



City Council Joint Meeting/Study Session with Parks and Recreation Commission

AGENDA

May 10, 2011

5:30 pm – 9:00 pm

Call to Order

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.

Topics

- Department Report: Parks and Recreation
- Presentation/Discussion: Community Center Draft Concepts

Break

- Discussion: Surface Water Manual Update
- Discussion: Surface Water Fees for School Districts
- Planning Commission Hand-Off: Fundraising Sign Regulations
- Discussion: Transfer of Development Rights

Adjournment

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

Stormwater Fees and School Districts
Report to the Sammamish City Council
May 10th, 2011

Background

Sammamish has continued King County's practice of waiving stormwater fees for the two public school districts within City limits. The policy of not collecting stormwater fees from public schools is a program first established by King County and held over in Sammamish through the adoption of King County's stormwater code (KCC Title 9). The program allows school districts to demonstrate that they are providing an equivalent amount of value in the form of a curriculum around stormwater education.

Apparently there have been some instances where King County has billed the Issaquah School District for stormwater fees on two of their campuses. There have also been some instances where the Lake Washington School District was billed the single lot rate of around \$150 a year for one of their campuses.

Stormwater fees are set based on the amount of impervious surface for a given property. For residential properties an average impervious surface coverage is used resulting in a flat annual rate for all residential property owners. For commercial property owners the fee is determined on an incremental scale based on the amount of impervious surfaces and the parcel size for each specific property. Low-income senior citizens and the disabled are exempt. Discounts and a cost-sharing program are available and are aimed at reducing the amount of impervious surface on commercial parcels. The amount of stormwater fees that the school districts would pay if billed is not specifically known due to the need to calculate a fee specific to each of the district's facilities. But to give some perspective, the Skyline High School campus was being charged around \$35,000 per year by King County (on Sammamish's behalf). Site specific audits are advised because neighboring jurisdictions have found that the amount King County bills may not be accurate.

Neighboring Jurisdictions

A brief survey of our neighboring jurisdictions has yielded the following information:

Jurisdiction	Public School Districts Pay Stormwater Fees
Unincorporated King County	No
Issaquah	No
Bellevue	Yes
Redmond	Yes
Kirkland	Yes
Renton	Yes
Mercer Island	Yes

It should be noted that Lake Washington School District pays stormwater fees in the other cities within its boundaries. Issaquah School District is subject to stormwater fees for any of their facilities that are located in Bellevue and Newcastle.

Stormwater Fee Rate - Intent

The City's Stormwater Management Program is a self-supporting enterprise fund. As such the stormwater fee is intended to fully fund all aspects of the program including annual inspections, maintenance, capital improvements, along with the City's NPDES permit requirements. The Capital Program portion has contributed to all of the City's major transportation projects and the newly completed Maintenance and Operations Center.

NPDES Education Requirements

The City's NPDES permit requires the development of an education and outreach program that targets specific audiences. Because of Sammamish's large percentage of children, we recognize the importance of having an education program that targets them. But there are other groups listed in the permit aside from the general public, like: businesses, contractors, engineers, developers and property managers. Even with an extensive school education program, Sammamish is still required to address the other target groups.

Request from Issaquah School District

The Issaquah School District (ISD) has sent a letter requesting a waiver of stormwater fees in exchange for their stormwater curriculum. The letter from ISD's superintendent, Steve Rasmussen, dated 4/21/2011 is attached for your reference.



ISSAQUAH
SCHOOL DISTRICT 411



565 NW Holly Street, Issaquah, WA 98027-2834
(425) 837-7000
www.issaquah.wednet.edu

Dr. Steve Rasmussen, Superintendent

April 21, 2011

Honorable Don Gerend
Mayor
City of Sammamish
801 228th Ave SE
Sammamish, WA 98075

Mr. Ben Yazici
City Manager
City of Sammamish
801 228th Ave SE
Sammamish, WA 98075

Dear Mayor Gerend and Mr. Yazici:

I am writing to express concerns regarding the City of Sammamish's recent levy of stormwater management fees against some school sites located in the City and owned by the Issaquah School District. The City's levy of the charges, and the amount of the charges, in excess of \$115,000, raises significant concerns from the District's perspective.

As you know, the City has always waived stormwater management fees associated with school district properties based on the fact that school districts provide certain school curriculum regarding surface water resources and the effects of urbanization. The waiver originated in the King County code provisions applicable to surface water management and related fees (see KCC 9.08.080(8)), which the City of Sammamish adopted by reference per SMC 15.05.010. Each year, the District provides detailed documentation regarding the basis for the waiver. However, for the first time, the Issaquah School District received a tax bill for City of Sammamish stormwater management fees related to two school sites located within the City of Sammamish's jurisdiction: Cascade Ridge Elementary and Skyline High School. (Note that fees were not charged to any of the Issaquah School District's other five schools located within the City; furthermore, we understand from conversations directly with Lake Washington School District that they have never received a tax bill for stormwater charges levied against their school sites located within the City of Sammamish).

Our attorney first contacted your staff on October 12, 2010, regarding this matter. Following repeated inquiries, we then contacted your City Attorney in late March 2011 for direction given that the District has continued to receive delinquent tax notices from King County. On April 5, 2011, the City Attorney informed our attorney that the City is still determining how to address this matter. Specifically, we understand that the City believes that the waiver has been applied inconsistently and that some schools in both the Issaquah and Lake Washington School Districts have received waivers and others have not. The City Attorney also informed us that the City will be proposing amendments to its code to eliminate the stormwater fee waiver provision altogether.

Board of Directors

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As a preliminary matter, the District requests that the City provide a waiver of the fees that were charged to the Cascade Ridge Elementary and Skyline High School properties. Even if the City amends its code to eliminate the waiver provision, these fees predate any such change. Furthermore, the City has provided no basis for denying the waiver. If there was an identified problem, the City should have notified the District at the time that the waiver was requested. This was never done. The District's taxpayers should not have to compensate for the City's inaction.

We'd also like to set up a time to meet with the two of you regarding the City's proposal to eliminate the waiver provisions. There are obvious public policy issues associated with this action and impacts to our shared constituents. We'd suggest inviting the Lake Washington School District to this same meeting given that they will be similarly impacted by this proposal.

I look forward to resolving these issues with you.

Sincerely,



Steve Rasmussen
Superintendent

cc: Chip Kimball, Superintendent, Lake Washington School District
cc: Jacob Kuper, Chief of Finance and Operations, Issaquah School District

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Planning Commission

801 228th Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: www.ci.sammamish.wa.us

To: City Council

May 10, 2011

From: Joe Lipinsky, Chair

RE: Recommendation for proposed Fundraising Sign ordinance

On behalf of the Planning Commission, I am pleased to transmit the Planning Commission's recommendations for the Fundraising Sign ordinance to the Sammamish Municipal Code. The Commission and staff used a public participation process that included multiple public meetings and a public hearing process.

The Planning Commission was asked to review a permanent change to the sign regulations, following the adoption of an emergency ordinance authorizing the temporary placement of fundraising signs. The Planning Commission first concluded that an amendment to the sign regulations was necessary, and then evaluated appropriate sign standards.

The Planning Commission was split on this proposed ordinance and **voted five to two to recommend that the City Council adopt** the proposed Fundraising Sign ordinance amendments to the Sammamish Municipal Code.

Since the decision was not unanimous, a minority report is attached to this memorandum for your consideration.

The Planning Commission and staff held a public meeting on March 3 and a public hearing on March 17, 2011. The Planning Commission did not receive any public input regarding the proposed ordinance.

Staff provided a summary of the basis for the emergency ordinance authorizing fundraising signs, and the standards established by the City Council. Based upon this information, the Planning Commission's recommended draft essentially recommends permanent adoption of the emergency ordinance, with some minor modifications.

The Planning Commission considered a number of aspects of the fundraising ordinance, including, but not limited to:

1. Refining where fundraising signs were authorized (any commercial property and on arterial streets);
2. Authorizing larger signs if the sign is located further away from the street;
3. Limiting the number of signs on any property; and
4. Requiring removal of signs after six months unless renewed with the City.

Thank you for your consideration of our recommendations. If you have any questions, please contact Kamuron Gurol at 425.295.0520 or kgurol@ci.sammamish.wa.us.



Planning Commission

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Date: March 24, 2011

To: City Council

From: Planning Commissioners Michael Luxemburg and Kathy Richardson

RE: Dissenting Minority - Proposed Fundraising Sign Ordinance

As noted in the Planning Commission recommendation memorandum, the Planning Commission was unable to come to a consensus on the proposed Fundraising Sign Ordinance. Commissioners Luxemburg and Richardson did not support the Planning Commission's recommendation to amend the City's sign regulations to allow for fundraising signs.

Commissioners Luxemburg and Richardson recommend that the City Council not adopt the proposed fundraising sign ordinance for the following reasons:

1. The request to erect a fundraising sign at the Freed farmhouse is the only known request by a non-profit organization for a change to the sign code.
2. The needs of the Sammamish Heritage Society as regards the Freed farmhouse have been addressed by the emergency ordinance passed by the City Council in January.
3. No non-profit organization attended the public hearing held by the Planning Commission to request a change to the sign code. Nor did any non-profit organization submit a written statement to the Commission requesting a change to sign code.
4. No information was presented to the Commission suggesting that the sign code currently in place was ill conceived at the time it was adopted; nor that it was currently flawed or deficient. Furthermore, no information was submitted to the Commission indicating that circumstances regarding fundraising signs had materially changed since the adoption of the current sign code.

Summary:

Absent a known requirement, a demonstration of need from the non-profit community, or information indicating a deficiency in the current sign code, no changes should be made.

Thank you for your consideration of our recommendations. If you have any questions, please contact Kamuron Gurol at 425.295.0520 or kgurol@ci.sammamish.wa.us.

1 **Fundraising Sign Ordinance Elements:**

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- 21A.15.1117 Sign, Fundraising (*Definition*)
- 21A.45.120 Signs or displays of limited duration. (*Add section authorizing fundraising signs*)

"Normal Text" is existing code language
"~~Strikethrough Text~~" is existing language that will be deleted
"Underline Text" is code language that will be added

1 | **21A.15.1117 – Sign, Fundraising.**

2 | “Sign, fundraising” is a sign that is erected by a nonprofit or not-for-profit organization for the purposes raising
3 | money to support a cause or purpose promoted by the nonprofit or not-for-profit organization.

7 | **21A.45.120 - Signs or displays of limited duration.**

8 | The following temporary signs or displays are permitted and except as required by the International
9 | Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this
10 | chapter, do not require building permits:

11 | ...

14 | (7) Fundraising sign. Fundraising signs are allowed subject to the following provisions:

16 | (a) Location.

17 | i. Fundraising signs may only be located on private property as follows:

18 | a. On any property zoned Office (O), Community Business (CB), Neighborhood
19 | Business (NB), and Town Center A (TC-A); or

20 | b. On property with a residential zoning designation (R), where such property
21 | abuts a principal, minor, or collector arterial.

22 | ii. No more than one (1) fundraising sign may be located on any one (1) property;

23 | iii. Any fundraising sign authorized located on a street corner or driveway shall conform
24 | to with Chapter 14.01 SMC, Public Works Standards, and SMC 21A.25.220, sight
25 | distance requirements; and

26 | iv. All signs shall be located on private property with the written permission of the
27 | property owner.

29 | (b) Specifications. Fundraising signs may be attached to a wall or be free standing signs
30 | subject to the following design specifications

31 | i. Fundraising signs located on property zoned O, CB, NB, and TC-A shall be limited to
32 | a maximum area of 32 square feet;

33 | ii. Fundraising signs located on property zoned residential (R):

34 | a. Shall be limited to a maximum area of 16 square feet if located less than 50
35 | feet from a street property line; and

36 | b. Shall be limited to a maximum area of 32 square feet if located 50 feet or
37 | more from a street property line.

38 | iii. Signs shall not be illuminated;

39 | iv. Freestanding signs shall not exceed a height of eight (8) feet;

40 | v. All signs shall be constructed of a solid opaque material; and,

41 | vi. Freestanding signs shall be located outside of required zoning setbacks.

43 | (c) Removal.

44 | i. A single building permit is required and shall be issued for a six month period. The
45 | permit number and the permit expiration date must be clearly displayed on the face of
46 | each sign. The permit may be renewed indefinitely;

47 | ii. Removal of the fundraising sign is the responsibility of the property owner.



Memorandum

Date: May 10, 2011
To: Ben Yazici, City Manager; Kamuron Gurol, Community Development Director
From: Evan Maxim, Senior Planner
Re: Transfer of Development Rights (TDR) – Town Center D (TC-D zone)

Background:

The City Council adopted a Transfer of Development Rights (TDR) ordinance on February 8, 2011. The TDR ordinance provided for the framework for the transfer of development rights from unincorporated King County and from within the City of Sammamish.

During the discussion leading to the adoption of the ordinance, the City Council determined that the dwelling units within the Town Center D zone (TC-D) should be available for transfer to other Town Center properties; however this policy discussion was put off until a later date.

Staff met with Councilmember James on May 2, 2011 to discuss his proposed approach; essentially limiting transfers from the TC-D zone to the Town Center A zone (TC-A) and prohibiting other zones from sending residential TDRs into the TC-A zone. This would keep the City from “competing” with other possible TDR sending sites, while allowing the City to take advantage of the TDR program’s opportunities.

Policy Confirmation Needed:

Based upon a “back of the envelope” estimate, we estimated that an appropriate ratio as 2:1; for example, one TDR from the TC-D zone would be equivalent to 2 dwelling units (du) in the TC-A zone.

The revised table in the TDR ordinance would look like this:

Table A – Receiving site incentive table.

		Sending Zoning				
		R-1	R-4	R-6	KC Lands	TC-D
Receiving Zoning	Commercial	7716 sqft	3560 sqft	2600 sqft	3560 sqft	TBD
	Zone C	4 du	2 du	1 du	2 du	TBD
	Zone B	7 du	3 du	2 du	3 du	TBD
	Zone A	10 du	5 du	4 du	5 du	TBD 2 du

Policy Considerations:

1. Additional staff work to confirm the TDR ratio is needed;
2. A public benefit for with TDRs generated by the TC-D site will need to be identified; and,
3. Changes to this table could require modifications to the King County Interlocal Agreement