conditional use permit;		further	shoreline substantial		administrative	development permits		appeal	(SSDPs); procedural and			substantive SEPA decision;			site development permit;			approval of residential			density incentives; reuse of			public schools; reasonable			use exceptions under SMC			<a href="#">21A.50.070(2)</a> ; preliminary			determinations under SMC			<a href="#">20.05.030(3)</a> ; critical areas			exceptions and decisions to			require studies or to			approve, condition or deny a	<p>LAND USE DECISION TYPE</p> <p>...</p> <table border="1"> <tr> <td><b>Type</b></td> <td>Decision by</td> <td>Short plat; road variance</td> </tr> <tr> <td><b>2</b></td> <td>director</td> <td>decisions rendered in</td> </tr> <tr> <td></td> <td>appealable to</td> <td>conjunction with a short plat</td> </tr> <tr> <td></td> <td>hearing</td> <td>decision; zoning variance;</td> </tr> <tr> <td></td> <td>examiner, no</td> <td>conditional use permit;</td> </tr> <tr> <td></td> <td>further</td> <td><del>shoreline substantial</del></td> </tr> <tr> <td></td> <td>administrative</td> <td><del>development permits</del></td> </tr> <tr> <td></td> <td>appeal</td> <td><del>(SSDPs)</del>; procedural and</td> </tr> <tr> <td></td> <td></td> <td>substantive SEPA decision;</td> </tr> <tr> <td></td> <td></td> <td>site development permit;</td> </tr> <tr> <td></td> <td></td> <td>approval of residential</td> </tr> <tr> <td></td> <td></td> <td>density incentives; reuse of</td> </tr> <tr> <td></td> <td></td> <td>public schools; reasonable</td> </tr> <tr> <td></td> <td></td> <td>use exceptions under SMC</td> </tr> <tr> <td></td> <td></td> <td><a href="#">21A.50.070(2)</a>; preliminary</td> </tr> <tr> <td></td> <td></td> <td>determinations under SMC</td> </tr> <tr> <td></td> <td></td> <td><a href="#">20.05.030(3)</a>; critical areas</td> </tr> <tr> <td></td> <td></td> <td>exceptions and decisions to</td> </tr> <tr> <td></td> <td></td> <td>require studies or to</td> </tr> <tr> <td></td> <td></td> <td>approve, condition or deny a</td> </tr> </table>	<b>Type</b>	Decision by	Short plat; road variance	<b>2</b>	director	decisions rendered in		appealable to	conjunction with a short plat		hearing	decision; zoning variance;		examiner, no	conditional use permit;		further	<del>shoreline substantial</del>		administrative	<del>development permits</del>		appeal	<del>(SSDPs)</del> ; procedural and			substantive SEPA decision;			site development permit;			approval of residential			density incentives; reuse of			public schools; reasonable			use exceptions under SMC			<a href="#">21A.50.070(2)</a> ; preliminary			determinations under SMC			<a href="#">20.05.030(3)</a> ; critical areas			exceptions and decisions to			require studies or to			approve, condition or deny a
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<b>Type</b>	Decision by	Short plat; road variance																																																																																																																										
<b>2</b>	director	decisions rendered in																																																																																																																										
	appealable to	conjunction with a short plat																																																																																																																										
	hearing	decision; zoning variance;																																																																																																																										
	examiner, no	conditional use permit;																																																																																																																										
	further	<del>shoreline substantial</del>																																																																																																																										
	administrative	<del>development permits</del>																																																																																																																										
	appeal	<del>(SSDPs)</del> ; procedural and																																																																																																																										
		substantive SEPA decision;																																																																																																																										
		site development permit;																																																																																																																										
		approval of residential																																																																																																																										
		density incentives; reuse of																																																																																																																										
		public schools; reasonable																																																																																																																										
		use exceptions under SMC																																																																																																																										
		<a href="#">21A.50.070(2)</a> ; preliminary																																																																																																																										
		determinations under SMC																																																																																																																										
		<a href="#">20.05.030(3)</a> ; critical areas																																																																																																																										
		exceptions and decisions to																																																																																																																										
		require studies or to																																																																																																																										
		approve, condition or deny a																																																																																																																										

## Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation			Proposed Amendment		
					development proposal based on the requirements of Chapter <a href="#">21A.50</a> SMC; binding site plan; unified zone development plan under Chapter <a href="#">21B.95</a> SMC <sup>3</sup>			development proposal based on the requirements of Chapter <a href="#">21A.50</a> SMC; binding site plan; unified zone development plan under Chapter <a href="#">21B.95</a> SMC <sup>3</sup>
			...			...		
			<b>Type</b>	Recommendation	Shoreline variances; shoreline conditional use permits	<b>Type</b>	Recommendation	Shoreline variances; <u>shoreline substantial development permits (SSDPs)</u> ; shoreline conditional use permits
			<b>4</b>	by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board		<b>4</b>	by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	



**Meeting Date:** May 17, 2016

**Date Submitted:** May 10, 2016

**Originating Department:** Community Development

**Clearances:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney     | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services          | <input type="checkbox"/> Eastside Fire and Rescue         | <input type="checkbox"/> Police             |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Finance & IT          | <input type="checkbox"/> Public Works       |

**Subject:** The purchase of one vehicle for primary use by the Department of Community Development

**Action Required:** Vote to authorize the City Manager to purchase one 2017 Ford Escape through the Washington State Department of Enterprise Services for a total cost not to exceed \$26,000 including state sales tax.

**Exhibits:** N/A

**Budget:** Equipment Rental and Replacement Fund \$26,000

**Summary Statement:**

The purchase of one 2017 Ford Escape for primary use by the Department of Community Development (DCD) will allow for each of the 5 primary DCD field staff to have access to a vehicle during business hours to meet with customers onsite and inspect activities to ensure compliance with city, state and federal codes, project plans and specifications as well as to respond to citizen inquiries relating to code compliance matters. This vehicle is available for purchase through the Washington State Department of Enterprise Services.

**Background:**

DCD is currently comprised of 23 staff plus 1 on call Building Inspector. Currently, there are 4 assigned vehicles to DCD – 2 Ford Escapes and 2 Nissan Leafs. These 4 vehicles are used primarily by 5 DCD field staff - 3 full time Building Inspectors, 1 on call Building Inspector and 1 full time Code Compliance Officer. They are also shared with the 19 other DCD staff including 6 full time Planners, 1 full time Building Official and 1 part time Code Compliance Coordinator, all of whom make regular site visits. When these 4 vehicles are in use, other staff must find an alternative which may include finding an available vehicle in another department, using their personal vehicle and receive mileage reimbursement from the City or rescheduling appointments with citizens and customers.

The requested vehicle for purchase, a 2017 Ford Escape will include a turbocharged 1.5-liter EcoBoost engine and the four wheel drive (4WD) package. It receives up to 23 miles per gallon (MPG) city driving and 30 MPG highway driving. Auto stop-start is standard on EcoBoost-equipped 2017 Escapes, which improves fuel economy in stop-and-go traffic by 4 to 6 percent. The 4WD package will allow staff to access difficult sites due to slope and/or surface materials and to provide services in challenging weather conditions.

**Financial Impact:**

The City has received a quote for \$25,851 including state sales tax to purchase this vehicle through the Washington State Department of Enterprise Services. This vehicle will be purchased from the Equipment Rental and Replacement Fund, which has a current balance of approximately \$900,000.

DESCRIPTION	ESTIMATED COST
Ford Escape	\$23,869
Estimated State Sales Tax	\$1,982
<b>Total for New Vehicle</b>	<b>\$25,851</b>

**Recommended Motion:**

Authorize the City Manager to purchase one 2017 Ford Escape through the Washington State Department of Enterprise Services for a total cost not to exceed \$26,000 including state sales tax.