



City Council, Regular Meeting

AGENDA

6:30 pm – 9:30 pm

May 16, 2011

Council Chambers

Call to Order

Roll Call/Pledge of Allegiance

Approval of Agenda

Student Liaison Reports

- Eastlake High School
- Skyline High School

Presentations/Proclamations

- Presentation: Government Finance Officers Association Financial Reporting Award
- Shoreline Master Plan Update

Public Comment

Note: *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.*

Consent Agenda

- Payroll for period ending March 15, 2010 for pay date March 18, 2010 in the amount of \$189,737.40
 - Payroll for period ending April 30, 2011 for pay date May 5, 2011 in the amount of \$238,154.73
1. Approval: Claims for period ending May 16, 2011 in the amount of \$577,084.50 for Check No.29176 through No. 29280
 2. Ordinance: Second Reading Repealing Title 23 (Code Enforcement) And Re-Adopting A New Title 23A (Civil Code Compliance) Of The Sammamish Municipal Code
 3. Ordinance: Second Reading Amending Ordinance No. 02010-292, The 2011-2012 City Budget, For The Purpose Of Revising The 2011-2012 Biennial Budget.

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.

4. Interlocal Amendment: Beaver Lake Volunteer Monitoring Program/King County
5. Approval: Minutes for the May 3, 2011 Regular Meeting

Public Hearings

6. Ordinance: Second Reading Repealing Chapter 5 Of Title 15 Of The Sammamish Municipal Code And Adopting A New Title 13 Of The Sammamish Municipal Code Identified As Surface Water Management
7. Ordinance: First Reading Adopting Provisions To Authorize Fundraising Signs And Establishing Development Standards Codified Into Chapter 45 Of Title 21A Of The Sammamish Municipal Code

Unfinished Business - None

New Business

8. Surface Water Fees for Public Schools
9. Contract: Establishing the Ordinary High Water Mark/Duncanson

Council Reports

City Manager Report

- Economic Development Program
- 2011 Impact Fee Report

Executive Session – If necessary

Adjournment

AGENDA CALENDAR

May 2011			
Mon 5/16	6:30 pm	Regular Meeting	Presentation: GFOA Financial Reporting Award Shoreline Master Plan Update Public Hearing: First Reading Fund Raising Signs Ordinance: Second Reading/Stormwater Manual Update Ordinance: Second Reading Title 23A Code Compliance (consent) Ordinance: Second Reading 2010-2011 Carry Forwards (consent) Contract: OHWM/Duncanson Motion: School District Stormwater Fees Interlocal: Beaver Lake Management/King County CM Report: Economic Development
Wed. 5/25	6:00 pm	Joint Meeting/ISD	Issaquah School District Office
Mon. 5/30	Closed	Holiday	Memorial Day – City Offices Closed
Jun. 2011			
Tues. 6/7	6:30 pm	Regular	Presentation: SAGE Team Public Hearing/First Reading: Ordinance: Shoreline Master Plan Public Hearing/First Reading: Ordinance extending RUE's Ordinance: Second Reading Adopting Settlement Agreement & Related Ordinance - Olshausen Litigation Ordinance: Second Reading Fund Raising Sign Budget Amendments: Police Precinct Parking Lot/Tenant Improvements Bid Award: SE 32 nd Non-Motorized Project Bid Award: Pavement Overlay Contract: Consultant/SWM Inglewood & Tamarack Stormwater Analysis (consent) Contract: 228 th Operational Anyalsis (consent) Resolution: Final Acceptance NE 14 th Drive Project (consent) Contract: Economic Development Study
Tues. 6/14	6:30 pm	Joint Meeting with Parks Commission	Discussion: Community Center Economic Development Committee Shoreline Master Plan (if needed)
Mon. 6/20	6:30 pm	Study Session/Special Meeting	Ordinance: Second Reading SMP Second Reading: Ordinance extending RUE's Interlocal: School Resource Officers/King County Resolution: Six Year T.I.P. Bid Award: Police Parking Lot Project Bid Award: Room 202 Tenant Improvements Emergency Plan
Jul. 2011			
Mon. 7/4	Closed	Holiday	Independence Day – City Offices Closed
Tues. 7/5	6:30 pm	Regular	Community Center (placeholder) Contract: 244 th Non-Motorized Project
Tues. 7/12	6:30 pm	Study Session	
Mon. 7/18	6:30 pm	Regular Meeting	
August 2011			
NO MEETINGS			
Sept. 2011			
Mon. 9/5		Holiday	Labor Day– City Offices Closed
Tues. 9/6	6:30 pm	Regular	

Tues. 9/13	6:30 pm	Study Session	Department Reports: DCD/Admin/Police/Fire
Mon. 9/19	6:30 pm	Regular Meeting	Proclamation: Mayors Month of Concern
Oct. 2011			
Tues. 10/4	6:30 pm	Regular	
Tues. 10/11	6:30 pm	Study Session	Discussion: SWM update 2012 Department Reports: Finance/IT/Parks/Public Works
Mon. 10/17	6:30 pm	Regular Meeting	
Nov. 2011			
Tues. 11/1	6:30 pm	Regular	
Tues. 11/08	6:30 pm	Study Session	
Mon. 11/21	6:30 pm	Regular Meeting	
Dec. 2011			
Tues. 12/6	6:30 pm	Regular	Resolution: Final Acceptance/2011 Pavement Overlay
Tues. 12/13	6:30 pm	Study Session	
Mon. 12/19	6:30 pm	Regular Meeting	
To Be Scheduled		To Be Scheduled	
To Be Scheduled		To Be Scheduled	
Ordinance: Second Reading Puget Sound Energy Franchise Franchise: Cable TV		Final Acceptance: 244 th Avenue Improvement Project Final Acceptance: SE 20 th Street Non-motorized Improvement Project	Joint Meeting/LWSD

<< April

May 2011

June >>

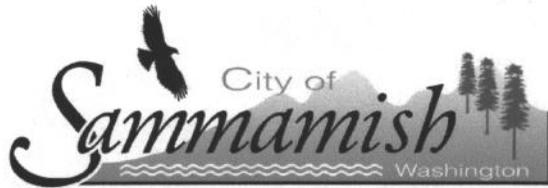
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 9 a.m. Blood Drive at City Hall	2	3 6:30 p.m. City Council Meeting	4 6:30 p.m. Parks and Recreation Commission Meeting	5 6:30 p.m. Planning Commission Meeting	6	7 8:30 a.m. Trail Building at Evans Creek Preserve
8	9 6:30 p.m. Community Center Feasibility Study Public Meeting	10 5:30 p.m. Joint City Council Meeting w/Parks & Rec Commission	11	12 6:30 p.m. Community Garden Steering Committee Meeting	13	14
15 8 a.m. Call to Artists - 2011 Art Fair	16 5:30 p.m. Finance Committee Meeting 6:30 p.m. City Council Meeting 6:30 p.m. Arts Commission Meeting	17 5:30 p.m. City Council Council Office Hour	18 4 p.m. OPENING DAY Sammamish Farmers Market 6 p.m. Sammamish Youth Board Meeting	19 5 p.m. Planning Commission Meeting	20	21 9 a.m. Volunteer Event at Illahee Trail 10 a.m. Sammamish Walks
22	23	24 8:30 a.m. Trail Building at Evans Creek Preserve 7 p.m. Residential Safety and Security	25 4 p.m. Sammamish Farmers Market 6 p.m. Joint City Council Meeting with Issaquah School District Board	26	27	28
29	30 8 a.m. Memorial Day City offices closed	31	1	2	3	4

<< May

June 2011

July >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 4 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting	2 6:30 p.m. Planning Commission Meeting	3	4 8:30 a.m. Trail Building at Evans Creek Preserve
5	6	7 6:30 p.m. City Council Meeting 7:30 p.m. Simple Measures Concert	8 4 p.m. Sammamish Farmers Market 6 p.m. Art Exhibit Reception - "WaterLines" by Katherine Hastings	9 6:30 p.m. Community Garden Steering Committee Meeting	10	11
12	13 6:30 p.m. Community Center Feasibility Study Public Meeting	14 6:30 p.m. City Council Study Session	15 4 p.m. Sammamish Farmers Market 6 p.m. Sammamish Youth Board Meeting	16 6:30 p.m. Planning Commission Meeting	17 3:30 p.m. Teen Fest Skate Competition & Dance	18 8:30 a.m. Trail Building at Evans Creek Preserve 10 a.m. Sammamish Walks 12 p.m. Lifeguards begin duty at Pine Lake
19	20 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	21 5:30 p.m. City Council Council Office Hour	22 4 p.m. Sammamish Farmers Market	23	24	25
26	27 6:30 p.m. Volunteer Orientation - Fourth on the Plateau	28 11 a.m. Kids Concert	29 4 p.m. Sammamish Farmers Market	30		



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Finance Department
DATE: May 12, 2011
RE: Claims for May 16, 2011

\$ 182,293.38
 120,936.29
 273,854.83

Top Five Expense Items in Packet

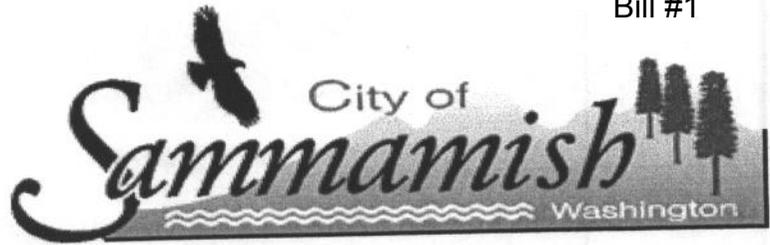
AWC Employee Benefits Trust	\$98,283.19	Health Insurance Premiums
Peter Fung	\$87,029.49	Release Deposit – Frontage Imp
Bravo Environmental	\$42,967.64	Catch Basin Cleaning
TCF Architecture	\$33,309.23	MOC Architect Services
ICMA 401A	\$31,686.68	Social Security Replacement

TOTAL \$577,084.50

Check # 29176 through # 29280

182,293.38 +
 120,936.29 +
 273,854.83 +
 577,084.50 *

Accounts Payable
 Check Register Totals Only



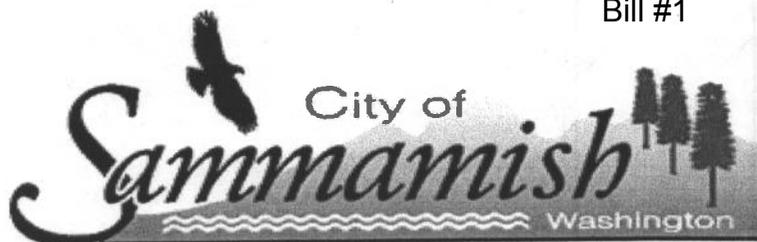
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
29176	05/05/2011	ANI	ANI Administrators NW Inc	1,618.15	0
29177	05/05/2011	AWCMED	AWC Employee Benefits Trust	98,283.19	0
29178	05/05/2011	CHAP13	Chapter 13 Trustee	1,100.00	0
29179	05/05/2011	ICMA401	ICMA 401	31,686.68	0
29180	05/05/2011	ICMA457	ICMA457	8,588.91	0
29181	05/05/2011	ISD	Issaquah School District	15,232.00	0
29182	05/05/2011	KINGPET	King County Pet Licenses	225.00	0
29183	05/05/2011	LWSD	Lake Washington School Dist	25,000.00	0
29184	05/05/2011	PREPAIDL	Pre-Paid Legal Services, Inc	145.45	0
29185	05/05/2011	WATREAS	Wa State Treasurer	414.00	0
Check Total:				182,293.38	

Accounts Payable

Check Register Totals Only

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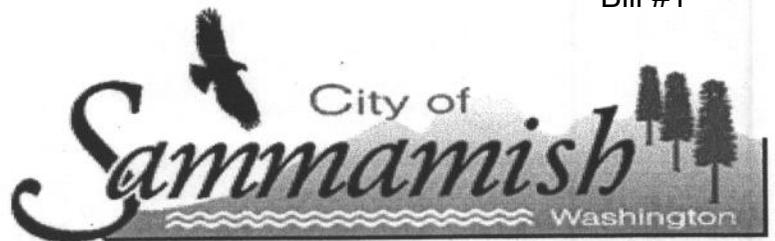


Check	Date	Vendor No	Vendor Name	Amount	Voucher
29186	05/09/2011	AMEX	American Express	597.57	0
29187	05/09/2011	FUNG	The Law Offices of Douglas W. Scott,	87,029.49	0
29188	05/09/2011	TCF	TCF Architecture	33,309.23	0
Check Total:				<u>120,936.29</u>	

Accounts Payable

Check Register Totals Only

User: jboss
 Printed: 5/12/2011 - 10:25 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29189	05/16/2011	AADAMS	AAdams Tree Service	416.10	0
29190	05/16/2011	ACE	Ace Hardware, LLC	1,333.48	0
29191	05/16/2011	ALDWORTH	Kurt Aldworth	78.00	0
29192	05/16/2011	ALLENTON	Tonya Allen	162.00	0
29193	05/16/2011	APPLIEDC	Applied Concepts, Inc	2,985.41	0
29194	05/16/2011	ARTECHE	Emily Arteche	4.00	0
29195	05/16/2011	ATWORK	At Work!	825.00	0
29196	05/16/2011	ATOMIC	Atomic Art Services, Inc	260.00	0
29197	05/16/2011	BRS	Barker Rinker Seacat Architecture	14,680.63	0
29198	05/16/2011	BEADLE	Debbie Beadle	11.42	0
29199	05/16/2011	BELLWAR	Bellevue Warriors Baseball	90.00	0
29200	05/16/2011	BELZAK	Steve Belzak	200.00	0
29201	05/16/2011	BHC	BHC Consultants, LLC	4,999.79	0
29202	05/16/2011	AUDIOAM	Eddie Bishop	876.00	0
29203	05/16/2011	BMC	BMC Select	825.37	0
29204	05/16/2011	BOBS	Bob's Heating & Air	64.00	0
29205	05/16/2011	BRAVO	Bravo Environmental	42,967.64	0
29206	05/16/2011	BRICKMAN	Brickman Group Ltd LLC	4,442.14	0
29207	05/16/2011	BSN	Sport Supply Group, Inc BSN Sports	105.05	0
29208	05/16/2011	CDW	CDW Govt Inc	753.64	0
29209	05/16/2011	CEZAR	Susan Cezar	40.68	0
29210	05/16/2011	CHANEY	Rebecca Chaney	253.00	0
29211	05/16/2011	CNR	CNR Inc	191.63	0
29212	05/16/2011	CODEPUB	Code Publishing Inc	520.13	0
29213	05/16/2011	COMCAST2	COMCAST	199.90	0
29214	05/16/2011	DAS-A	Anjan & Paramita Das	175.00	0
29215	05/16/2011	L&IPREV	Management Services Dept Of Labor	240.00	0
29216	05/16/2011	SEAKING	Seattle King County Dept of Public H	478.00	0
29217	05/16/2011	SEAKING	Seattle King County Dept of Public H	726.00	0
29218	05/16/2011	DORNQUAS	Rachel Dornquast	500.00	0
29219	05/16/2011	ENCOMPAS	Encompass	1,700.00	0
29220	05/16/2011	ENDELMAN	Kyle Endelman	418.38	0
29221	05/16/2011	EWINGIRR	Ewing Irrigation	610.39	0
29222	05/16/2011	EXCELMIC	Excel Micro	3,000.00	0
29223	05/16/2011	FAITH	Faith In Action	2,750.00	0
29224	05/16/2011	FASTENAL	Fastenal Industrial Supplies	225.02	0
29225	05/16/2011	FRONTIR2	Frontier	1,707.63	0
29226	05/16/2011	FURY	Fury Construction Co	7,835.29	0
29227	05/16/2011	GRANGE	Grange Supply, Inc.	187.77	0
29228	05/16/2011	HOMEDE	Home Depot	2,346.93	0
29229	05/16/2011	HOPPEFS	Hopelink/Emergency Feeding Service:	275.00	0
29230	05/16/2011	HOWARD	Lyman Howard	135.36	0
29231	05/16/2011	IRONMT	Iron Mountain	1,058.49	0
29232	05/16/2011	HONDAKU	Issaquah Honda Kubota	250.22	0
29233	05/16/2011	ISSAQ1	Issaquah Press, Inc.	175.00	0
29234	05/16/2011	DEERE	John Deere Landscapes	536.55	0
29235	05/16/2011	JOHNSOND	Daniel Johnson	162.00	0
29236	05/16/2011	KEENEY	Keeney's Office Plus	10.94	0
29237	05/16/2011	KENYON2	Kenyon Disend PLLC	13,855.86	0
29238	05/16/2011	KINGDD	King County DDES	357.00	0

Check	Date	Vendor No	Vendor Name	Amount	Bill #1 Voucher
29239	05/16/2011	KINGDD	King County DDES	2,759.33	0
29240	05/16/2011	KingFin	King County Dept of Finance	2,918.83	0
29241	05/16/2011	KINGFI	King County Finance A/R	2,829.35	0
29242	05/16/2011	KCFLEET	King County Fleet Admin	420.56	0
29243	05/16/2011	LAKESIDE	Lakeside Industries	1,297.16	0
29244	05/16/2011	LESSCHWA	Les Schwab Tire Center	974.68	0
29245	05/16/2011	LEXIS	Lexis Nexis Risk Data Mgmt	122.80	0
29246	05/16/2011	APEXPRES	Richard Miller	3,723.00	0
29247	05/16/2011	MINUTE	Minuteman Press	2,322.83	0
29248	05/16/2011	MOBERLY	Lynn Moberly	7,214.00	0
29249	05/16/2011	MORUP	Morup Signs Inc	667.95	0
29250	05/16/2011	NESAM	NE Sammamish Sewer & Water	186.36	0
29251	05/16/2011	NELSONTR	Nelson Truck Equip Co Inc	226.19	0
29252	05/16/2011	NWCASC	Northwest Cascade, Inc.	490.23	0
29253	05/16/2011	NWPLAY	Northwest Playground Equipment	45.99	0
29254	05/16/2011	OPOWER	OPower, Inc	2,222.22	0
29255	05/16/2011	SAMSYMPH	Sammamish Symphony Orchestra Ass	3,000.00	0
29256	05/16/2011	PACSOIL	Pacific Topsoils, Inc	891.31	0
29257	05/16/2011	PAETEC	PAETEC Integrated Solutions Group,	394.20	0
29258	05/16/2011	PENGUIN	Penguin Windows	250.00	28,620
29259	05/16/2011	PSF	PSF Mechanical Inc	2,898.19	0
29260	05/16/2011	PSE	Puget Sound Energy	22,447.40	0
29261	05/16/2011	QBS	Quality Business Systems - Xerox	14,354.07	0
29262	05/16/2011	QWEST!NT	Qwest	6,475.91	0
29263	05/16/2011	RAINIER	Rainier Wood Recyclers Inc	11.00	0
29264	05/16/2011	RED-E	Red-E Topsoil	9,316.19	0
29265	05/16/2011	ROTARSAM	Rotary Club of Sammamish	52.00	0
29266	05/16/2011	SAM	Sammamish Plateau Water Sewer	662.53	0
29267	05/16/2011	SEATIM	Seattle Times	70.23	0
29268	05/16/2011	SEQUOYAH	Sequoyah Electric, LLC	9,305.98	0
29269	05/16/2011	SONITROL	Sonitrol Pacific	803.77	0
29270	05/16/2011	SOUNDPUB	Sound Publishing, Inc	184.00	0
29271	05/16/2011	STVIN	St Vincent DePaul	1,375.00	0
29272	05/16/2011	WADIS	State of Wa Dept of Info Syste	1,623.47	0
29273	05/16/2011	STOECKL	Jane C. Stoecklin	115.00	0
29274	05/16/2011	COMPLETE	The Complete Line	60.94	0
29275	05/16/2011	UNITRENT	United Rentals NW, Inc	4,313.00	0
29276	05/16/2011	VERIZON	Verizon Wireless	111.00	0
29277	05/16/2011	W&H	W&H Pacific	21,847.80	0
29278	05/16/2011	WRPA	Wa Recreation & Parks Assoc	578.00	0
29279	05/16/2011	WATRAILS	Wa Trails Assoc	26,650.00	0
29280	05/16/2011	WAWORK	Washington Workwear Stores Inc	640.52	0

Check Total: 273,854.83



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 10, 2011

Originating Department: Community Development

Clearances:

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

Subject: An ordinance repealing SMC Title 23 Code Enforcement and adopting a new Title 23 Code Compliance

Action Required: Approve ordinance adopting Title 23 Code Compliance

Exhibits:

1. Proposed adopting ordinance
2. Attachment A

Budget: N/A

Summary Statement: Sammamish inherited the current Title 23 – “Code Enforcement” in 1999 upon incorporation, and staff has been applying it for nearly 12 years. Experience with the code has helped staff identify a number of areas where Title 23 did not adequately reflect the city’s approach to achieving compliance. Working with the City Attorney’s office, staff has developed the replacement Title 23 for the City Council’s consideration.

Background: Our project team was formed in late 2010 and soon identified a variety of changes and opportunities for this effort, including:

1. Increasing flexibility and tailoring our approach to compliance based on the severity and urgency of the situation.
2. Incorporating into the code an incremental approach for compliance.
3. Reducing compliance timeframes, especially for tough-to-resolve cases.
4. Reducing case load through voluntary compliance which reduces the need to open new cases
5. Improving clarity and reducing complexity.

Staff conducted internal and external peer reviews to ensure the proposed code addressed the city’s needs clearly and comprehensively. The proposed Title 23 includes prioritized response categories and a chapter on unfit dwellings pursuant to state statute. Changes were also made in the chapters addressing civil penalties and waivers.

Revision from 1st reading: By Council request, staff added the following language under 23.50.040 Amendment; “unforeseen circumstances or circumstances beyond the control of the person responsible, render full and timely compliance under the original conditions unattainable”.

Financial Impact: N/A

Recommended Motion: Motion to approve Ordinance adopting Title 23 as part of the Consent Agenda

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011-_____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, REPEALING
TITLE 23 (CODE ENFORCEMENT) AND RE-ADOPTING A NEW TITLE 23A
(CIVIL CODE COMPLIANCE) OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council of the City of Sammamish values the health, safety, and welfare of the residents of Sammamish and recognizes that violations of the Sammamish Municipal Code (“SMC”) provisions related to land use, zoning, building and the environment are nuisances to the community that shall be prioritized based on significance and severity; and

WHEREAS, a centralized process for enforcing and abating violations of the SMC will create efficiencies for City staff to promptly and effectively respond to and enforce violations of the SMC by providing an opportunity for persons to voluntarily correct code violations; assessing monetary penalties rather than criminal penalties for code violations; providing an appeal hearing on alleged violations; and establishing a standard procedure to be used by the City to abate unsafe or unlawful conditions and to recover the City’s expenses incurred in these efforts;

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

Section 1. SMC Title 23 (Code Enforcement) Repealed. Title 23 (Code Enforcement) of the Sammamish Municipal Code is hereby repealed in its entirety.

Section 2. SMC Title 23A (Civil Code Compliance), Adopted. A new Title 23 (Civil Code Compliance) of the Sammamish Municipal Code, in the form attached as Attachment “A” to this Ordinance, is hereby adopted.

Section 3. Non-substantive Changes Authorized; The City Council authorizes the Community Development Director and City Clerk to codify Title 23A into the Sammamish Municipal Code for ease of use and reference. In codifying the new Title, the City Council authorizes the Community Development Director to make non-substantive changes to the code to comply with the 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 (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____ 2011.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: April 27, 2011
Public Hearing: May 3, 2011
First Reading: May 3, 2011
Second Reading: May 16, 2011
Passed by the City Council:
Date of Publication:
Effective Date:

**TITLE 23
CIVIL CODE COMPLIANCE**

Chapters:

- 23.10 Purpose & Scope**
- 23.20 Response Categories**
- 23.30 Declaration of Public Nuisance**
- 23.40 Right of Entry**
- 23.50 Voluntary Compliance Agreements**
- 23.60 Notice and Orders**
- 23.70 Stop Work Orders**
- 23.80 Infractions**
- 23.90 Service of Written Notice**
- 23.100 Civil Penalties**
- 23.110 Appeal to Hearing Examiner**
- 23.120 Abatement by the City**
- 23.130 Unfit Dwellings, Buildings and Structures**
- 23.140 General Provisions**
- 23.150 Definitions**

23.10 Purpose & Scope

23.10.010 Purpose

The purpose of this title is to establish an effective and efficient system to ensure compliance with the City's adopted building, land development, land use, and related codes. These regulations establish procedures and mechanisms to resolve violations, establish penalties for violations, provide an opportunity for a prompt hearing, decision and appeal as to alleged code violations, provide for abatement when necessary, and provide a mechanism to recover the City's costs.

23.10.020 Scope

This Chapter shall be applied for the purposes of enforcing Sammamish Municipal Code (SMC) Titles 13, 14, 14A, 15, 16, 21A, 25 and other codes, ordinances, resolutions, or public rules that promote or protect the public health, safety, or welfare and the environment. The provisions of this title are not exclusive and may be used in addition to other applicable provisions of the SMC or other applicable law or regulation.

23.20 Response Categories

23.20.010 Categories of Response

1 Responses to complaints or evidence of a civil code violation shall be prioritized
2 based on significance and severity. The categories set forth in this subsection are not
3 jurisdictional and failure to meet them in any particular case shall not affect the City's
4 authority to enforce City code provisions with regard to that case. The following
5 categories serve as guidelines for administering this title:
6

7 (1) High risk situations need an urgent response. These include an imminent
8 likelihood of/or actual bodily harm or detrimental public health exposure, damage
9 to public resources or facilities, damage to real or personal property, or significant
10 environmental damage or contamination.
11

12 (2) Moderate risk situations need a prompt response. These include a risk of
13 bodily harm, damage to public resources or facilities, damage to real or personal
14 property, environmental damage or contamination.
15

16 (3) Low risk situations need response as time permits. These are non-emergent,
17 do not fit within the high risk or moderate risk categories and have only minor
18 public impacts.
19

20 **23.20.020 Incremental Approach**

21

22 The Director should follow an incremental approach to securing compliance with
23 City codes. This means starting by contacting the person responsible, explaining the
24 violation and requesting voluntary correction. As needed, the Director should secure
25 compliance by proceeding incrementally to higher penalty levels by using the techniques
26 and options in this title. The Director may also determine no violation exists and take no
27 further action, or for Low Risk, "de minimus" violations, decide not to take further
28 action.
29

30 **23.30 Declaration of Public Nuisance**

31

32 **23.30.010 Declaration of Public Nuisance**

33

34 All code violations are determined to be detrimental to the public health, safety,
35 welfare and environment, and are declared to be public nuisances. All conditions
36 determined to be code violations shall be subject to and enforced pursuant to the
37 provisions of this title, except where specifically excluded by law or regulation.
38
39

40 **23.40 Right of Entry**

41

42 **23.40.010 Right of Entry**

43

44 The Director is authorized to enter upon any property or premises at any
45 reasonable time to determine whether a civil violation has occurred or is occurring, or to
46

1 enforce any provision of the Sammamish Municipal Code or any City regulation,
2 violation of which is a civil violation under this Title. The Director may make
3 examinations, surveys, and studies as may be necessary in the performance of his or her
4 duties. These may include the taking of photographs, digital images videotapes, video
5 images, audio recordings, samples, or other physical evidence. If the premises is
6 occupied, the Director shall first present credentials and request entry. If an owner,
7 occupant, or agent refuses entry, the City may apply to a court of competent jurisdiction
8 for a search warrant authorizing access.

9
10 **23.50 Voluntary Compliance Agreements**

11
12 **23.50.010 Timing**

13
14 A Voluntary Compliance Agreement (VCA) is a preferred mechanism to resolve
15 most code compliance cases, and may be entered into at any time before an
16 administrative appeal is decided.

17
18 **23.50.020 Contents**

19
20 A VCA is a written contract between the person responsible for the violation and the
21 City, where such person agrees to abate the violation within a specified time and
22 according to specified conditions. The VCA shall be completed on a form approved by
23 the Director and the City Attorney and shall, at minimum, include the following:

- 24
25 1. The name and address of the person responsible;
26
27 2. The street address or other description sufficient for identification of
28 the building, structure, premises, or land upon which the violation has
29 occurred or is occurring;
30
31 3. A description of the violation(s) and a reference to the code(s) which
32 has been violated;
33
34 4. The necessary corrective action to be taken, and the date by which the
35 correction must be completed;
36
37 5. An agreement by the person responsible that the City may inspect the
38 premises as may be necessary to determine compliance with the VCA;
39
40 6. The amount of the civil penalty that will be imposed pursuant to this
41 title if the person responsible does not meet his or her obligations
42 under the VCA;
43
44 7. A statement that the person responsible waives the right to an
45 administrative or judicial hearing for appeal purposes; and
46

- 1 8. An agreement by the person responsible that if the City determines
2 that such person does not meet his or her obligations specified in the
3 VCA, the City may impose any remedy authorized by this title,
4 including, but not limited to:
5
6 a. Assessment of civil penalties as established by resolution or
7 otherwise identified in the VCA;
8
9 b. Abatement of the violation;
10
11 c. Assessment of all costs and expenses incurred by the City to
12 pursue code enforcement and to abate the violation, including legal
13 and incidental expenses; and
14
15 d. Suspension, revocation, or limitation of a permit.

16
17 **23.50.030 Waiver of Appeal**

18
19 In consideration of the City’s agreement to enter into a VCA, the person responsible
20 shall completely surrender and have no right to an administrative or judicial hearing,
21 under this title or otherwise, regarding the matter of the violation and/or the required
22 corrective action. The VCA is a final, binding agreement, it is not a settlement
23 agreement, and its contents are not subject to appeal.
24

25 **23.50.040 Amendment**

26
27 The Director may grant an extension of the time limit for compliance, or a
28 modification of the required corrective action may be granted, if the person responsible
29 has shown due diligence and/or substantial progress in correcting the violation but
30 unforeseen circumstances or circumstances beyond the control of the person responsible,
31 render full and timely compliance under the original conditions unattainable. Such
32 request shall be made in writing by the person responsible and clearly establish the need
33 for such an extension.
34
35

36 **23.60 Notice and Orders**

37
38 **23.60.010 Authority**

39
40 Whenever the Director has reason to determine that a civil code violation
41 occurred or is occurring, or that the civil code violations cited in an Infraction have not
42 been corrected, or that the terms of a VCA have not been met, or the person responsible
43 has decided not to enter into a VCA, the Director is authorized to issue a Notice and
44 Order to any person responsible for the code violation. Subsequent violations shall be
45 treated as new violations for purposes of this section.
46

47 **23.60.020 Contents**

1
2 A Notice and Order shall be completed in a form approved by the Director and
3 the City Attorney, and shall be served consistent with SMC Chapter 23A.090 of this title
4 and shall, at minimum, include the following:

- 5
6 1. The tax parcel number(s), address, when available, or description
7 sufficient for identification of the building, structure, premises or
8 land upon which or within the violation has occurred or is occurring;
9
10 2. A statement of each ordinance, regulation, code provision or permit
11 requirement violated;
12
13 3. The name of the City official issuing the Notice and Order;
14
15 4. The required corrective action that is necessary to achieve
16 compliance and a date by which the correction must be completed;
17
18 5. An explanation of the appeal process and the specific information
19 required to file an appeal;
20
21 6. A statement that if the violation is not corrected and the Notice and
22 Order is not appealed, the determination is final and a monetary
23 penalty shall be assessed according to this title; and
24
25 7. A statement advising that, if any of the work is not commenced or
26 completed within the time specified for compliance, the City may
27 proceed to abate the violation, cause work to be done, and assess the
28 costs and expenses of abatement incurred by the City against the
29 person responsible, and that the City may take any other legal action.
30

31 **23.60.030 Supplementation, Revocation or Modification**

32
33 A. Whenever there is new information or a change in circumstances, a
34 Director may add to, rescind in whole or in part or otherwise modify a Notice and Order
35 by issuing a Supplemental Notice and Order. The Supplemental Notice and Order shall
36 be governed by the same procedures applicable to all Notice and Orders contained in this
37 title.

38 B. The Director may revoke or modify a Notice and Order issued under this
39 title if the original Notice and Order was issued in error or if a party to an order was
40 incorrectly named. The revocation or modification shall identify the reason and
41 underlying facts for revocation and may be recorded with the King County Recorder's
42 Office, or its successor agency, if the underlying Notice and Order was recorded.
43

44 **23.60.040 Recording**

1 A. Whenever a Notice and Order is served on a person responsible for the
2 code violation, the City may record a copy of the Notice and Order with the King County
3 Recorder's Office, or its successor agency.
4

5 B. When all violations specified in the Notice and Order have been corrected
6 or abated, the Director shall record a Release of Notice and Order with the King County
7 Recorder's Office, or its successor agency, if the underlying Notice and Order was
8 recorded. The release shall include a legal description of the property where the violation
9 occurred and shall state, if applicable, that any unpaid civil penalties for which liens have
10 been recorded are still outstanding and continue as liens on the property.
11

12 **23.60.050 Time Limits**
13

14 A. Persons receiving a Notice and Order shall rectify the code violations
15 identified within the time period specified by the Director in the Notice and Order issued
16 pursuant to this title.
17

18 B. Unless an appeal is filed with the Director for a hearing before the Hearing
19 Examiner in accordance with this title and SMC Chapter 20.10, the Notice and Order
20 shall become the final administrative order of the Director, and the civil penalties
21 assessed shall be immediately due and subject to collection.
22

23 **23.70 Stop Work Orders**
24

25 A. Authorization. Whenever a violation of this title threatens the health or
26 safety of the public or materially impairs the Director's ability to secure compliance with
27 the Sammamish Municipal Code, the Director may issue a Stop Work Order specifying
28 the violation and prohibiting any work or other activity at the site. A Stop Work Order
29 shall be served consistent with SMC Chapter 23A.90 of this title. Issuance of a Notice
30 and Order is not a condition precedent to the issuance of a Stop Work Order.
31

32 B. Effect. Work or activity may not resume unless specifically authorized in
33 advance by the Director. Any violation of a Stop Work Order is hereby declared to be a
34 nuisance and the Director is authorized to enjoin or abate such nuisance by any legal or
35 equitable means available. The costs, specifically including reasonable attorney and
36 expert witness fees, for the injunction or abatement shall be recovered by the City from
37 the person responsible for the code violation in the manner provided by law. Failure to
38 comply with the terms of a Stop Work Order subjects the person responsible for the code
39 violation to civil penalties and costs as set forth in this title.
40

41 C. Appeal. A Stop Work Order may be appealed according to the procedures
42 prescribed by this title and Chapter 20.10 SMC. Failure to appeal the Stop Work Order
43 within the applicable time limits renders the Stop Work Order a final determination that
44 the civil code violation occurred and that work was properly ordered to cease.
45

46 **23.80 Infractions**
47

1 Whenever the Director has reason to determine that a civil code violation
2 occurred or is occurring, the Director is authorized to issue an Infraction in accordance
3 with Chapter 7.80 RCW, which is incorporated herein by this reference, upon the person
4 responsible for the condition. Issuance of an Infraction constitutes a civil infraction. The
5 district court shall have jurisdiction over all Infractions issued under this title.
6

7 **23.90 Service of Written Notice**
8

9 A. Service of a Notice and Order, Stop Work Order, Infraction or other
10 official written notice of violation issued by the Director shall be made by one or more of
11 the following methods:
12

- 13 1. By personal service to the person responsible for the code violation
14 or by leaving a copy of the written notice at such person's place of
15 residence with a person of suitable age and discretion who resides
16 there.
17
- 18 2. By posting the written notice in a conspicuous place on the property
19 where the violation occurred and concurrently mailing notice as
20 provided for in this subsection.
21
- 22 3. By mailing two copies of the written notice, postage prepaid, one by
23 ordinary first class mail and the other by certified mail, to the person
24 responsible for the code violation at his, her or its last known
25 address, at the address of the violation, or at the address of the place
26 of business of the person responsible for the code violation. The
27 taxpayer's address as shown on the tax records of the county shall be
28 deemed to be the proper address for the purpose of mailing such
29 notice to the landowner of the property where the violation occurred.
30 Service by mail shall be presumed effective upon the third business
31 day following the day upon which the official written notice of
32 violation was placed in the mail.
33
- 34 4. For Notice and Orders only, when the address of the person
35 responsible for the code violation cannot reasonably be determined,
36 service may be made by publication once in the City's official
37 newspaper.
38

39 B. The failure of the Director to make or attempt service of written notice
40 shall not invalidate any proceedings as to any other person duly served.
41
42

43 **23.100 Civil Penalties**
44

45 **23.100.010 Assessment schedule**
46

47 Code Enforcement Penalties:

- 1 Infraction up to \$500
- 2 Stop Work Order up to \$500
- 3
- 4 Noncompliance:
- 5 1-15 days \$100 per day
- 6 16-31 days \$250 per day
- 7 31+ days \$500 per day (up to \$50,000 maximum)

8

9 Environmental Damage/Critical Areas Violations:
10 Up to \$25,000 plus the cost of restoration

11

12

13 A. Civil fines and civil penalties for civil code violations shall be imposed for
14 remedial purposes and shall be assessed for each type of violation identified in a Notice
15 and Order, VCA, Stop Work Order or Infraction pursuant to this chapter.

16

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

20

21 C. Penalties based on violation of a Stop Work Order shall be assessed,
22 according to this chapter, for each day the Director determines that work or activity was
23 done in violation of the Stop Work Order.

24

25 D. Infractions shall be subject to a one-time civil penalty as set forth in this
26 chapter.

27

28 E. Payment of a monetary penalty does not relieve the person responsible to
29 whom the notice was issued of the duty to correct the violation.

30

31 F. In addition to the other penalties provided for in this chapter, any person
32 responsible for a violation of SMC Chapter 21A.50 may be jointly and severally liable
33 for site restoration for the redress of ecological, recreation, and economic values lost or
34 damaged and shall pay a civil penalty up to \$25,000 plus restoration, based upon the
35 severity of the violation as documented in the city's file.

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

42

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

45

46 **23.100.020 Waivers**

1 A. Civil fines and civil penalties, in whole or in part, may be waived or
2 reimbursed to the payer by the Director, with the concurrence of the Finance Director,
3 under the following circumstances:

- 4
- 5 1. The Notice and Order, Stop Work Order or Infraction was issued in
6 error;
 - 7
 - 8 2. The civil fines or civil penalties were assessed in error;
 - 9
 - 10 3. Notice failed to reach the person responsible due to unusual
11 circumstances;
 - 12
 - 13 4. The code violations have been corrected under a VCA;
 - 14
 - 15 5. The code violations which formed the basis for the civil penalties
16 have been corrected, and the Director finds that compelling reasons
17 justify waiver of all or part of the outstanding civil penalties; or
 - 18
 - 19 6. Other extraordinary information warranting waiver has been
20 presented to the Director since the Notice and Order, Stop Work
21 Order or Infraction was issued.
 - 22

23 B. The Director shall document the circumstances under which a decision
24 was made to waive penalties.

25

26 **23.110 Appeal to Hearing Examiner**

27

28 A. Any person found in violation pursuant to this title may file an appeal
29 within ten calendar days after receiving or otherwise being served with a written notice of
30 a violation. When the last day of the period so computed is a Saturday, Sunday, or a
31 federal or City holiday, the period shall run until 4:30 p.m. on the next business day. The
32 request shall be in writing clearly explaining the basis for the appeal and shall include the
33 applicable appeal fee as established in a fee schedule adopted by the Sammamish City
34 Council.

35

36 B. Upon receipt of the appeal, the City shall schedule an appeal hearing
37 before the Hearing Examiner. The hearing shall be conducted in accordance with the
38 procedures set forth in SMC Chapter 20.10 and the rules of procedure of the Hearing
39 Examiner.

40

41 C. At the conclusion of the appeal hearing, the Hearing Examiner shall issue
42 an order to the person responsible for the violation which includes the following
43 information:

- 44
- 45 1. The decision regarding the alleged violation including findings of fact and
46 conclusions based thereon in support of the decision;
 - 47

- 1 2. The required corrective action;
- 2
- 3 3. The date by which the correction must be completed;
- 4
- 5 4. The civil penalties assessed based on the provisions of this title and the fee
- 6 resolution; and
- 7
- 8 5. The date after which the City may proceed with abatement of the unlawful
- 9 condition if the required correction is not completed.

10
11 D. Judicial Review. The decision of the Hearing Examiner shall be final
12 unless appealed. To appeal the decision of the Hearing Examiner, a person with standing
13 to appeal must file a land use petition, as provided in RCW 36.70C (Land Use Petition
14 Act), within 21 calendar days of issuance of the Hearing Examiner's decision. The cost
15 for transcription of all records ordered certified by the superior court for such review
16 shall be borne by the appellant and is non-refundable.

17
18 E. Effect of Decision. If judicial review is not obtained, the decision of the
19 Hearing Examiner shall constitute the final decision of the City, and the failure to comply
20 with the decision of the Hearing Examiner shall constitute a misdemeanor punishable by
21 a fine of not more than \$1,000 or up to 90 days imprisonment, or both. In addition to
22 criminal punishment pursuant to this subsection, the City may pursue collection and
23 abatement as provided in this title.

24
25 **23.120 Abatement by the City**

26
27 A. Upon prior approval by the City Manager, the City may abate a condition
28 which was caused by or continues to be a civil violation or civil infraction when:

- 29 1. The terms of the VCA pursuant to this Title have not been met; or
- 30
- 31 2. A Notice and Order or Stop Work Order has been issued, the
- 32 period for filing an appeal with the Hearing Examiner has expired,
- 33 and the required correction has not been completed; or
- 34
- 35 3. A Notice and Order or Stop Work Order has been issued, a timely
- 36 appeal was filed, the appellant failed to appear at the scheduled
- 37 hearing or a hearing was held as provided in this Title and the
- 38 required correction has not been completed by the date specified
- 39 by an order of the Hearing Examiner; or
- 40
- 41 4. The condition is subject to summary abatement as provided for in
- 42 this Chapter or other provisions of City or State law.
- 43
- 44

45 B. Summary Abatement. When a code violation causes a condition, the
46 continued existence of which constitutes an immediate and emergent threat to the public

1 health, safety, or welfare or to the environment, the City may summarily and without
2 prior notice to the person responsible to abate the condition. Notice of such abatement,
3 including the reason for it, shall be given to the person responsible for the violation as
4 soon as reasonably possible after the abatement.

5
6 C. Authorized Action by the City. Using any lawful means, the City may
7 enter upon the subject property and may remove or correct the condition which is subject
8 to abatement. The City may seek judicial process as it deems necessary to effect the
9 removal or correction of such condition.

10
11 D. No Cause of Action against City. No cause of action shall lie against the
12 City or its agents, officers, or employees for actions reasonably taken, or not taken, to
13 prevent or cure any immediate threats.

14
15 E. Recovery of Expenses. All expenses incurred by the City in correcting the
16 violation shall be billed to the person responsible for the violation and shall become due
17 and payable to the City within 10 calendar days. Such costs may include, but are not
18 limited to, the following:

19
20 1. "Legal expenses," which shall include, but are not limited to:

- 21
22 a. Personnel costs, both direct and indirect, including attorney's fees and
23 all costs incurred by the City Attorney's office or its designee;
24
25 b. Actual and incidental expenses and costs incurred by the City in
26 preparing notices, contracts, court pleadings, and all other necessary
27 documents; and
28
29 c. All costs associated with retention and use of expert witnesses or
30 consultants;

31
32 2. "Abatement expenses," which shall include, but are not limited to:

- 33
34 a. Costs incurred by the City for preparation of notices, contracts, and
35 related documents;
36
37 b. All costs associated with inspection of the abated property and
38 monitoring of said property consistent with orders of compliance
39 issued by the City's Hearing Examiner or a court of competent
40 jurisdiction;
41
42 c. All costs incurred by the City for hauling, storage, disposal, or removal
43 of vegetation, trash, debris, dangerous structures or structures unfit for
44 occupancy, potential vermin habitat or fire hazards, junk vehicles,
45 obstructions to public rights-of-way, and setback obstructions; and
46

- 1 d. All costs incurred by law enforcement or related enforcement
2 agencies.
3
4 e. All costs incurred by the City during abatement of nuisance and code
5 violations may include interest in an amount as prescribed by law.
6
7 f. The City shall have a lien for any monetary penalty imposed, the cost
8 of any abatement proceedings under this chapter, and all other related
9 costs including attorney and expert witness fees, against the real
10 property on which the monetary penalty was imposed or any of the
11 work of abatement was performed. The lien shall be subordinate to all
12 previously existing special assessment liens imposed on the same
13 property and shall be superior to all other liens, except for State and
14 County taxes, with which it shall be on parity.
15

16 **23.130 Unfit Dwellings, Buildings and Structures**

17
18 This chapter is intended to comply with state law requirements in order to place a lien on private
19 property with unfit dwellings, buildings and structures.
20

21 23.130.010 Additional Enforcement Mechanism. In addition to, and in combination
22 with, the enforcement methods set forth in this Title 23A and elsewhere in the
23 Sammamish Municipal Code, violations of the Sammamish Municipal Code may be
24 enforced under the provisions set forth in SMC 23A.130.010 through 23A.130.120.
25

26 23.130.020 Chapter 35.80 RCW Adopted. Chapter 35.80 RCW, “Unfit Dwellings,
27 Buildings and Structures,” as it currently exists or is hereinafter amended, is hereby
28 adopted.
29

30 23.130.030 Improvement Officer and Appeals Commission Designated. The Director is
31 designated as the City’s “Improvement Officer,” and shall have the full scope of authority
32 granted to that official under Chapter 35.80 RCW. The City of Sammamish Hearing
33 Examiner is designated as the City’s “Appeals Commission,” and shall have the full
34 scope of authority granted to that commission under Chapter 35.80 RCW.
35

36 23.130.040 Improvement Officer Authority – Issuance of Complaint. If, after a
37 preliminary investigation of any dwelling, building, structure or premises, the
38 Improvement Officer finds that it is unfit for human habitation or other use, the
39 Improvement Officer may issue a complaint conforming to the provisions of RCW
40 35.80.030, stating in what respects such dwelling, building, structure or premises is unfit
41 for human habitation or other use. In determining whether a dwelling, building, structure
42 or premises should be repaired or demolished, the Improvement Officer shall be guided
43 by the Sammamish Municipal Code 16.25 and such other codes adopted pursuant to the
44 Sammamish Municipal Code as the Improvement Officer deems applicable.
45

1 23.130.050 Service of Complaint. A complaint issued under this chapter shall be served
2 on the parties and posted on the subject property pursuant to RCW 35.80.030, and shall
3 also be filed with the King County Auditor. All complaints or other documents posted on
4 the subject property shall remain in place until the complaint has been resolved. For
5 purposes of service, such complaints or other documents are deemed effective on the day
6 of posting.

7
8 23.130.060 Complaint Hearing. Not less than 10 days nor more than 30 days after
9 serving a complaint, the Improvement Officer shall hold a hearing conforming to the
10 provisions of RCW 35.80.030, at which all parties in interest shall be given the right to
11 appear in person, to bring witnesses, and to give testimony regarding the complaint. At
12 any time prior to or at the time of the hearing, any party may file an answer to the
13 complaint. The procedural rules adopted by the City's Hearing Examiner, codified in
14 Chapter 20.10 SMC, shall govern the procedure of such hearing.

15
16 23.130.070 Determination, Findings of Fact and Order. Within ten days of the complaint
17 hearing, the Improvement Officer shall issue a Determination, Findings of Fact and Order
18 stating the Improvement Officer's determination as to whether the subject dwelling,
19 building, structure or premises is unfit for human habitation or other use; the findings of
20 fact supporting the determination; and an order specifying the actions necessary to
21 address any unfitness, and a deadline for completing the actions. The Determination,
22 Findings of Fact and Order shall be served and posted as set forth in SMC 23A.130.050,
23 and if no appeal is filed within the deadline specified in SMC 23A.130.080, a copy of the
24 Determination, Findings of Fact, and Order shall be filed with the King County Auditor.

25
26 23.130.080 Appeal to Appeals Commission. Within 10 days of service of a
27 Determination, Findings of Fact and Order, any party may file an appeal to the Appeals
28 Commission. Such an appeal shall be governed by the City of Sammamish Hearing
29 Examiner's procedural rules, except that the Appeals Commission shall conduct a hearing
30 on the appeal and issue a ruling within 60 days from the date the appeal is filed; and if the
31 Appeals Commission issues any oral findings of fact, the ruling shall contain a transcript
32 of such findings in addition to any findings issued at the time of the ruling. The ruling
33 shall be served and posted as set forth in SMC 23A.130.050, and if no appeal is filed
34 within the deadline specified in SMC 23A.130.090, a copy of the ruling shall be filed
35 with the King County Auditor.

36
37 23.130.090 Appeal to Superior Court. Any person affected by a Determination,
38 Findings of Fact and Order issued by the Improvement Officer, who has brought an
39 appeal before the Appeals Commission pursuant to SMC 23A.130.080 may, within 30
40 days after the Appeals Commission's ruling has been served and posted pursuant to SMC

41
42 23.130.050, petition the King County Superior Court for an injunction restraining the
43 Improvement Officer from carrying out the provisions of the Determination, Findings of
44 Fact and Order. In all such proceedings, the Court is authorized to affirm, reverse or
45 modify the order, and such trial shall be heard de novo.

1 23.130.100 Remediation/Penalties. If a party, following exhaustion of the party's
2 rights to appeal, falls to comply with the Determination, Findings of Fact and Order, the
3 Improvement Officer may direct or cause the subject dwelling, building, structure or
4 premises to be repaired, altered, improved, vacated, and closed, removed, or demolished
5 pursuant to Chapter 35.80 RCW.
6

7 23.130.110 Tax Lien. The cost of any action taken by the Improvement Officer under
8 SMC 23A.130.100 shall be assessed against the subject property pursuant to Chapter
9 35.80 RCW. Upon certification by the City of Sammamish Finance Director that the
10 assessment amount is due and owing, the King County Treasurer shall enter the amount
11 of such assessment upon the tax rolls against the subject property pursuant to the
12 provisions of RCW 35.80.030.
13

14 23.130.120 Salvage. Materials from any dwelling, building, structure or premises
15 removed or demolished by the Improvement Officer shall, if possible, be salvaged and
16 sold as if the materials were surplus property of the City of Sammamish, and the funds
17 received from the sale shall be credited against the cost of the removal or demolitions;
18 and if there be any balance remaining, it shall be paid to the parties entitled thereto, as
19 determined by the Improvement Officer, after deducting the costs incident thereto.
20

21 **23A.140 General Provisions**
22

23 A. The Director shall have the authority to administer this title and is
24 authorized to adopt procedures, rules or guidelines for that purpose. The Director may
25 seek assistance from City departments, other public agencies or private contractors to
26 resolve code violations.
27

28 B. No provision or any term used in this title is intended to impose any duty
29 upon the City, nor any of its officers, employees or agents, which would subject them to
30 damages in a civil action.
31

32 C. The provisions of this title detailing administration of code compliance
33 procedures are not to be construed as creating a substantive basis for appeal or a defense
34 of any kind to an alleged violation.
35

36 D. The provisions of this title authorizing the enforcement of non-codified
37 ordinances are intended to assure compliance with conditions of approval on plats,
38 conditional use or special use permits, zone reclassifications and other similar permits or
39 approvals which may have been granted by ordinances which have not been codified, and
40 to enforce new regulatory ordinances which are not yet codified.
41

42 E. The Director may modify or revoke any action under this title taken by the
43 City if the City action was incomplete or issued in error, or in response to new
44 information or a change in circumstances.
45

1 F. In the event of a conflict between a provision of this title and any other
2 provision of the SMC or City ordinance, the more restrictive provision shall apply as
3 determined by the Director.

4
5 **23.150 Definitions**

6
7 Except where specifically defined in this section, all words used in this title shall carry
8 their customary meanings. The word “shall” is always mandatory, and the word “may” denotes
9 a use of discretion in making a decision. The following words and phrases used in this Title
10 shall have the following meanings:

11
12 “Abate” means to take whatever steps are deemed necessary in the interest of the general
13 health, safety, and welfare of the City by the Director to return a property to the condition
14 in which it existed before a civil code violation occurred or to assure that the property
15 complies with applicable code requirements. Abatement may include, but is not limited
16 to, rehabilitation, demolition, removal, replacement or repair.

17
18 “Appeal hearing” means a hearing requested in response to a Notice and Order, Stop
19 Work Order, Infraction or other official written notice of violation issued by the Director
20 to contest the finding that a violation occurred or to contest that the person cited for a
21 violation is responsible for the violation.

22
23 “Civil Code Violation” or “Code Violation” means and includes one or more of the
24 following:

- 25
26 1. Any act or omission contrary to any ordinance, resolution, regulation or
27 public rule of the City that regulates or protects public health, the
28 environment or the use and development of land or water, whether or not the
29 ordinance, resolution or regulation is codified; and
30
31 2. Any act or omission contrary to the conditions of any permit, Notice and
32 Order or Stop Work or other order issued pursuant to any such an ordinance,
33 resolution, regulation or public rule.

34
35 “Development” means the erection, alteration, enlargement, demolition, maintenance or
36 use of any structure or the alteration or use of land above, at, or below ground or water
37 level, and all acts authorized by a City permit or regulation.

38
39 “Director” means the Director of the Community Development Department, or his or her
40 designee.

41
42 “Found in Violation” means that:

- 43
44 1. A Notice and Order, Stop Work Order or Infraction has been issued and not
45 timely appealed; or
46

1 2. The Hearing Examiner has determined that the violation has occurred and
2 the Hearing Examiner’s determination has not been stayed or reversed on
3 appeal.
4

5 “Hearing Examiner” means the City of Sammamish Hearing Examiner, as provided in
6 SMC Chapters 23.110 and 20.10.
7

8 “Infraction” or “Civil Infraction” means any code violation designated as an infraction or
9 civil infraction by the Director pursuant to Chapter 7.80 RCW, incorporated herein by
10 reference.
11

12 “Nuisance” (also referred to herein as “violation” or “nuisance violation”) means:
13

14 1. A violation of any City of Sammamish development, land use, or public
15 health ordinance;
16

17 2. Doing an act, omitting to perform any act or duty, or permitting or allowing
18 any act or omission that annoys, injures, or endangers the comfort, repose,
19 health, or safety of others, is unreasonably offensive to the senses, or that
20 obstructs or interferes with the free use of property so as to interfere with or
21 disrupt the free use of that property by any lawful owner or occupant;
22

23 3. Potential Vermin Habitat or Fire Hazard; or
24

25 4. Junk Vehicles: A junk vehicle includes apparent inoperable, immobile,
26 disassembled, or extensively damaged vehicles. In addition, any wrecked
27 inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor,
28 automobile, other vehicle, or any parts thereof.
29

30 “Permit” means any form of certificate, approval, registration, license or any other
31 written permission issued by the City of Sammamish. All conditions of approval, and all
32 easements and use limitations shown on the face of an approved final plat which are
33 intended to serve or protect the general public are deemed conditions applicable to all
34 subsequent plat property owners and their tenants and agents as permit requirements
35 enforceable under this title.
36

37 “Person responsible” means the owner, occupier, tenant, manager, agent or other person
38 who caused or is causing the civil code violation under this title or other public law.
39

40 “Public Nuisance” means a nuisance that affects equally the rights of an entire
41 community or neighborhood, although the extent of the damage may be unequal.
42

43 “Resolution” means any resolution adopted by the Sammamish City Council.
44

45 “Stop Work Order” means a written order specifying code violations and prohibiting any
46 work or other activity at a particular site.

- 1
- 2 “Voluntary Compliance Agreement” or “VCA” means a written contract between the
- 3 person responsible for the violation and the City, under which such person agrees to abate
- 4 the violation within a specified time and according to specified conditions.

DRAFT



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: April 26, 2011

Originating Department: Finance IT

Clearances:

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

Subject: 2nd Reading of an ordinance adjusting the City's 2011-2012 Biennial Budget for carry forward expenses from 2010 and to update beginning fund balances based on actual ending balances from 2010.

Action Required: Adopt ordinance

Exhibits:

1. Ordinance
2. Table A, the adjusted 2011-2012 Budget Table
3. Summary of carry forward requests categorized by operating/capital expenses

Budget: The Adjusted 2011-2012 Biennial Budget = \$143,044,167 (With Transfers/Balances)

Summary Statement:

Passage of this adjustment to the 2011-2012 biennial budget will update the 2011 Beginning Fund Balances to reflect actual 2010 activity through the end of 2010 and will allow for \$3,688,500 in carry forward requests related to commitments that were made in the previous biennium for projects that were not completed by December 31st, 2010 but are anticipated to complete in the 2011-2012 biennium. All carry forward requests included in this package have met the compliance requirements specified in RCW 35A.34.200 & RCW 35A.34.270 for biennial budgets. The end result of this update to the 2011-2012 Biennial Budget is a net total increase for all fund's 2012 total budgeted ending fund balance from \$15,543,651 to \$30,880,950. It should be noted that portions of each of the city's 11 Fund's ending balances do have further restrictions based on their fund types, and their planned activities.

Individual years (2011 and 2012) are shown for reference and internal monitoring/management purposes only.

Background:

Last year's City Council approved carry forward request was for \$15,914,700. This year's request of \$3,688,500 is significantly lower due primarily to the timing of when capital projects were scheduled for completion and the amount of capital project activity in general. The adjustments provided by this ordinance will allow the 2011-2012 budget to reflect updated information for project managers and for



City Council Agenda Bill

financial management reporting during 2011. Council conducted the first reading of this ordinance on May 3, 2011.

Recommended Motion: Motion to adopt the ordinance adjusting the City's 2011-2012 Biennial Budget for carry forward expenses from 2010 and to update beginning fund balances based on actual ending balances from 2010.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE No. O2011-XXX**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NO. 02010-292,
THE 2011-2012 CITY BUDGET, FOR THE PURPOSE OF
REVISING THE 2011-2012 BIENNIAL BUDGET.**

WHEREAS, the City Council adopted Ordinance No. 02010-292, establishing the City's Biennial budget for the years 2011-2012; and

WHEREAS, the City budget set forth anticipated revenues and expenditures for the forthcoming years; and

WHEREAS, during 2010, certain budgeted revenues and expenditures have increased or decreased and the City Council wishes to amend the City Budget to reflect the revenues and expenditures as received and incurred; and

WHEREAS, certain commitments were made as part of the 2009-2010 Biennial Budget for projects that were not completed by December 31st, 2010 and funds related to these commitments need to be carried forward for payment into 2011;

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

Section 1. Ordinance No. 2010-292, adopted November 16th, 2010, relating to the City of Sammamish's 2011-2012 budget, is hereby amended to adopt the revised budget for the 2011-2012 biennium in the amounts and for the purposes as shown on the attached Table A.

Section 2. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 3. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON ON THIS _____ DAY OF _____ 2011.**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

Attest:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: April 28, 2011
First Reading: May 3, 2011
Second Reading: May 16, 2011
Passed by the City Council:
Date of Publication:
Effective Date:

CITY OF SAMMAMISH ORDINANCE O2011-XXX 2011-2012 BIENNIAL BUDGET: TABLE A

2011-2012 BIENNIAL BUDGET = \$143,044,167				
FUND	BEGINNING BALANCE	REVENUES & OTHER SOURCES	EXPENSES	ENDING BALANCE
	2011-2012	2011-2012	2011-2012	2011-2012
	NEW	NO CHANGE	NEW	NEW
001 General Fund	\$17,851,007	\$56,869,213	\$64,499,295	\$10,220,925
101 Street Fund	\$931,009	\$12,390,000	\$10,778,011	\$2,542,998
201 G.O. Debt Service Fund	\$0	\$3,473,589	\$3,473,589	\$0
301 CIP General Fund	\$6,501,355	\$14,000	\$460,000	\$6,055,355
302 CIP Parks Fund	\$10,266,821	\$7,620,000	\$15,786,921	\$2,099,900
340 CIP Transportation	\$11,320,286	\$2,990,000	\$7,720,667	\$6,589,619
408 Surface Water Management-Operating Fund	\$649,813	\$4,992,525	\$5,061,234	\$581,104
438 Surface Water Management-CIP Fund	\$1,631,842	\$1,222,000	\$1,928,000	\$925,842
501 Equipment Replacement Fund	\$872,786	\$473,304	\$236,000	\$1,110,090
502 Information Services Replacement Fund	\$341,055	\$1,476,800	\$1,453,500	\$364,355
503 Risk Management Fund	\$720,762	\$436,000	\$766,000	\$390,762
2011-2012 TOTAL BIENNIAL BUDGET	\$51,086,736	\$91,957,431	\$112,163,217	\$30,880,950

2011 ANNUAL BUDGET FOR REFERENCE PURPOSES

	FY 2011 BEG. BALANCE			REVENUE	FY 2011 EXPENSES			FY 2011 ENDING BALANCE		
	FY 2011		FY 2011	FY 2011	FY 2011		FY 2011	FY 2011		FY 2011
	OLD	Adjustment	NEW	NO CHANGE	OLD	Adjustment	NEW	OLD	Adjustment	NEW
001 General Fund	\$12,386,289	\$5,464,718	\$17,851,007	\$28,460,023	\$32,521,289	\$35,000	\$32,556,289	\$8,325,023	\$5,429,718	\$13,754,741
101 Street Fund	\$473,700	\$457,309	\$931,009	\$6,190,000	\$5,137,293	\$531,000	\$5,668,293	\$1,526,407	(\$73,691)	\$1,452,716
201 G.O. Debt Service Fund	\$0	\$0	\$0	\$931,128	\$931,128	\$0	\$931,128	\$0	\$0	\$0
301 CIP General Fund	\$313,495	\$6,187,860	\$6,501,355	\$7,000	\$0	\$460,000	\$460,000	\$320,495	\$5,727,860	\$6,048,355
302 CIP Parks Fund	\$11,534,450	(\$1,267,629)	\$10,266,821	\$3,810,000	\$12,663,460	\$616,000	\$13,279,460	\$2,680,990	(\$1,883,629)	\$797,361
340 CIP Transportation	\$5,519,260	\$5,801,026	\$11,320,286	\$1,495,000	\$4,652,667	\$943,000	\$5,595,667	\$2,361,593	\$4,858,026	\$7,219,619
408 Surface Water Management-Operating Fund	\$106,005	\$543,808	\$649,813	\$2,585,525	\$2,479,292	\$220,000	\$2,699,292	\$212,238	\$323,808	\$536,046
438 Surface Water Management-CIP Fund	\$54,048	\$1,577,794	\$1,631,842	\$711,000	\$673,500	\$656,000	\$1,329,500	\$91,548	\$921,794	\$1,013,342
501 Equipment Replacement Fund	\$753,384	\$119,402	\$872,786	\$236,652	\$66,000	\$120,000	\$186,000	\$924,036	(\$598)	\$923,438
502 Information Services Replacement Fund	\$194,575	\$146,480	\$341,055	\$738,400	\$669,500	\$107,500	\$777,000	\$263,475	\$38,980	\$302,455
503 Risk Management Fund	\$725,731	(\$4,969)	\$720,762	\$218,000	\$383,000	\$383,000	\$383,000	\$560,731	(\$4,969)	\$555,762
TOTAL BUDGET	\$32,060,937	\$19,025,799	\$51,086,736	\$45,382,728	\$60,177,129	\$3,688,500	\$63,865,629	\$17,266,536	\$15,337,299	\$32,603,835

2012 ANNUAL BUDGET FOR REFERENCE PURPOSES

	FY 2012 BEG. BALANCE			REVENUE	EXPENSES	FY 2012 ENDING BALANCE			
	FY 2012		FY 2012	FY 2012	FY 2012		FY 2012		FY 2012
	OLD	Adjustment	NEW	NO CHANGE	NO CHANGE		OLD	Adjustment	NEW
001 General Fund	\$8,325,023	\$5,429,718	\$13,754,741	\$28,409,190	\$31,943,006	\$4,791,207	\$5,429,718	\$10,220,925	
101 Street Fund	\$1,526,407	(\$73,691)	\$1,452,716	\$6,200,000	\$5,109,718	\$2,616,689	(\$73,691)	\$2,542,998	
201 G.O. Debt Service Fund	\$0	\$0	\$0	\$2,542,461	\$2,542,461	\$0	\$0	\$0	
301 CIP General Fund	\$320,495	\$5,727,860	\$6,048,355	\$7,000	\$0	\$327,495	\$5,727,860	\$6,055,355	
302 CIP Parks Fund	\$2,680,990	(\$1,883,629)	\$797,361	\$3,810,000	\$2,507,461	\$3,983,529	(\$1,883,629)	\$2,099,900	
340 CIP Transportation	\$2,361,593	\$4,858,026	\$7,219,619	\$1,495,000	\$2,125,000	\$1,731,593	\$4,858,026	\$6,589,619	
408 Surface Water Management-Operating Fund	\$212,238	\$323,808	\$536,046	\$2,407,000	\$2,361,942	\$257,296	\$323,808	\$581,104	
438 Surface Water Management-CIP Fund	\$91,548	\$921,794	\$1,013,342	\$511,000	\$598,500	\$4,048	\$921,794	\$925,842	
501 Equipment Replacement Fund	\$924,036	(\$598)	\$923,438	\$236,652	\$50,000	\$1,110,688	(\$598)	\$1,110,090	
502 Information Services Replacement Fund	\$263,475	\$38,980	\$302,455	\$738,400	\$676,500	\$325,375	\$38,980	\$364,355	
503 Risk Management Fund	\$560,731	(\$4,969)	\$555,762	\$218,000	\$383,000	\$395,731	(\$4,969)	\$390,762	
TOTAL BUDGET	\$17,266,536	\$15,337,299	\$32,603,835	\$46,574,703	\$48,297,588	\$15,543,651	\$15,337,299	\$30,880,950	

2010 TO 2011 BUDGET CARRYFORWARD SUMMARY

Operating Expense Commitments

\$5,000 Arts Commission skatepark project moved from 2010 to 2011

\$30,000 Shoreline master program project timing continued from 2010 to 2011

\$35,000 **Subtotal General Fund Commitments**

\$215,000 Additional pothole repair, sweeping, shoulder repair and other street repair projects moved from 2010 to 2011

\$215,000 **Subtotal Street Operating Expense Commitment**

\$220,000 NPDES mapping requirements, sweeping/mowing/vactoring activities that were moved from 2010 to 2011

\$220,000 **Subtotal Surface Water Management Operating Commitment**

Capital Expense Commitments

\$107,500 Networking data, telephone, and copier/printer related capital equipment purchases related to MOC moving from 2010 to 2011

\$120,000 Equipment scheduled to be replaced in 2010, was delayed to 2011 for cost savings in 2010.

\$275,000 SWM Capital projects continuing into 2011

\$300,000 Parks Capital contingency related to projects that were already moved from the 2010 Budget to the adopted 2011 Budget

\$460,000 CH 2nd Floor construction of the shell moved from 2010 to 2011 to coincide with tenant improvements for combined bid savings

\$943,000 Transportation Capital Projects final completion moved into 2011

\$1,013,000 Maintenance & Operations Center Facility construction continued into 2011

\$3,218,500 **Subtotal Capital Expense Commitments**

\$3,688,500 Grand Total

\$19,909,497 *TOTAL available (all funds, with transfers)*

\$16,220,997 NET Savings

2010 TO 2011 BUDGET CARRYFORWARD SUMMARY

2010 Fiscal Year

FUND #	BGT - Actual	Savings NET of Carry Forward	Notes
			General Fund savings breakdown shown below
101	\$662,438	\$131,438	Savings in Street operations - (includes weather related and discretionary spending)
201	\$0	\$0	Debt service fund balance = \$0
301	\$460,948	\$948	
302	\$7,451,704	\$6,835,704	Rebudgeted \$5.5M of this savings already in 2011-2012
340	\$6,868,740	\$5,925,740	\$2 M Ctgcy Savings; \$1.2 M SE 20th savings; \$1.7 M 244th savings; \$500k Overlay Prog. Savings
408	\$295,646	\$75,646	Savings from SWM operations
438	\$693,054	\$37,054	Savings from unspent SWM capital projects
501	\$152,871	\$32,871	Fleet/Equipment savings from delay of purchases
502	\$159,210	\$51,710	Personnel savings (webmaster vacancy savings)
503	-\$31,273	-\$31,273	Unemployment benefit claim payments were higher than budgeted
Subtotal	\$16,713,339	\$13,059,839	

General Fund	\$4,712,802	\$4,677,802	 <p>All General Fund Department Savings Transfers Adjustment primarily from closing Fund #111 at Year End 2010 All 11 City Funds</p>
Transfers Adj.	-\$1,516,644	-\$1,516,644	
TOTAL	\$19,909,497	\$16,220,997	

Savings by Area

\$383,912	Personnel savings in General Fund (All Funds = \$486,958)
\$900,000	General Fund (GF) Operating contingency savings
\$500,000	Development revenue service contingency savings
\$1,500,000	General Fund (GF) capital contingency savings
\$1,393,890	Other GF Savings not carried forward (approx. 12% of non public safety budget without transfers)
\$4,677,802	Subtotal General Fund Savings

Savings resulted primarily from a positive construction bid environment, state & federal grant proceed awards on capital projects, and unfilled staff vacancies (primarily development revenue related positions).



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 11, 2011

Originating Department: Public Works

Clearances:

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

Subject: Contract with King County Water and Land Resources Division for Water Quality Monitoring Services

Action Required: Authorize the City Manager to sign amendment to the Interlocal Agreement with King County Water and Land Resources Division C2007-157

Exhibits: 1. Amendment to the Interlocal Agreement with King County C2007-157 for Water Quality Monitoring services

Budget: \$23,000 for services performed in 2011 and \$24,000 for services performed in 2012 will come out of the Stormwater Professional Services Fund 408-000-538-32-41-00 There is a total of \$110,000 budgeted for 2011 and \$150,000 budgeted for 2012 in this fund.

Summary Statement:

The City wishes to renew its contract agreement with King County for support services associated with the volunteer lake monitoring program for Beaver and Pine Lake.

Background:

Beaver and Pine Lakes are two of the City's greatest natural resource assets. To be able to track trends and indicators over time, the collection and compilation of information related to the lake water quality and quantity is needed.

The actual data collection for this effort is performed by volunteers recruited and trained by King County. Under this services contract King County Water and Resource Land Division will provide support to volunteers as well as ensure the quality of the information gathered and provide pertinent information on the data analyses. The data collected at Pine Lake and the two Beaver Lake Basins will be compiled into an annual report that is submitted to the City.

In addition, if required, the County will provide technical assistance and educational outreach on the nature and management of the lakes ecosystems.



City Council Agenda Bill

The City has funded these support services since 2005. This contract would be a continuation of that funding choice.

Financial Impact:

Total contract amount is not to exceed \$47,000. \$23,000 is estimated for services in 2011 and \$24,000 is estimated for services in 2012. This contract will be paid for out of the Stormwater Professional Services Fund 408-000-538-32-41-00.

There is a total of \$110,000 budgeted for 2011 and \$150,000 budgeted for 2012 in this fund.

Recommended Motion:

Authorize the City Manager to sign an amendment to the Interlocal with King County Water and Land Services Division (C2007-157) to manage the monitoring program on Beaver and Pine Lakes for an amount not to exceed \$47,000.

**Amendment to the King County Interlocal Agreement C2007-157
Scope of Work 2011-2012
City of Sammamish Lake Monitoring Support Services
For Pine and Beaver Lakes**

The King County Water and Land Resources Division will provide services through the Lake Stewardship Program (KC-LSP) to the City of Sammamish for monitoring water quality and quantity on both an annual and seasonal basis for Pine Lake and the two major basins of Beaver Lake. Monitoring will include assuring the quality of the compiled data and providing pertinent information on analyses, reporting back to the city and citizen volunteers in a timely fashion and in a manner agreed upon by both parties. Other activities, on a request basis, may include technical assistance to the city and the public on questions concerning water quality problems, environmental best management practices, and ecosystem functions.

Annual monitoring program:

KC-LSP will train designated citizen volunteers or city staff in the correct methods of data collection for measuring daily precipitation and lake water levels, for weekly measurements of surface water temperature and Secchi transparency, and for observations on particles in the water, goose abundance, and gathering pertinent information on lake use. The program will provide and maintain the proper equipment and will consult or supervise on proper installation and use. The monitor will provide a boat and safety equipment necessary.

KC-LSP will also provide blank field sheets for data reporting on a quarterly basis and will accept either completed field sheets or electronic data files in return.

Seasonal monitoring program:

Sampling will occur biweekly from May through October each year for a total of 12 events per season. KC-LSP will train designated monitors in the correct methods of data collection for water sample collection and storage, measurements of surface water temperature and Secchi transparency, and for observations on particles in the water, goose abundance, and gathering pertinent information on lake use. The program will provide proper sampling equipment and will be responsible for repair or replacement if necessary. The program will also provide all sample bottles and will pick up filled bottles at a designated site to deliver to the KC Environmental Labs for analysis.

Ten of the sampling trips will focus on water just beneath the surface, and two will look at depth profiles, collecting additional water from other depths. Routinely measured water quality parameters will include concentrations of total phosphorus, total nitrogen, and chlorophyll-a, with identification of the major species of algae present. Additional parameters during the profile sampling events will include soluble reactive phosphorus, ammonia, pH, alkalinity and UV254 (water color).

Database management, analysis, quality assurance, and reporting:

The program will enter all received data from monitors and the KC Environmental Labs into electronic files, analyze all data for quality assurance, consistency, and general water quality conditions. Staff will pursue explanations for anomalies, look for trends or indicators of change in the parameters over time, and if requested make management suggestions to the city or citizens based upon the information.

Exhibit 1

A compilation of the data as part of the program's annual report will be delivered to city staff and cooperating citizen volunteers within a reasonable time after the end of each year, as well as e-files of the data in excel format. A presentation to the city council or appropriate staff may be made if requested, with time for discussion of pertinent issues.

Technical assistance and educational outreach:

Technical assistance and educational outreach on the nature and management of lake ecosystems will be provided to the city and citizens in the form of phone conversations and emails, specific literature research and reporting back, technical reports in addition to the annual report that contain information and recommendations, community presentations, or other methods and types of communication provided upon request. Citizen groups will need authorization from the city in order to qualify for substantial services from the KC-LSP. This work will be billable to the city by the hour for staff time and for major materials outlay, if necessary, up to the agreed upon amount per year stated in this contract. If additional effort is desired by the city in some circumstances, it can be provided through an amendment to this Scope of Work authorized by Sammamish.

Budget:

The charges set out below are based upon staff salaries, lab costs, equipment, and indirect operating expenses to monitor Pine Lake and the two major basins of Beaver Lake for the years of 2008-2010.

Pine and Beaver Lakes		
Cost Element	2011	2012
Seasonal monitoring	\$20,489.96	\$21,514.46
Annual monitoring	\$1,157.63	\$1,215.51
Additional assistance	\$1,000.00	\$1,000.00
Total	\$22,647.59	\$23,729.97

The seasonal and annual monitoring elements will be covered by a flat fee on a per lake basis, to be paid annually by the participating city upon the receipt of billing.

Further technical assistance not related directly to the mechanics of the monitoring effort will be billable by the hour, to be paid annually by the city upon receipt of a detailed accounting from KC Water and Land Resources, but shall not exceed \$1000 per year unless specifically agreed upon by both parties in writing, including signatures and date.

Authorized by City of Sammamish:

Date: _____



COUNCIL *Sammamish* **MINUTES**
City of Washington

Regular Meeting

May 3, 2011

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 Tom Odell, Councilmembers Mark Cross, John James, Michele Petitti and Nancy Whitten.

Councilmember absent: Councilmember John Curley.

MOTION: Councilmember James moved to excuse Councilmember Curley. Councilmember Petitti seconded. Motion carried 6-0.

Staff present: City Manager Ben Yazici, Assistant City Manager/Finance Director Lyman Howard, Deputy Finance Director Aaron Antin, IT Manager Matt Micono, Public Works Director Laura Philpot, Maintenance and Operations Manager Kyle Edelman, Assistant City Manager/Community Development Director Kamuron Gurol, Building Official Kurt Aldworth, Planner/Code Compliance Officer Mona Davis, Office Assistant Devany Lunde, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Kari Sand, and City Clerk Melonie Anderson.

Roll Call/Pledge of Allegiance

Roll was called. Deputy Mayor Odell led the pledge.

Approval of Agenda

MOTION: Deputy Mayor Odell moved to approve the agenda. Councilmember Cross seconded. Motion carried unanimously 6-0.

Presentations/Proclamations

Parks and Recreation Director Jessi Richardson recognized the Washington Native Plant Society. She also introduced Dawn Sanders, volunteer coordinator who helped organize these and many other volunteer opportunities.

- *Native Plant Society* – These Native Plant Society Stewards provided many volunteer hours while removing over 90% of the invasive species around the Ilahee Trail. They have also salvaged 150 native plants from developments to plant at the Ilahee Trail. The volunteers recognized were Elaine McHenry, Ken Hawkins, Christine Husband, Larry Miller and Laura Littman.
- *Backyard Wildlife Habitat Certification* – The project started in 2008. The requirements necessary to have your yard certified are: to provide food, water, habitat and place for wildlife to raise their young. To qualify the city as a Backyard Habitat City need to certified a certain

number of habitats. The city met the requirements for certification in March of 2011. Hank Klein, Pauline Cantor, Jan Bird, Katya May, Stan Wood and Elaine McHenry and Dawn Sanders were recognized for their contribution to this effort.

- **Public Comment**

Richard Kuprewicz, 4643 192nd Drive NE, He gave a PowerPoint presentation regarding the Washington State Citizens Committee on Pipeline Safety.

Colleen Venter, 3510 254th Avenue SE, Thanked the Council for past support for the Sammamish Symphony. She invited everyone to the 2011 Dinner and Auction, "An Evening In Paris". The dinner will be held at the Plateau Club on Saturday, May 14th. All proceeds will support the symphony.

Julianne Pash- Manager for the Farmers Market, and Deb Sogge with the Sammamish Chamber of Commerce, They announced that the fourth season of the Farmers Market is going to begin on May 18. There are food booths, informational booths, children's activities and sometimes live music.

Ron Rowe, 1824 223rd Place NE, He urged the Council to meet with the residents of the city that have been given code enforcement citations to get their side of the story.

Department Reports: Finance/Information Technology

Assistant City Manager/Finance Director Lyman Howard began the PowerPoint presentation which included remarks from the Deputy Finance Director Aaron Antin, and IT Manager Matt Miconi. *(Presentation is available on the city's website at www.ci.sammamish.wa.us)*

Public Works

Public Works Director, Laura Philpot gave the staff report and showed a PowerPoint presentation *(Presentation is available on the city's website at www.ci.sammamish.wa.us)*

Consent Calendar

Payroll for period ending April 15, 2011 for pay date April 20, 2011 in the amount of \$237,180.62

Approval: Claims for period ending May 3, 2011 in the amount of \$1,431,710.44 for Check No.29065 through No.29175

Resolution: Final Acceptance 2010 Sidewalk Program/Salinas Construction (R2011-455)

Amendment: Plan Review Services/BHC

Approval: Revised Notes for June 8, 2010 Joint Meeting/Study Session

Approval: Revised Notes for June 14, 2010 Study Session

Approval: Notes for April 12, 2011 Study Session

Approval: Minutes for April 18, 2011 Regular Meeting

MOTION: Councilmember Petitti moved to approve the consent calendar. Deputy Mayor Odell seconded. Motion carried unanimously 6-0.

Public Hearing

Ordinance: Repealing Title 23 (Code Enforcement) And Re-Adopting A New Title 23A (Civil Code Compliance) Of The Sammamish Municipal Code

Assistant City Manager/Director of Community Development Kamuron Gurol gave the staff report and showed a PowerPoint presentation (*Presentation available on city's website at www.ci.sammamish.wa.us*). This is the Public Hearing and first reading of the ordinance.

Mayor Gerend inquired if the penalty amounts could be tied to the relative seriousness of the violation. Mr. Gurol explained that the emphasis is on compliance and not fines. The department director has some flexibility built in on whether or not to impose the fines. He also explained there are some circumstances where the fines are necessary to encourage compliance.

Councilmember Whitten asked for some modification to the language which would allow for acknowledgement of circumstance that might be beyond the control of the violator. Mr. Gurol said staff would make the changes before the next reading.

Public Hearing opened at 8:27 pm and closed without any public comment.

Unfinished Business - None

New Business

Ordinance: First Reading Amending Ordinance No. 02010-292, The 2011-2012 City Budget, For The Purpose Of Revising The 2011-2012 Biennial Budget.

This is a yearly action which is routinely brought before the Council. This is the first reading of the ordinance. No action is being recommended.

Council Reports

Councilmember Cross attended a Growth Management Planning Council session.

Councilmember James attended the Habitat for Humanity Luncheon last week.

Deputy Mayor Odell and Mayor Gerend attended the Citizens for Sammamish meeting last night. They focused on traffic issues.

Councilmember Whitten attended the Sammamish Chamber of Commerce Women in Business seminar today.

Councilmember Petitti has asked Cross Path to provide a yearly update to Council. This group is renting a building from the city on the lower Sammamish Commons.

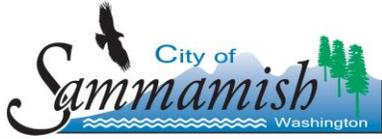
City Manager Report

City Manager Ben Yazici reported that he wrote a letter to the Boys and Girls club regarding our partnership with them to build a recreation center.

Meeting adjourned at 8:44 pm

Melonie Anderson, City Clerk

Donald J. Gerend, Mayor



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 11, 2011

Originating Department: Public Works

Clearances:

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

Subject: Surface Water Management Code

Action Required: Close Public Hearing and make motion to adopt the Surface Water Management Ordinance that creates a new Title 13 *Surface Water Management*.

Exhibits:

1. Adopting Surface Water Management Ordinance
2. Draft Title 13 *Surface Water Management*
3. Surface Water Design Manual Addendum
4. Optional code sections for Title 13
5. Optional soil amendment language for SWDM Addendum

Budget: N/A

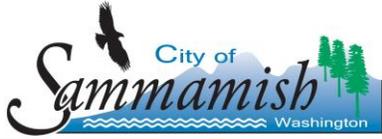
Summary Statement

This ordinance would adopt the Surface Water Management regulations as Title 13 and adopt an addendum to the Surface Water Design Manual. The Surface Water Management regulations would be codified in the Sammamish Municipal Code as Title 13 and would consolidate the majority of the Surface Water Management regulations into one location within the Sammamish Municipal Code. This ordinance is intended to ensure compliance with the City's National Pollutant Discharge Elimination System (NPDES) Phase II permit.

Background

The City of Sammamish is a National Pollutant Discharge Elimination System (NPDES) Phase II permittee. Sammamish has been issued a permit that allows for the discharge of stormwater into waters of the state from the Washington State Department of Ecology. The NPDES Phase II permit has Minimum Requirements for the control of stormwater that each municipality needs to adopt. The City of Sammamish is adopting the 2009 King County Surface Water Design Manual (KCSWDM) to meet the Minimum Requirements in the NPDES permit.

The KCSWDM is the implementing regulation that comes out of King County Code (KCC) Title 9, Surface Water Management. The City adopted KCC Title 9 at the time of incorporation. The language in Sammamish Municipal Code SMC Title 15 adopts KCC Title 9 by reference. Staff is recommending that



City Council Agenda Bill

instead of referencing Title 9, the City should bring the language into the SMC. Title 9 is not available in the SMC, so staff is proposing to use Title 13. The draft that is attached is essentially what you would find in KCC Title 9, but with sections removed that are not applicable to Sammamish.

Also attached is a Draft Stormwater Design Manual Addendum. This addendum is intended to be used in conjunction with both the 2009 King County Surface Water Design Manual (KCSWDM) and the 1998 KCSWDM. A digital copy of the 2009 King County Surface Water Design Manual can be found at:

<http://www.kingcounty.gov/environment/waterandland/stormwater/documents/surface-water-design-manual.aspx>

The addendum was prepared to address Sammamish specific rules, and will be the location of the bifurcation language if that is the direction given from the City Council.

In addition, there are two attachments that contain optional language for both Title 13 and the Surface Water Design Manual Addendum. The optional language for Title 13 concerns rate adjustments and appeals, which includes the language for the education credit toward stormwater fees for schools. The optional language for the SWDM Addendum pertains to the requirement for soil amendments for all sites that have more than 7,000 sq. ft. of land disturbing activity.

Financial Impact

N/A

Recommended Motions

Close public hearing. Make motion to adopt the Surface Water Management Ordinance that creates a new Title 13.

DRAFT
CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011 -

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, REPEALING CHAPTER 5 OF TITLE 15 OF THE SAMMAMISH MUNICIPAL CODE AND ADOPTING A NEW TITLE 13 OF THE SAMMAMISH MUNICIPAL CODE IDENTIFIED AS SURFACE WATER MANAGEMENT

WHEREAS, the City incorporated in August of 1999;

WHEREAS, the City Council adopted the City’s Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, the City of Sammamish is subject to the National Pollutant Discharge Elimination System (NPDES) Phase 2 permitting requirements, which requires in part that the City adopt an updated Surface Water Design Manual; and

WHEREAS, the Surface Water Design Manual is adopted by reference to King County Code Title 9, which does not reflect the policies of the City of Sammamish; and

WHEREAS, the adoption of a new Title 13 of the Sammamish Municipal Code will ensure that the Surface Water Design Manual policies of the City of Sammamish are implemented; and

WHEREAS, the City Council has identified an opportunity to provide increased flexibility from property owners of lots less than one acre, through the adoption of a “bifurcated” Surface Water Design Manual; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed Surface Water Design Manual regulations was issued on April 11, 2011; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on March 2, 2011 and was granted expedited review on March 31, 2011; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities at public meetings and hearings before the Planning Commission and City Council between January and May of 2011; and

WHEREAS, the Planning Commission held public meetings and public hearings in November of 2010 and forwarded recommended Surface Water Design Manual regulations to the City Council on February 3, 2011; and

WHEREAS, the City Council considered the proposed Surface Water Design Manual regulations at a City Council public hearing on April 18, 2011, which was continued on May 16, 2011; and

WHEREAS, the City Council considered the Planning Commission's recommendation, public comment, and other available information.

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

Section 1. Adoption of the Surface Water Design Manual regulations. The Surface Water Design Manual as set forth in Attachment "A" to this ordinance is hereby adopted.

Section 2. Adoption of the Surface Water Design Manual addendum. The addendum to the Surface Water Design Manual as set forth in Attachment "B" to this ordinance is hereby adopted.

Section 3. Codification of the Surface Water Design Manual regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the Surface Water Design Manual ordinance into Title 13 of the Sammamish Municipal Code for ease of use and reference.

Section 4. Interpretation. The City Council authorizes the City Manager or designee to administratively interpret these provisions as necessary to implement the intent of the Council.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 16TH DAY OF MAY 2011.

CITY OF SAMMAMISH

Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:
Public Hearing:
First Reading:
Public Hearing:
Second Reading:
Passed by the City Council:
Date of Publication:
Effective Date:

Title 13
Surface Water Management

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Chapters:

- 13.05 Authority, Purpose, General Provisions, and Administration**
- 13.10 Definitions**
- 13.15 Surface Water Development Charge**
- 13.20 Surface Water Runoff Regulations**
- 13.25 Surface Water Management Program**
- 13.30 Water Quality**
- 13.35 Fertilizers**

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Chapter 13.05
Authority, Purpose, General Provisions, and Administration

Sections:

- 13.05.010 Authority
- 13.05.020 General Provisions
- 13.05.040 Administration

13.05.010 Authority.

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts Title 13, Surface Water Management.

13.05.020 General Provisions.

This Title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with RCW 36.70A.

13.05.030 Administration.

Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such administrative rules and regulations as are necessary and appropriate to implement this Title 13 and to prepare and require the use of such forms as are necessary to its administration.

Chapter 13.10
Definitions

Sections:

13.10.010 Scope of Chapter

13.10.XXX

13.10.010 Scope of Chapter.

This chapter contains definitions of technical and procedural terms used throughout Title 13 – Surface Water Management.

13.10. "Adjustment" means a department-approved variation in the application of the requirements of this SMC 13.20 and the Surface Water Design Manual to a particular project in accordance with SMC 13.20. "Adjustment" replaces "variance," which was used in prior editions of the Surface Water Design Manual.

13.10 "AKART" means "all known, available and reasonable methods of prevention, control and treatment." "AKART" represents the most current methodology that can be reasonably required for preventing, controlling or abating the pollutants associated with a discharge. "AKART" applies to both point and nonpoint sources of pollution.

13.10. "Applicant" means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

13.10 "Basin" means a geographic area that contains and drains to a stream or river named and noted on common maps, such as the Cedar river, Sammamish river, Green river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound.

13.10 "Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and storm water within the basin.

Exhibit 2

- 1 13.10 "Best management practices" or "BMPs" mean the best available and reasonable physical,
2 structural, managerial or behavioral activities, that, when used singly or in combination, eliminate or
3 reduce the contamination of both surface and ground waters.
4
- 5 13.10 "City" means City of Sammamish.
6
- 7 13.10 "Closed depression" means an area greater than five thousand square feet at overflow elevation
8 that is low-lying and that has no or such a limited surface water outlet that the area acts as a
9 stormwater retention facility.
10
- 11 13.10 "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.
12
- 13 13.10 "Construct or modify" means to install a new drainage pipe or ditch or make improvements to
14 an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to
15 concentrate previously unconcentrated surface and storm water runoff or serves to increase, decrease
16 or redirect the conveyance of surface and storm water runoff. "Construct or modify" does not include
17 installation or maintenance of a driveway culvert installed as part of a single-family residential building
18 permit.
19
- 20 13.10 "Conveyance system" means the drainage facilities and features, both natural and constructed,
21 that collect, contain and provide for the flow of surface and storm water from the highest points on the
22 land down to a receiving water. The natural elements of the conveyance system include swales and
23 small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the
24 conveyance system include gutters, ditches, pipes, channels and most flow control and water quality
25 treatment facilities.
26
- 27 13.10 "Department" means the Department of Public Works or its successor.
28
- 29 13.10 "Development" means any activity that requires a permit or approval, including, but not limited
30 to, a building permit, grading permit, shoreline substantial development permit, conditional use permit,
31 special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned
32 development, binding site plan, site development permit or right-of-way use permit. "Development"
33 does not include a Class I, II, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW
34 and Title 222 WAC or a class IV-G nonconversion forest practice, as defined in SMC chapter 21A.15,
35 conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a county-approved forest
36 management plan.
37
- 38 13.10 "Developed parcel" means any parcel altered from the natural state by the construction,
39 creation or addition of impervious surfaces.
40
- 41 13.10 "Director" means the director of the City of Sammamish Department of Public Works, other
42 department directors specified in enforcement procedures established in accordance with the
43 Sammamish Municipal Code, or any designee of those directors.
44
- 45 13.10 "Division" means the Department of Public Works, engineering division or its successor agency.
46

Exhibit 2

- 1 13.10 "Discharge" means throw, drain, release, dump, spill, empty, emit, or pour forth any matter or
2 to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped,
3 spilled, emptied, emitted or poured into water.
4
- 5 13.10 "Drainage" means the collection, conveyance, containment or discharge, or any combination
6 thereof, of surface and storm water runoff.
7
- 8 13.10 "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or
9 treats surface and storm water runoff. "Drainage facility" includes, but is not limited to, a constructed or
10 engineered stream, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions,
11 infiltration facilities, flow control facilities, erosion/sedimentation control facilities and other drainage
12 structures and appurtenances, both natural and constructed.
13
- 14 13.10 "Drainage review" means an evaluation by City staff of a proposed project's compliance with the
15 drainage requirements in the Surface Water Design Manual. The types of drainage review include: Small
16 project drainage review, targeted drainage review, full drainage review and large project drainage
17 review.
18
- 19 13.10 "Effective impervious area" means the portion of actual impervious area that is connected, or
20 has the effect of being connected as defined in the Surface Water Design Manual, directly to the storm
21 water drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches.
22
- 23 13.10 "Erosion and sediment control" means any temporary or permanent measures taken to reduce
24 erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the
25 site or enter into wetlands or aquatic areas.
26
- 27 13.10 "Farm management plan" means a comprehensive site-specific plan developed by the farm
28 owner in cooperation with the King Conservation District taking into consideration the land owners
29 objectives while protecting water quality and related natural resources.
30
- 31 13.10 "Financial guarantee" means a form of financial security posted to do one or more of the
32 following: ensure timely and proper completion of improvements; ensure compliance with the
33 Sammamish Municipal Code; or provide secured warranty of materials, workmanship of improvements
34 and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other
35 forms of financial security acceptable to the director. "Performance guarantee," "maintenance
36 guarantee" and "defect guarantee" are considered sub categories of financial guarantee.
37
- 38 13.10 "Flood hazard reduction plan" means a plan and all implementing programs, regulations and
39 procedures including, but not limited to, capital projects, public education activities and enforcement
40 programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200.
41
- 42 13.10 "Flow control best management practice" means a method or design for dispersing, infiltrating
43 or otherwise reducing or preventing development-related increases in surface and storm water runoff
44 at, or near, the sources of those increases. "Flow control best management practice" includes the
45 methods and designs specified in the Surface Water Design Manual.
46
- 47 13.10 "Flow control facility" means a drainage facility designed to mitigate the impacts of increased
48 surface and storm water runoff generated by site development in accordance with the drainage

Exhibit 2

1 requirements in this chapter. A flow control facility is designed either to hold water for a considerable
2 length of time and then release it by any combination of evaporation, plant transpiration or infiltration
3 into the ground or to hold runoff for a short period of time and then release it to the conveyance
4 system.

5 13.10 "Forest practices" means any activity conducted on or directly pertaining to forest land and
6 relating to growing, harvesting, or processing timber, as defined in chapter 222-16 WAC.

7
8 13.10 "Full drainage review" means the evaluation required by SMC 13.20 for any proposed project,
9 unless the project is subject to small project drainage review, targeted drainage review or large project
10 drainage review, that:

11 1. Would result in two thousand square feet or more of new impervious surface;
12 2. Would result in thirty-five thousand square feet or more of new pervious surface: or
13 3. Is a redevelopment project on one or more parcels where the total of new and replaced
14 impervious surface is five thousand square feet or more and when the valuation of proposed
15 improvements exceeds fifty percent of the assessed value of the existing site improvements, including
16 interior improvements and excluding required mitigation and frontage improvements.

17
18 13.10 "Ground water" means all waters that exist beneath the land surface or beneath the bed of any
19 stream, lake or reservoir or other body of surface water, whatever may be the geological formation or
20 structure in which such water stands or flows, percolates or otherwise moves.

21
22 13.10 "High-use site" means a commercial, industrial or road intersection site that generates a higher
23 than average number of vehicle turnovers or has other characteristics that generate the potential for
24 chronic oil accumulation. "High use site" includes:

25 1. A commercial or industrial site subject to:
26 a. an expected daily traffic count greater than one hundred vehicles per one thousand square
27 feet of gross building area;
28 b. petroleum storage or transfer in excess of one thousand gallons per year, not including
29 routine fuel oil storage or transfer; or
30 c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles each weighing
31 over ten tons; or
32 2. A road intersection with average daily traffic counts of twenty-five thousand vehicles or more
33 on the main roadway and fifteen thousand or more vehicles on any intersecting roadway, excluding
34 pedestrian or bicycle use improvement projects.

35
36 13.10 "Hydraulically connected" means connected through surface flow or water features such as
37 wetlands or lakes.

38
39 13.10 "Impervious surface" means a hard surface area which either prevents or retards the entry of
40 water into the soil mantle as it entered under natural conditions prior to development, and/or a hard
41 surface area which causes water to run off the surface in greater quantities or at an increased rate of
42 flow from the flow present under natural conditions prior to development. Common impervious
43 surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas,
44 areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which
45 similarly impede the natural infiltration of surface and storm water. Open, uncovered flow control
46 facilities shall not be considered as impervious surfaces for the purpose of this chapter.

47

Exhibit 2

1 13.10 "Improvement" means a permanent, human-made, physical change to land or real property
2 including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water
3 mains, sanitary and storm sewers, drainage facilities and landscaping.

4
5 13.10 "Land disturbing activity" means an activity that results in a change in the existing soil cover,
6 both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity"
7 includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and
8 compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural
9 practices, landscape maintenance or gardening.

10
11 13.10 "Land use code" means restrictions on the type of development for a specific parcel of land as
12 identified by records maintained by the City of Sammamish as modified or supplemented by information
13 resulting from investigation by the division. Land use codes are preliminary indicators of the extent of
14 impervious surface and are used in the initial analysis to assign an appropriate rate category for a
15 specific parcel.

16
17 13.10 "Lake management plan" means a plan describing the lake management recommendations and
18 requirements adopted by public rule for managing water quality within individual lake basins. Adopted
19 lake management plans are available from the department.

20
21 13.10 "Large project drainage review" means the evaluation required by SMC 13.20 for any proposed
22 project that:

- 23 1. Has an urban plan development land use designation in the Sammamish Comprehensive Plan
24 land use map;
25 2. Would, at full buildout of the project site, result in fifty acres or more of new impervious
26 surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin
27 boundaries; or
28 3. Has a project site of fifty acres or more within a critical aquifer recharge area, as defined in
29 SMC Title 21A.

30
31 13.10 "Licensed civil engineer" means a person registered with the State of Washington as a
32 professional engineer in civil engineering.

33
34 13.10 "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the
35 use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the
36 structure, facilities, equipment or system and there are no significant hydrologic impacts.
37 "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of
38 existing structures with different types of structures, if the repair or replacement is required by one or
39 more environmental permits or to meet current engineering standards and the functioning
40 characteristics of the original facility or structure are not changed.

41
42 13.10 "Master drainage plan" means a comprehensive drainage control plan intended to prevent
43 significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

44
45 13.10 "National Pollutant Discharge Elimination System" or "NPDES" means the national program for
46 controlling pollutants from point source discharges directly into waters of the United States under the
47 Clean Water Act.

48

Exhibit 2

- 1 13.10 "National Pollutant Discharge Elimination System permit" means an authorization, license or
2 equivalent control document issued by the Environmental Protection Agency or the Washington state
3 Department of Ecology to implement the requirements of the NPDES program.
4
- 5 13.10 "Native vegetated surface" means a surface in which the soil conditions, ground cover and
6 species of vegetation are like those of the original native condition for the site, as more specifically set
7 forth in the Surface Water Design Manual.
8
- 9 13.10 "Natural discharge location" means the location where runoff leaves the project site under
10 existing site conditions as defined in the Surface Water Design Manual.
11
- 12 13.10 "Natural surface water drainage system" means such landscape features as rivers, streams, lakes
13 and wetlands. This system circulates water in a complex hydrological cycle.
14
- 15 13.10 "New impervious surface" means the creation of a hard or compacted surface such as roofs,
16 pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt
17 or gravel.
18
- 19 13.10 "New pervious surface" means the conversion of a native vegetated surface or other native
20 surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated
21 land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results
22 in increased surface and storm water runoff as defined in the Surface Water Design Manual.
23
- 24 13.10 "Open space" means any parcel, property or portion thereof classified for current use taxation
25 under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the development rights have been sold
26 to King County under K.C.C. chapter 26.04. This definition includes lands which have been classified as
27 open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter
28 84.34 RCW.
29
- 30 13.10 "Parcel" means the smallest separately segregated unit or plot of land having an identified
31 owner, boundaries and surface area which is documented for property tax purposes and given a tax lot
32 number by the King County assessor.
33
- 34 13.10 "Person" means an individual and his or her agent or assign, municipality, political subdivision,
35 government agency, partnership, corporation, business or any other entity.
36
- 37 13.10 "Pollution-generating impervious surface" means an impervious surface considered to be a
38 significant source of pollutants in surface and storm water runoff. "Pollution-generating impervious
39 surface includes those surfaces subject to vehicular use or storage of erodible or leachable materials,
40 wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered
41 parking area would be included if runoff from uphill could regularly run through it or if rainfall could
42 regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating
43 impervious surface unless they are treated to prevent leaching.
44
- 45 13.10 "Pollution-generating pervious surface" means a nonimpervious surface considered to be a
46 significant source of pollutants in surface and storm water runoff. "Pollution-generating pervious
47 surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of
48 erodible or leachable materials, wastes or chemicals or to the loss of soil. "Pollution-generating pervious

Exhibit 2

1 surface" includes, but is not limited to, the lawn and landscaped areas of a residential or commercial
2 site, golf course, park sports field and City-standard grassed modular grid pavement.

3
4 13.10 "Project" means any proposed action to alter or develop a site that may also require drainage
5 review.

6
7 13.10 "Project site" means the portion of a site and any offsite areas subject to proposed project
8 activities, alterations and improvements including those required by this chapter.

9
10 13.10 "Rate category" means the classification in this chapter given to a parcel in the service area
11 based upon the type of land use on the parcel and the percentage of impervious surface area contained
12 on the parcel.

13
14 13.10 "Redevelopment project" means a project that proposes to add, replace or modify impervious
15 surface for purposes other than a residential subdivision or maintenance on a site that:

- 16 1. Is already substantially developed in a manner that is consistent with its current zoning or
17 with a legal nonconforming use; or
18 2. Has an existing impervious surface coverage of thirty-five percent or more.

19
20 13.10 "Replaced impervious surface" means an existing impervious surface proposed to be removed
21 and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of
22 installing utilities or performing maintenance. For purposes of this definition, "removed" includes the
23 removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or
24 asphaltic concrete pavement.

25
26 13.10 "Residence" means a building or structure or portion thereof, designed for and used to provide
27 a place of abode for human beings. The term residence includes the term "residential" or "residential
28 unit" as referring to the type of or intended use of a building or structure.

29
30 13.10 "Residential parcel" means any parcel which contains no more than three residences or three
31 residential units which are within a single structure and is used primarily for residential purposes.

32
33 13.10 "Runoff" means that portion of water originating from rainfall and other precipitation that flows
34 over the surface or just below the surface from where it fell and is found in drainage facilities, rivers,
35 streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces.
36 For the purpose of this definition, groundwater means all waters that exist beneath the land surface or
37 beneath the bed of any stream, lake or reservoir, or other body surface water, whatever may be the
38 geological formation or structure in which such water stands or flows, percolates or otherwise moves.

39
40 13.10 "Salmon conservation plan" means a plan and all implementing regulations and procedures
41 including, but not limited to, land use management adopted by ordinance, capital projects, public
42 education activities and enforcement programs for conservation and recovery of salmon within a water
43 resource inventory area designated by the state under WAC 173-500-040.

44
45 13.10 "Shared facility" means a drainage facility designed to meet one or more of the requirements of
46 SMC 13.20 for two or more separate projects contained within a basin. Shared facilities usually include
47 shared financial commitments for those drainage facilities.

Exhibit 2

- 1 13.10 "Service area" means the incorporated City of Sammamish.
2
- 3 13.10 "Site" means a single parcel, or two or more contiguous parcels that are under common
4 ownership or documented legal control, used as a single parcel for a proposed project for purposes of
5 applying for authority from the City of Sammamish to carry out a proposed project. For projects located
6 primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to
7 improvements proposed by the project.
8
- 9 13.10 "Small project drainage review" means the drainage review for a proposed single-family
10 residential project or agricultural project that:
11 1. Would result in:
12 a. ten thousand square feet or less of total impervious surface added on or after January 8,
13 2001; or
14 b. four percent or less of total impervious surface on a site as specified in the Surface Water
15 Design Manual; and
16 2. Meets the small project drainage requirements specified in the Surface Water Design Manual,
17 including flow control best management practices, erosion and sediment control measures and drainage
18 plan submittal requirement; and
19 3. Limits new pervious surface as specified in the Surface Water Design Manual.
20
- 21 13.10 "Source control BMP" means a BMP intended to prevent contaminants from entering surface
22 and storm water or ground water including the modification of processes to eliminate the production or
23 use of contaminants. "Source control BMPs" can be either structural or nonstructural. Structural source
24 control BMPs involve the construction of a physical structure on site, or other type of physical
25 modification to a site. An example of a structural source control BMP is building a covered storage area.
26 A nonstructural source control BMP involves the modification or addition of managerial or behavioral
27 practices. An example of a nonstructural source control BMP is using less toxic alternatives to current
28 products or sweeping parking lots.
29
- 30 13.10 "State Waste Discharge Permit" means an authorization, license, or equivalent control
31 document issued by the Washington state Department of Ecology in accordance with chapter 173-216
32 WAC.
33
- 34 13.10 "Stormwater compliance plan" means a plan or study and all regulations and procedures that
35 have been adopted by the City to implement the plan or study, including, but not limited to, capital
36 projects, public education activities and enforcement programs for managing stormwater quantity and
37 quality discharged from the City's municipal separate storm sewer system in compliance with the
38 National Pollutant Discharge Elimination System permit program under the Clean Water Act.
39
- 40 13.10 "Storm water plan" means a City of Sammamish ordinance specifying the storm water control
41 facilities that will be funded by a bond issue.
42
- 43 13.10 "Stormwater Pollution Prevention Manual" means the manual adopted in accordance with SMC
44 2.55, and supporting documentation referenced or incorporated in the manual, describing best
45 management practices and procedures for existing facilities and existing and new activities not covered
46 by the Surface Water Design Manual.
47
- 48 13.10 "Subbasin" means a geographic area that:

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1. Drains to a stream or water body named and noted on common maps; and
2. Is contained within the basin of the stream or water body.

13.10 "Surface and storm water" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

13.10 "Surface and storm water management services" means the services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

13.10 "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and storm water.

13.10 "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and storm water design and analysis requirements, procedures and guidance that has been formally adopted by rule under the procedures in SMC chapter 2.55. The Surface Water Design Manual is available from the Department of Public Works, or their successor agencies.

13.10 "Surface water management fee protocols" or "SWM fee protocols" means the surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in SMC chapter 2.55. The SWM fee protocols are available from the Department of Public Works or its successor agency.

13.10 "Treatment BMP" means a BMP intended to remove contaminants once they are already contained in storm water. Examples of treatment BMPs include oil/water separators, biofiltration swales and wetponds.

13.10 "Targeted drainage review" means an abbreviated evaluation required by SMC 13.20 for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in small project drainage review.

13.10 "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

13.10 "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. Water quality treatment facilities are the structural component of best management practices. When used singly or in combination, water quality treatment facilities reduce the potential for contamination of either surface or ground waters, or both.

Chapter 13.15
Surface Water Development Charge

Section:

13.15.010 Surface water system development charge authorized

13.15.010 Surface water system development charge authorized.

A. City Authorized to Collect Charge. The City is authorized to collect a surface water system development charge as follows:

Development	Fee
New residential dwelling unit or commercial building with up to 2,500 square feet of impervious coverage	\$570.00
Each additional 250 square feet of impervious coverage over 2,500 square feet	\$57.00
Other structures or additions of up to 250 square feet of impervious coverage requiring a building permit	\$57.00, plus \$57.00 for each additional 250 square feet

All impervious surface areas shall be rounded to the nearest 250-square-foot increment. The fee shall not apply to rockeries or retaining walls.

B. Charges Shall Be Liens. All charges made under this section shall constitute a lien upon the property from which such charges are due, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien shall be in the manner provided by law. All properties assessed a surface water system development charge shall have a notation on their plats stating that the property may be subject to a lien for the final costs of any necessary off-site surface water drainage improvements.

Chapter 13.20
Surface Water Runoff Regulations

Sections:

- 13.20. Purpose.
- 13.20. Drainage review - when required - type.
- 13.20. Drainage review - requirements.
- 13.20. Critical drainage and/or erosion areas.
- 13.20. Engineering plans for the purposes of drainage review.
- 13.20. Construction timing and final approval.
- 13.20. Liability insurance required.
- 13.20. Financial guarantees authorized.
- 13.20. Drainage facilities accepted by Sammamish for maintenance.
- 13.20. Drainage facilities not accepted by Sammamish for maintenance.
- 13.20. Hazards.
- 13.20. Administration.
- 13.20. Enforcement.
- 13.20. Implementation, review and revision.
- 13.20. Agency rules.
- 13.20. Severability.

13.20. Purpose

The purpose of this chapter is to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, and education. By conducting programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance, the effectiveness of the requirements contained in this chapter will be promoted.

13.20. Drainage review - when required - type.

A. Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:

1. Would result in two thousand square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or,
2. Would involve seven thousand square feet or more of land disturbing activity; or,
3. Would construct or modify a drainage pipe or ditch that is twelve inches or more in size or depth or receives surface and storm water runoff from a drainage pipe or ditch that is twelve inches or more in size or depth; or,
4. Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or,
5. Is located within a critical drainage area; or,
6. Is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; or,
7. Is a redevelopment project on a site in which the total of new plus replaced impervious surface is five thousand square feet or more and whose valuation of proposed improvements, including

1 interior improvements and excluding required mitigation and frontage improvements, exceeds fifty
2 percent of the assessed value of the existing site improvements.

3
4 B. The drainage review for any proposed project shall be scaled to the scope of the project's size,
5 type of development and potential for impacts to the regional surface water system to facilitate
6 preparation and review of project applications. If drainage review for a proposed project is required
7 under subsection A. of this section, the City shall determine which of the following drainage reviews
8 apply as specified in the Surface Water Design Manual:

- 9 1. Small project drainage review;
- 10 2. Targeted drainage review;
- 11 3. Full drainage review; or
- 12 4. Large project drainage review.

13
14 **13.20. Drainage review - requirements.**

15 A. A proposed project required to have drainage review by this chapter must meet each of the
16 following core requirements which are described in detail in the Surface Water Design Manual. Projects
17 subject only to small project drainage review that meet the small project drainage requirements
18 specified in the Surface Water Design Manual, including flow control best management practices,
19 erosion and sediment control measures and drainage plan submittal requirements are deemed to
20 comply with the following core requirements:

- 21 1. Core requirement 1: Discharge at the natural location. All surface and storm water
22 runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away
23 from, downstream properties. The manner in which runoff is discharged from the project site shall not
24 create a significant adverse impact to downhill properties or drainage systems as specified in the
25 discharge requirements of the Surface Water Design Manual;
- 26 2. Core requirement 2: Offsite analysis. The initial application submittal for proposed
27 projects shall include an offsite analysis report that assesses potential offsite drainage and water quality
28 impacts associated with development of the proposed site and proposes appropriate mitigations to
29 those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as
30 described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall
31 meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;
- 32 3. Core Requirement 3: Flow control. Proposed projects that would result in two thousand
33 square feet or more of new impervious surface or thirty-five thousand square feet or more of new
34 pervious surface, or that are redevelopment projects that would result in a total of five thousand square
35 feet or more of new and replaced impervious surface, shall provide flow control facilities or flow control
36 BMPs, or both, to control surface and storm water runoff generated by new impervious surface, new
37 pervious surface, replaced impervious surface and any existing impervious surface added on or after
38 January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the
39 area-specific flow control facility requirements and the flow control facility implementation
40 requirements applicable to the project site as specified in the Surface Water Design Manual. Flow
41 control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to
42 area-specific flow control facility requirements shall meet one of the flow control facility performance
43 criteria listed in a. and b. of this subsection A.3., as directed by the Surface Water Design Manual. The
44 Inglewood, Thompson and Pine Lake Creek basins, and areas draining to the Beaver Lake basin require
45 Level Three flow control. The remainder of the City requires Level Two flow control unless downstream
46 problems as determined by the City of Sammamish, dictate the higher level of protection of Level Three
47 flow control.

Exhibit 2

1 a. Level Two shall meet Level One criteria and also match the predeveloped site's
2 discharge durations for the predeveloped peak discharge rates between the fifty
3 percent of the two-year peak flow through the fifty-year peak flow; or

4 b. Level Three shall meet Level Two criteria and also match the predeveloped site's
5 peak discharge rate for the one hundred-year return period;

6 4. Core requirement 4: Conveyance system. All engineered conveyance system elements
7 for proposed projects shall be analyzed, designed and constructed to provide the minimum level of
8 protection against overtopping, flooding, erosion and structural failure as specified by the conveyance
9 requirements for new and existing systems and conveyance implementation requirements described in
10 the Surface Water Design Manual;

11 5. Core requirement 5: Erosion and sediment control. All proposed projects that will clear,
12 grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the
13 maximum extent practicable, the transport of sediment from the site to drainage facilities, water
14 resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with
15 SMC Title 16 as specified by the temporary erosion and sediment control measures and performance
16 criteria and implementation requirements in the City of Sammamish Surface Water Design Manual;

17 6. Core requirement 6: Maintenance and operation. Maintenance of all drainage facilities
18 in compliance with Sammamish maintenance standards is the responsibility of the applicant or property
19 owner as described in the Surface Water Design Manual, except those facilities for which Sammamish
20 assumes maintenance and operation as described in this chapter and the Surface Water Design Manual;

21 7. Core requirement 7: Financial guarantees and liability. All drainage facilities constructed
22 or modified for projects, except downspout infiltration and dispersion systems for single family
23 residential lots, must comply with the liability requirements of this chapter and the financial guarantee
24 requirements of SMC Title 27A;

25 8. Core requirement 8: Water quality. Proposed projects that would result in five thousand
26 square feet or more of new pollution generating impervious surface or thirty-five thousand square feet
27 or more of new pollution-generating pervious surface, or that are redevelopment projects that would
28 result in a total of five thousand square feet or more of new and replaced pollution-generating
29 impervious surface, shall provide water quality treatment facilities to treat polluted surface and storm
30 water runoff generated by new or replaced pollution-generating impervious surface, new pollution-
31 generating pervious surface and any existing pollution-generating impervious surface added on or after
32 January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are
33 specifically excluded if there is a good faith agreement with the King Conservation District to implement
34 a farm management plan for agricultural uses, and pervious areas for other uses are specifically
35 excluded if the City of Sammamish approves a landscape management plan that controls pesticides and
36 fertilizers leaving the site. Water quality treatment facilities shall meet the area-specific water quality
37 treatment requirements and the water quality implementation requirements applicable to the project
38 site as specified in the Surface Water Design Manual. The facilities specified by these requirements are
39 designed to reduce pollutant loads according to the applicable annual average performance goals listed
40 in a. through d. of this subsection A.8. for ninety-five percent of the annual average runoff volume:

41 a. for basic water quality: remove eighty percent of the total suspended solids;

42 b. for enhanced basic water quality: remove fifty percent of the total zinc;

43 c. for sensitive lake protection: remove fifty percent of the total phosphorus; and

44 d. for sphagnum bog protection: remove fifty percent of the total phosphorus and
45 forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less
46 than 6.5 and an alkalinity of less than ten milligrams per liter.

47

Exhibit 2

1 B. A proposed project required by this chapter to have drainage review shall meet any of the
2 following special requirements which apply to the site and which are described in detail in the Surface
3 Water Design Manual. The City shall verify if a proposed project is subject to and must meet any of the
4 following special requirements.

5 1. Special Requirement 1: Other adopted area-specific requirements. If a proposed project
6 is in a designated critical drainage area, or is in an area included in an adopted master drainage plan,
7 basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake
8 management plan or shared facility plan, then the proposed project shall meet the applicable drainage
9 requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan,
10 stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan;

11 2. Special Requirement 2: Floodplain/floodway delineation. If a proposed project contains
12 or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study
13 of flood hazards relating to the proposed project, the one hundred year floodplain boundaries and
14 floodway shall be determined and delineated on the site improvement plans and profiles and any final
15 maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the
16 Surface Water Design Manual;

17 3. Special Requirement 3: Flood protection facilities. If a proposed project contains or is
18 adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or
19 proposes to either construct a new or modify an existing flood protection facility, then the flood
20 protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to
21 conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.;

22 4. Special Requirement 4: Source Control. If a proposed project requires a commercial
23 building or commercial site development permit, then water quality source controls shall be applied to
24 prevent rainfall and runoff from coming into contact with pollutants to the maximum extent practicable.
25 Water quality source controls shall be applied in accordance with this chapter, the stormwater pollution
26 prevention manual and the Surface Water Design Manual. All structural source controls shall be
27 identified on the site improvement plans and profiles or final maps prepared for the proposed project;
28 and

29 5. Special Requirement 5: Oil control. If a proposed project is a high-use site or is a
30 redevelopment project proposing one hundred thousand dollars or more of improvements to an existing
31 high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as
32 specified in the Surface Water Design Manual.

33
34 C.

35 1. An adjustment to the requirements contained in this section or other requirements in
36 the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of
37 the remaining terms and conditions of this chapter and the adjustment shall:

- 38 a. produce a compensating or comparable result in the public interest; and
- 39 b. meet this chapter's objectives of safety, function, appearance, environmental
40 protection and maintainability based upon sound engineering judgment.

41 2. If complying with subsection C.1.a. of this section will deny all reasonable use of a
42 property, the best practicable alternative shall be obtained as determined by the director according to
43 the adjustment process defined in the Surface Water Design Manual.

44 3. Requests for adjustments that may conflict with any other City requirement shall
45 require review and concurrence by the applicable City department.

46 4. A request for an adjustment is a Type 1 land use decision as provided for in SMC Title 20
47 and shall be processed in accordance with the procedures specified in the Surface Water Design Manual.

1 5. The City may require monitoring of experimental designs and technology or untested
2 applications proposed by the applicant in order to determine compliance with subsection C.1. of this
3 section and the approved plans and conditions.

4 6. An adjustment decision may be appealed by following the appeal procedures as
5 specified in the Surface Water Design Manual.
6

7 **13.20. Critical drainage and/or critical erosion areas.**

8 Development in areas where the department has determined that the existing flooding, drainage and/or
9 erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding
10 community shall meet special drainage requirements set by the director until such time as the
11 community hazard is alleviated. Such conditions may include the limitation of the volume of discharge
12 from the subject property to predevelopment levels, preservation of wetlands or other natural drainage
13 features or other controls necessary to protect against community hazard. Where alternate facility
14 designs or methods will produce a compensating or comparable result in the public interest and which
15 will meet this section's objectives of safety, function, appearance, environmental protection and
16 maintainability, based upon sound engineering judgment, an adjustment to the special drainage
17 requirements promulgated under this section may be proposed, provided that the resulting
18 development shall be subject to all of the remaining terms and conditions of this chapter. Where
19 application of this section will deny all reasonable use of a property and a facility or design that
20 produces a compensating or comparable result cannot be obtained, then a best practicable alternative
21 may be approved by the director according to the adjustment process defined in the Surface Water
22 Design Manual. These standards are in addition to the applicable standards of SMC 21A.50.
23

24 **13.20. Engineering plans for the purposes of drainage review.**

25 A. These requirements are in addition to the submittal requirements established by SMC 20.05.

26 1. All engineering plans shall be submitted to the City for review in accordance with the
27 Surface Water Design Manual except those drainage plans developed by, or under the review of, the
28 City of Sammamish Department of Public Works for either surface and storm water capital
29 improvement, repair, maintenance or restoration projects or other linear government agency projects,
30 such as roadways, railways, pipelines, utility lines and trails.

31 2. If engineering plans are returned for any reason, they shall be returned to the applicant.

32 3. All master drainage plans, if required, shall be submitted to the City for review in
33 accordance with the specifications in the Surface Water Design Manual. The master drainage plan
34 process should commence at the same time as the state Environmental Policy Act (SEPA) process.

35 4. Drainage plans not subject to review by the City under subsection A.1. of this section
36 shall be reviewed by the Department of Public Works in accordance with this chapter. Project
37 applicability and compliance with this chapter shall be documented in writing and available for review.
38

39 B. The expiration time frames as specified in the Surface Water Design Manual shall apply to all
40 permit and approval applications.
41

42 C. All plans shall be processed in accordance with the review procedures specified in the Surface
43 Water Design Manual.
44

45 D. Submittal procedures, definitions and specifications for the required contents of engineering
46 plans are presented in the Surface Water Design Manual.
47

48 **13.20. Construction timing and final approval.**

1 A. No work related to permanent or temporary storm drainage control for a permitted
2 development may proceed without the approval of the director.

3
4 B. Erosion and sediment control measures associated with both the interim and permanent
5 drainage systems shall be:

6 1. Constructed in accordance with the approved plan prior to any grading or land clearing
7 other than that associated with an approved erosion and sediment control plan; and

8 2. Satisfactorily sequenced and maintained until all improvements, restoration, and
9 landscaping associated with the permit and approvals for the project are completed and the potential
10 for onsite erosion has passed.

11
12 C. The applicant shall have constructed and have in operation those portions of the drainage
13 facilities necessary to accommodate the control of surface and storm water runoff discharging from the
14 site before the construction of any other improvements or buildings on the site, or in accordance with
15 SMC Title 19A.

16
17 **13.20. Liability insurance required.**

18 The applicant required to construct the drainage facility pursuant to this chapter shall maintain a
19 combined single limit per occurrence liability policy in the amount established annually by the City,
20 which shall name City as an additional insured and protect the City from liability relating to the
21 construction or maintenance of the facility until construction approval or acceptance for maintenance,
22 whichever is last. Proof of this required liability policy shall be provided to the director prior to
23 commencing construction of any drainage facility. If this liability insurance is not kept in effect as
24 required, the City may initiate enforcement action pursuant to SMC Title 23.

25
26 **13.20. Financial guarantees authorized.**

27 The City is authorized to require all applicants issued permits or approvals under the provisions of the
28 title to post financial guarantees consistent with the provisions of Title 27A.

29
30
31 **13.20. Drainage facilities accepted by Sammamish for maintenance.**

32 A. The City is responsible for the maintenance, including performance and operation, of drainage
33 facilities which have formally been accepted for maintenance by the director.

34
35 B. The City may assume maintenance of privately maintained drainage facilities only if the
36 following conditions have been met:

37 1. All necessary easements or dedications entitling the City to properly maintain the
38 drainage facility have been conveyed to the City;

39 2. The director has determined that the facility is in the dedicated public road right-of-way
40 or that maintenance of the facility will contribute to protecting or improving the health, safety and
41 welfare of the community based upon review of the existence of or potential for:

- 42 a. flooding,
43 b. downstream erosion,
44 c. property damage due to improper function of the facility,
45 d. safety hazard associated with the facility,
46 e. degradation of water quality or in-stream resources, or
47 f. degradation to the general welfare of the community; and

1 3. The director has declared in writing acceptance of maintenance responsibility by the
2 City. Copies of this document will be kept on file in the Department of Public Works.

3
4 C. The director may terminate the department's assumption of maintenance responsibilities in
5 writing after determining that continued maintenance will not significantly contribute to protecting or
6 improving the health, safety and welfare of the community based upon review of the existence of or
7 potential for:

- 8 1. Flooding,
- 9 2. Downstream erosion,
- 10 3. Property damage due to improper function of the facility,
- 11 4. Safety hazard associated with the facility,
- 12 5. Degradation of water quality or in-stream resources, or
- 13 6. Degradation to the general welfare of the community.

14 Copies of this document will be kept on file in the Department of Public Works.

15
16 D. A drainage facility which does not meet the criteria of this section shall remain the responsibility
17 of the applicant required to construct the facility and persons holding title to the property for which the
18 facility was required.

19
20 **13.20. Drainage facilities not accepted by Sammamish for maintenance.**

21 A. The person or persons holding title to the property and the applicant required to construct a
22 drainage facility shall remain responsible for the facility's continual performance, operation and
23 maintenance in accordance with the standards and requirements of the department and remain
24 responsible for any liability as a result of these duties. This responsibility includes maintenance of a
25 drainage facility which is:

- 26 1. Under a maintenance guarantee or defect guarantee;
- 27 2. A private road conveyance system;
- 28 3. Released from all required financial guarantees prior to July 7, 1980;
- 29 4. Located within and serving only one single family residential lot;
- 30 5. Located within and serving a multifamily or commercial site unless the facility is part of
31 an approved shared facility plan;
- 32 6. Located within or associated with an short subdivision or subdivision which handles
33 runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling
34 units located on individual lots unless the facility is part of an approved shared facility plan;
- 35 7. Previously terminated for assumption of maintenance responsibilities by the
36 department in accordance with this chapter; or
- 37 8. Not otherwise accepted by the City for maintenance.

38
39 B. Prior to the issuance of any of the permits for any multifamily or commercial project required to
40 have a flow control or water quality treatment facility, the applicant shall record a declaration of
41 covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant
42 shall include, but not be limited to, provisions for notice to the persons holding title to the property of a
43 City determination that maintenance and/or repairs are necessary to the facility and a reasonable time
44 limit in which such work is to be completed.

45 1. In the event that the titleholders do not effect such maintenance and/or repairs, the
46 City may perform such work upon due notice. The titleholders are required to reimburse the City for any
47 such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance

Exhibit 2

1 of the subject property and shall be recorded with the records and licensing services division of King
2 County.

3 2. The City may enforce the restrictions set forth in the declaration of covenant provided in
4 the Surface Water Design Manual.

5
6 C. Prior to the issuance of any of the permits and/or approvals for the project or the release of
7 financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to
8 the subject property for which a drainage facility was required shall pay a fee established by the director
9 as set forth in the City resolution to reasonably compensate the City for costs relating to inspection of
10 the facility to ensure that it has been constructed according to plan and applicable specifications and
11 standards.

12
13 D. The duties specified in this section with regard to payment of inspection fees and
14 reimbursement of maintenance costs shall be enforced against the person or persons holding title to the
15 property for which the drainage facility was required.

16
17 E. Where not specifically defined in this section, the responsibility for performance, operation and
18 maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be
19 determined on a case-by-case basis.

20 21 13.20. Hazards.

22 Whenever the director determines that any existing construction site, erosion and sedimentation
23 problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or
24 adversely affects the condition or capacity of other drainage facilities, the safety and operation of City
25 right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to
26 whom the permit was issued pursuant to this chapter, the owner of the property within which the
27 drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or
28 other person or agent in control of said property, upon receipt of notice in writing from the director
29 shall within the period specified therein repair or otherwise address the cause of the hazardous
30 situation in conformance with the requirements of this chapter.

31 Should the director have reasonable cause to believe that the situation is so adverse as to preclude
32 written notice, the director may take the measures necessary to eliminate the hazardous situation;
33 provided that the director shall first make a reasonable effort to locate the owner before acting. In such
34 instances the applicant of whom a drainage plan was required pursuant to this chapter, the owner of
35 the property and/or the person responsible for the maintenance of the facility shall be obligated for the
36 payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or
37 other City requirement has been posted, the director shall have the authority to collect against the
38 financial guarantee to cover costs incurred.

39 40 **13.20. Administration.**

41 A. Administration.

42 1. The director is authorized to promulgate and adopt administrative rules under the
43 procedures specified in SMC 2.55, for the purpose of implementing and enforcing the provisions of this
44 chapter. Adopted administrative rules are available to the public from the Department of Public Works.
45 This includes, but is not limited to, the Surface Water Design Manual.

46 2. The director is authorized to develop procedures for applying adopted rules and
47 regulations during the review of permit applications for the development of land. These procedures may
48 also be contained in the Surface Water Design Manual.

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B. Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided that, if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

D. Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property.

13.20. Enforcement.

The City is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23.

13.20. Implementation, review and revision.

The department may administer a training program for users of the Surface Water Design Manual. The department may also conduct an on-going research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program may examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures.

13.20. Severability.

If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected.

Chapter 13.25
Surface Water Management Program

Sections:

- 13.25. Authority.
- 13.25. Purpose.
- 13.25. Applicability.
- 13.25. Policy.
- 13.25. Rate structure.
- 13.25. Rate adjustments and appeals.
- 13.25. Billing procedure.
- 13.25. Delinquencies and foreclosures.
- 13.25. Surface water management fund.
- 13.25. Administrative standards and procedures.
- 13.25. Report of revenue and expenditure analysis.
- 13.25. Severability.

13.25. Authority.

A. There is hereby created and established the surface water management program of Sammamish under which the provisions of this chapter shall be carried out.

B. The program created in this section shall be administered by the department.

C. Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director may enter any property or portion thereof at reasonable times in compliance with the following procedures:

- 1. If the property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry and request entry;
- 2. If the property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry; and
- 3. Unless entry is consented to by the owner or person in control of any property or portion thereof, the director, before entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

D. The director is authorized to enforce this chapter, the ordinances and resolutions codified in it and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMCTitle 23.

E. The program may provide services related to surface and storm water management, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, or other governmental agencies.

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13.25. Purpose.

The purpose is to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and storm water problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and storm water management services. The most cost effective and beneficial approach to surface and storm water management is through preventative actions and protection of the natural drainage system. In approaching surface and storm water problems the Surface Water Management Program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface and storm water.

13.25. Applicability.

- A. Developed parcels within the service area shall be billed each year for surface and storm water management services pursuant to RCW 36.89.080. Surface and storm water management services or service charges, or both shall be imposed on developed parcels lying within cities and towns when the services or charges, or both, have been provided for by interlocal agreements between the City and the cities or towns. That portion of the rates or charges allocated to payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities in areas annexed or incorporated subsequent to the issuance of the bonds shall be imposed as set forth in this chapter.
- B. The service area shall be the corporate city limits of the City of Sammamish.

13.25. Policy.

- A. It is the finding of the City that a number of the basins in the service area are shared with other incorporated cities or unincorporated areas. In order to achieve a comprehensive approach to surface and storm water management, the City should coordinate surface and storm water, management services with neighboring jurisdictions. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.
- B. It is the finding of the City that technical assistance and community education have been shown to be a cost-effective means of improving the management of the impacts of surface and storm water runoff. Technical assistance and community education regarding stewardship enables the City, its residents and businesses to comply with federal, state and local mandates and enables the City to protect its quality of life and its natural resources. The promotion of stewardship is an integral part of a comprehensive surface and storm water management program.

Exhibit 2

1 C. It is the finding of the City that developed parcels contribute to an increase in surface and storm
2 water runoff to the surface and storm water management system. This increase in surface and storm
3 water runoff results in the need to establish rates and charges to finance the City's activities in surface
4 and storm water management. Developed parcels shall be subject to the rates and charges of the
5 surface water management program based on their contribution to increased runoff. The factors to be
6 used to determine the degree of increased surface and storm water runoff to the surface and storm
7 water management system from a particular parcel shall be the percentage of impervious surface
8 coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by the
9 City.

10
11 D. It is the finding of the City that undeveloped parcels do not contribute as much as developed
12 parcels to an increase in surface and storm water runoff into the surface and storm water management
13 system. Undeveloped properties shall be exempt from the rates and charges of the surface water
14 management program.

15
16 E. It is the finding of the City that maintained drainage facilities mitigate the increased runoff
17 contribution of developed parcels by providing on-site drainage control. Parcels served by flow control
18 facilities which were required for development of the parcel pursuant to SMC 13.20 and approved by
19 Sammamish or can be demonstrated as required in this chapter by the property owner to provide flow
20 control of surface and storm water to the standards in SMC 13.20 shall receive a discount as provided in
21 the rates and charges of the surface water management program, if the facility is maintained at the
22 parcel owner's expense to the standard established by the department.

23
24 F. It is the finding of the City that improvements to the quality of storm water runoff can decrease
25 the impact of that runoff on the environment. Parcels served by water quality treatment facilities that
26 were required for development of the parcel pursuant to SMC 13.20 and approved by the City or that
27 can be demonstrated as required in this chapter by the property owner to provide treatment of surface
28 and storm water to the standards in SMC 13.20 shall receive a discount as provided in the rates and
29 charges of the surface water management program, if the facility is maintained at the parcel owner's
30 expense to the standard established by the department.

31
32 G. It is a finding of the City that open space properties provide a benefit to the surface and storm
33 water management system by the retention of property in an undeveloped state. Open space properties
34 shall receive a discount from the rates and charges to encourage the retention of property as open
35 space.

36
37 H. It is a finding of the City that the majority of the parcels in the service area are residential. The
38 variance between residential parcels in impervious surface coverage is found to be minor and to reflect
39 only minor differences in increased runoff contributions. The administrative cost of calculating the
40 service charge individually for each residential parcel and maintaining accurate information would be
41 very high. A flat charge for residential parcels is less costly to administer than calculating a separate
42 charge for each parcel and is equitable because of the similarities in impervious surface coverage
43 between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon an
44 average amount of impervious surface.

45
46 I. It is the finding of the City that lightly to very heavily developed nonresidential parcels which
47 have an impervious surface coverage of more than ten percent have a substantial impact on the surface
48 and storm water management system. The impact of these parcels on the surface and storm water

Exhibit 2

1 management system increases with the size of the parcels. Therefore, lightly to very heavily developed
2 properties shall be charged a rate determined by the percent of impervious surface coverage multiplied
3 by the parcel acreage.

4
5 J. It is the finding of the City that comprehensive management of surface and storm water runoff
6 must include anticipation of future growth and development in the design and improvement of the
7 surface and storm water management system. Service charge revenue needs shall be based upon the
8 present and future requirements of the surface and storm water management system, and these needs
9 shall be considered when determining the rates and charges of the program.

10
11 K. It is the finding of the City that basin plans are essential to establishing a comprehensive
12 approach to a capital improvement program, maintenance of facilities and regulation of new
13 developments. A plan should analyze the measures needed to control surface and storm water runoff
14 which results from existing and anticipated development within the basin. The measures investigated to
15 control runoff should include land use regulation such as setback requirements or community plan
16 revisions which revise land use densities as well as the use of drainage facilities. A plan also should
17 recommend the quantity and water quality runoff control measures required to further the purposes set
18 forth in this chapter, and community goals. The institutional requirements and regulations, including but
19 not limited to land use management, funding needs, and incentives for preserving the natural surface
20 water drainage system should be identified in the plan. The proposed ordinances and regulations
21 necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

22
23 L. It is a finding of the City that the federal government has increased requirements concerning
24 surface water quantity and control. The federal Clean Water Act, implemented through municipal storm
25 water NPDES permits, mandates a wide variety of local programs to manage surface water and improve
26 water quality. Compliance will increasingly be measured by the effectiveness of the City's surface water
27 and water quality programs. The NPDES permit impacts operations in the Parks and Public Works
28 departments.

29
30 M. It is a finding of the City that Chinook salmon were listed as a threatened species in March 1999,
31 and bull trout were listed as a threatened species in November 1999, under the federal Endangered
32 Species Act. These listings focus the need for higher standards in managing surface water including new,
33 expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs
34 responding to these imperatives have included the design, permitting and construction of facilities,
35 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring, regulation
36 development and coordination with other agencies on transboundary issues.

37
38 N. It is the finding of the City that areas with development related surface and storm water
39 problems require comprehensive management of surface and storm water.

40
41 O. It is the finding of the City that additional surface and storm water runoff problems may be
42 caused by new land use development if not properly mitigated both through protection of natural
43 systems and through constructed improvements. The Surface Water Design Manual and SMC Titles 13,
44 16, 20 and 21A have been adopted by the City to mitigate the impact of land use development. Further
45 mitigation of these impacts is based on expertise which continues to evolve as new information on our
46 natural systems is obtained and new techniques are discovered. The surface water management
47 program, through reconnaissance studies, basin plans, and other special studies, will continuously
48 provide valuable information on the existing problems and areas of the natural drainage system that

Exhibit 2

1 need special protection. The City is researching and developing methods to protect the natural drainage
2 system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering
3 measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and
4 water pollution and provide a safe environment for the small mammals and fish which inhabit sensitive
5 areas. Based upon the findings in this subsection, and as information and methods become available,
6 the executive, as appropriate shall draft and submit to the council, regulations and development
7 standards to allow protection of the surface and storm water management system including natural
8 drainage systems.

9
10 P. The program will maintain long term fiscal viability and fund solvency for all of its related funds.
11 All required capital and operating expenditures will be covered by service charges and other revenues
12 generated or garnered by the program. The program will pay all current operating expenses from
13 current revenues and will maintain an operating reserve to minimize service impacts due to revenue or
14 expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic
15 variability of revenue and expenditures. The program will adopt a strategic financial planning approach
16 which recognizes the dynamic nature of the program's fiscal operating environment. Long term
17 projections will be updated in the program's adopted strategic plan. One-time revenues will be
18 dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The
19 program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

20
21 Q. The program shall prepare an annual, multiyear capital improvement program which
22 encompasses all of the program's activities related to the acquisition, construction, replacement, or
23 renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent
24 and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that
25 the benefits of the facilities and the costs for them are balanced over time.

26
27 R. The program will manage its debt to ensure continued high credit quality, access to credit
28 markets, and financial flexibility. All of the program's debt management activities will be conducted to
29 maintain at least the current credit ratings assigned to the City's debt by the major credit rating agencies
30 and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support
31 operating expenses. The program will develop and maintain a central system for all debt-related records
32 which will include all official statements, bid documents, ordinances indentures, leases, etc., for all of
33 the program's debt and will accurately account for all interested earnings in debt-related funds. These
34 records will be designed to ensure that the program is in compliance with all debt covenants and with
35 state and federal laws.

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Chapter 13.30
Water Quality

Sections:

- 13.30. Purpose.
- 13.30. Discharges into waters.
- 13.30. Stormwater Pollution Prevention Manual.
- 13.30. Enforcement.
- 13.30. Hazards.
- 13.30. Criminal penalty.
- 13.30. Civil penalties for water quality.
- 13.30. Construction - intent.

13.30.010 Purpose.

The purpose of this chapter is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and storm water and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of Sammamish.

The City council finds this chapter is necessary to protect the health, safety and welfare of the residents of Sammamish and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The City council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et. seq. In meeting the intent of the Clean Water Act the City council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals.

13.30.020 Discharges into waters.

A.

1. It is unlawful for any person to discharge any contaminants into surface and storm water, ground water or Puget Sound. Contaminants include, but are not limited, to the following:

- a. trash or debris;
- b. construction materials;
- c. petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
- d. antifreeze and other automotive products;
- e. metals in either particulate or dissolved form;
- f. flammable or explosive materials;
- g. radioactive material;
- h. batteries;
- i. acids, alkalis, or bases;
- j. paints, stains, resins, lacquers or varnishes;
- k. degreasers and solvents;

Exhibit 2

- 1 l. drain cleaners;
- 2 m. pesticides, herbicides or fertilizers;
- 3 n. steam cleaning wastes;
- 4 o. soaps, detergents or ammonia;
- 5 p. swimming pool backwash;
- 6 q. chlorine, bromine and other disinfectants;
- 7 r. heated water;
- 8 s. domestic animal wastes;
- 9 t. sewage;
- 10 u. recreational vehicle waste;
- 11 v. animal carcasses;
- 12 w. food wastes;
- 13 x. bark and other fibrous materials;
- 14 y. collected lawn clippings, leaves or branches;
- 15 z. silt, sediment or gravel;
- 16 aa. dyes, except as stated in subsection C.1. of this section;
- 17 bb. chemicals not normally found in uncontaminated water;
- 18 cc. any hazardous material or waste not listed above.

19 2. Illicit connections. Any connection identified by the director that could convey anything
20 not composed entirely of surface and storm water directly to surface and storm water or ground water
21 is considered an illicit connection and is prohibited with the following exceptions:

- 22 a. connections conveying allowable discharges;
- 23 b. connections conveying discharges pursuant to an NPDES permit, other than an
24 NPDES storm water permit, or a State Waste Discharge Permit; and
- 25 c. connections conveying effluent from onsite sewage disposal systems to
26 subsurface soils.

27
28 B. BMPs shall be applied to any business or residential activity that might result in prohibited
29 discharges as specified in the Stormwater Pollution Prevention Manual or as determined necessary by
30 the director. Activities that might result in prohibited discharges include but are not limited to following:

- 31 1. Potable water line flushing;
- 32 2. Lawn watering with potable water;
- 33 3. Dust control with potable water;
- 34 3. Automobile and boat washing;
- 35 4. Pavement and building washing;
- 36 5. Swimming pool and hot tub maintenance;
- 37 6. Auto repair and maintenance;
- 38 7. Building repair and maintenance;
- 39 8. Landscape maintenance;
- 40 9. Hazardous waste handling;
- 41 10. Solid and food waste handling; and
- 42 11. Application of pesticides.

43
44 C. The following types of discharges shall not be considered prohibited discharges for the purpose
45 of this chapter unless the director determines that the type of discharge, whether singly or in
46 combination with other discharges, is causing significant contamination of surface and storm water or
47 ground water:

- 48 1. Spring water;

- 1 2. Diverted stream flows;
- 2 3. Uncontaminated water from crawl space pumps, foundation drains or footing drains;
- 3 4. Lawn watering with potable water or collected rainwater;
- 4 5. Pumped groundwater flows that are uncontaminated;
- 5 6. Materials placed as part of an approved habitat restoration or bank stabilization project;
- 6 7. Natural uncontaminated surface water or ground water;
- 7 8. Flows from riparian habitats and wetlands;
- 8 9. The following discharges from boats: engine exhaust; cooling waters; effluent from
- 9 sinks; showers and laundry facilities; and treated sewage from Type I and Type II marine
- 10 sanitation devices;
- 11 10. Collected rainwater that is uncontaminated;
- 12 11. Uncontaminated groundwater that seeps into or otherwise enters stormwater
- 13 conveyance systems;
- 14 12. Air conditioning condensation;
- 15 13. Irrigation water from agricultural sources that is commingled with stormwater runoff;
- 16 and
- 17 14. Other types of discharges as determined by the director.
- 18

19 |D.

- 20 1. Dye testing is allowable but requires verbal notification to the City at least one day prior
- 21 to the date of test. The City is exempt from this requirement.
- 22 2. A person does not violate subsection A. of this section if:
 - 23 a. That person has properly designed, constructed, implemented and is
 - 24 maintaining BMPs and is carrying out AKART as required by this chapter, but
 - 25 contaminants continue to enter surface and storm water or ground water; or
 - 26 b. That person can demonstrate that there are no additional contaminants being
 - 27 discharged from the site above the background conditions of the water entering the
 - 28 site.
- 29 3. A person who, under subsection D.2. of this section, is not in violation of subsection A.
- 30 of this section is liable for any prohibited discharges through illicit connections, dumping, spills,
- 31 improper maintenance of BMPs or other discharges that allow contaminants to enter surface
- 32 and storm water or ground water.
- 33 4. Emergency response activities or other actions that must be undertaken immediately or
- 34 within a time too short to allow full compliance with this chapter in order to avoid an imminent
- 35 threat to public health or safety, shall be exempt from this section. The director by public rule
- 36 may specify actions that qualify for this exception in City procedures. A person undertaking
- 37 emergency response activities shall take steps to ensure that the discharges resulting from such
- 38 activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where
- 39 applicable, to restrict recurrence.

40
41 **13.30.030 Stormwater Pollution Prevention Manual.**

42 A. Compliance with this chapter shall be achieved through the use of the best management
43 practices described in the Stormwater Pollution Prevention Manual in effect on XXXXXX (EFFECTIVE
44 DATE OF ORDINANCE). In applying the Stormwater Pollution Prevention Manual, the director shall first
45 require the implementation of source control BMPs. If these are not sufficient to prevent contaminants
46 from entering surface and storm water or ground water, the director may require implementation of
47 treatment BMPs as set forth in AKART. The City will provide, upon reasonable request, available

Exhibit 2

1 technical assistance materials and information, and information on outside financial assistance options
2 to persons required to comply with this chapter.

3
4 B. In applying the Stormwater Pollution Prevention Manual to prohibited discharges from normal
5 single family residential activities, the director shall use public education and warnings as primary
6 method of gaining compliance with this chapter and shall not use citations, notice and orders,
7 assessment of civil penalties and fines, or other compliance actions as authorized in SMC Title 23, unless
8 the director determines:

9 1. The discharge from a normal single family residential activity, whether singly or
10 combination with other discharges, is causing a significant contribution of contaminants to
11 surface and storm water or ground water; or

12 2. The discharge from a normal single family residential activity poses a hazard to the
13 public health, safety or welfare, endangers any property or adversely affects the safety and
14 operation of City right-of-way, utilities or other City-owned or maintained property.

15
16 C. Persons implementing BMPs through another federal, state or local program will not be
17 required to implement the BMPs prescribed in the City's Stormwater Pollution Prevention Manual,
18 unless the director determines the alternative BMPs are ineffective at reducing the discharge of
19 contaminants. If the other program requires the development of a stormwater pollution prevention plan
20 or other best management practices plan, the person shall make the plan available to the City upon
21 request. Persons who qualify for exemptions include, but are not limited to, persons:

22 1. Required to obtain a general or individual NPDES permit from the Washington state
23 Department of Ecology;

24 2. Implementing and maintaining, as scheduled, a King Conservation District-approved
25 farm management plan;

26 3. Implementing BMPs in compliance with the management program of the City's
27 municipal NPDES permit;

28 4. Engaged in forest practices, with the exception of forest practices occurring on lands
29 platted after January 1, 1960, or on lands being converted to another use or when regulatory
30 authority is otherwise provided to local government by RCW 76.09.240; or

31 5. Identified by the director as being exempt from this section.

32 33 **13.30.040 Enforcement.**

34 A. The director is authorized to carry out enforcement actions pursuant to the enforcement and
35 penalty provisions of SMC Title 23 and other enforcement provisions adopted by rule under the
36 procedures of SMC 2.55.

37
38 B. The director shall gain compliance with this chapter by requiring the implementation of BMPs
39 and, when necessary, AKART. The director shall initially rely on education and informational assistance
40 as much as possible to gain compliance with this chapter, unless the director determines a violation is a
41 result of a flagrant act that should be addressed through immediate penalties or poses a hazard as
42 defined in the Hazards section.

43
44 C. The director, in consultation with other departments of the City government, shall develop and
45 implement additional enforcement procedures. These procedures shall indicate how the City will
46 investigate and respond to reports or instances of noncompliance with this chapter and shall identify by
47 title the official(s) responsible for implementing the enforcement procedures.

48

1 D. The director is authorized to make such inspections and take such actions as may be required to
2 enforce the provisions of this chapter. Such inspections shall be made in accordance with SMC Title 23.

3 1. The director may observe best management practices or examine or sample surface and
4 storm water or ground water as often as may be necessary to determine compliance with this chapter.
5 Whenever an inspection of a property is made, the findings shall be recorded and a copy of the
6 inspection findings shall be furnished to the owner or the person in charge of the property after the
7 conclusion of the investigation and completion of the inspection findings.

8 2. When the director has made a determination under subsection 1. of this section that
9 any person is violating this chapter, the director may require the violator to sample and analyze any
10 discharge, surface and storm water, ground water, and/or sediment, in accordance with sampling and
11 analytical procedures or requirements determined by the director. If the violator is required to complete
12 this sampling and analysis, a copy of the analysis shall be provided to the City of Sammamish
13 Department of Public Works.

14
15 E. In addition to any other penalty or method of enforcement, the prosecuting attorney may bring
16 actions for injunctive or other relief to enforce this chapter.
17

18 **13.30.050 Hazards.**

19 Whenever the director determines that any violation of this chapter poses a hazard to public health,
20 safety, or welfare; endangers any property; or adversely affects the safety and operation of City right-of-
21 way, utilities, and/or other property owned or maintained by the City; the person holding title to the
22 subject property, and/or other person or agent in control of said property, upon receipt of notice in
23 writing from the director shall within the period specified therein address the cause of the hazardous
24 situation in conformance with the requirements of this chapter.

25 Notwithstanding any other provisions of this chapter, whenever it appears to the director that
26 conditions covered by this chapter exist requiring immediate action to protect the public health and/or
27 safety, the director is authorized to enter at all times in or upon any such property, public or private, for
28 the purpose of inspecting and investigating such emergency conditions. The director may without prior
29 notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to
30 comply with such order shall constitute a misdemeanor as specified in SMC Title 23.
31

32 **13.30.060 Criminal Penalty.**

33 Any willful violation of an order issued pursuant to Section 13.30.040 or Section 13.30.050 of this
34 chapter for which a criminal penalty is not prescribed by state law is a misdemeanor
35

36 **13.30.070 Civil penalties for water quality.**

37 The enforcement provisions for water quality are intended to encourage compliance with this chapter.
38 To achieve this, violators will be required to take corrective action and comply with the requirements of
39 this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and
40 economic values lost or damaged due to their unlawful action.

41 A. The provisions in this section are in addition to and not in lieu of any other penalty, sanction or
42 right of action provided by law.
43

44 B. Any person in violation of this chapter shall be subject to civil penalties assessed as follows:

45 1. An amount reasonably determined by the director to be equivalent to the economic
46 benefit the violator derives from the violation as measured by: the greater of the resulting increase in
47 market value of the property or business value received by the violator, or savings of construction or
48 retrofitting costs realized by the violator performing any act in violation of this chapter; and

Exhibit 2

1 2. An amount, not to exceed \$25,000, that is reasonably based upon the nature and
2 gravity of the violation and the cost to the City of enforcing this chapter against the violator.
3

4 C. Any person who, through an act of commission or omission, aids or abets in a violation shall be
5 considered to have committed the violation for the purposes of the civil penalty.
6

7 D. Each violator is jointly and severally liable for a violation of this chapter. The director may take
8 enforcement action, in whole or in part, against any violator. The decisions whether to take
9 enforcement action, what type of action to take, and which person to take action against, are all entirely
10 within the director's discretion. Factors to be used in taking such enforcement actions shall be:

- 11 1. Awareness of the violation;
- 12 2. Ability to correct the violation;
- 13 3. Cooperation with government agencies;
- 14 4. Degree of impact or potential threat to water or sediment quality, human health, or the
15 environment.

16 In the event more than one person is determined to have violated the provisions of this chapter, all
17 applicable civil penalties may be imposed against each person, and recoverable damages, costs, and
18 expenses may be allocated among the persons on any equitable basis. Factors that may be considered in
19 determining an equitable allocation include:

- 20 a. Awareness of the violation;
- 21 b. Ability to correct the violation;
- 22 c. Ability to pay damages, costs, and expenses;
- 23 d. Cooperation with government agencies;
- 24 e. Degree of impact or potential threat to water or sediment quality, human health, or the
25 environment.

26
27 E. The director or the director's designee may engage in mitigation discussions with the violator.
28 The director or the director's designee may reduce the penalties based upon one or more of the
29 following mitigating factors:

- 30 1. The person responded to City attempts to contact the person and cooperated with
31 efforts to correct the violation;
- 32 2. The person showed due diligence and/or substantial progress in correcting the violation;
- 33 or
- 34 3. An unknown person was the primary cause of the violation.

35 Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to
36 correct the violation.
37

38 **13.30.080 Construction – Intent.**

39 This chapter is enacted as an exercise of the City's power to protect and preserve the public health,
40 safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be
41 liberally construed to give full effect to the objectives and purposes for which it was enacted. This
42 chapter is not enacted to create or otherwise establish or designate any particular class or group of
43 persons who will or should be especially protected or benefited by the terms of this chapter.

44 The primary obligation of compliance with this chapter is placed upon the person holding title to the
45 property. Nothing contained in this chapter is intended to be or shall be construed to create or form a
46 basis for liability for the City, the department, its officers, employees or agents for any injury or damage
47 resulting from the failure of the person holding title to the property to comply with the provisions of this

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1 | chapter, or by reason or in consequence of any act or omission in connection with the implementation
2 | or enforcement of this chapter by the City, department, its officers, employees or agents.
3 |
4 |

Chapter 13.35
Fertilizers

Sections:

- 13.35.010 Fertilizers containing phosphorous - application - prohibited - exceptions - Department of Public Works to adopt standards and procedures.
- 13.35.020 Fertilizers on impervious surfaces - application prohibited - containment and disposition if release.
- 13.35.030 Consumer education and outreach by department of Public Works

13.35.010 Fertilizers containing phosphorous - application - prohibited - exceptions - Department of Public Works to adopt standards and procedures.

A. Except as provided in subsection B. of this section, a person may not apply to turf a fertilizer containing the plant nutrient phosphorus.

B. Subsection A. of this section does not apply when:

- 1. Soil test results or other certification by a turf specialist performed within the three years previous to the application indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth, and the test results or certification, and the application rate, are consistent with best practice standards approved by the City Department of Public Works. In developing the best practice standards, the department shall seek input from the Washington State University turfgrass specialists;
- 3. The property owner or an agent of the property owner is first establishing turf via seed or sod procedures and only during the first calendar year;
- 4. The fertilizer containing the plant nutrient phosphorus is applied to a golf course consistent with golf course management practices intended to minimize potential for fertilizer runoff; or
- 5. Applying turf fertilizer for agricultural or horticultural uses.

C. The Department of Public Works shall adopt appropriate standards and procedures for the purposes of subsection B.2. of this section.

13.35.020 Fertilizers on impervious surfaces - application prohibited - containment and disposition if release.

A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container.

13.35.030 Consumer education and outreach by department of Public Works.

The Department of Public Works shall seek to identify opportunities for grant funding and partnerships to support a consumer education and outreach effort, making use of existing outreach materials produced by other entities to the extent possible. If the state Department of Agriculture produces consumer information on application restrictions of fertilizer containing the plant nutrient phosphorus or on the impacts of phosphorus on the waters of the region, and on recommended best practices for turf fertilizer and other residential landscaping uses, the Department of Public Works shall cooperate in the distribution of the information, including making recommendations for appropriate locations or

Exhibit 2

- 1 | parties to receive such information, as well as accommodating electronic links on its agency website for
- 2 | any electronic information produced.

**CITY OF SAMMAMISH
STORMWATER DESIGN MANUAL ADDENDUM
City Council DRAFT (March 8, 2011)**

PREFACE – How to Use this Document

General Introduction

This document was prepared for the City of Sammamish to meet the requirements of the NPDES Phase 2 permit to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. Per the NPDES permit, this program applies to all sites that disturb a land area 1 acre or greater (the NPDES regulatory threshold), including projects less than one acre that are part of a larger common plan of the development or sale. The program applies to private and public development, including roads.

The City of Sammamish has adopted the 2009 King County Surface Water Design Manual (2009 KCSWDM) in order to be in compliance with its Phase II Municipal Stormwater permit. This Addendum to the 2009 KCSWDM defines how the requirements of the KCSWDM are to be implemented within the City of Sammamish. The Addendum specifies all changes, additions, and deletions to the 2009 KCSWDM to make it appropriate for use within the City of Sammamish. The 2009 KCSWDM along with this Addendum define the drainage requirements for development and redevelopment projects within the City.

Ecology has allowed local jurisdictions to follow previous stormwater requirements for projects disturbing less than one acre. The City has elected to continue their previous practice of applying the requirements of the 1998 King County Surface Water Design Manual (1998 KCSWDM) to those projects disturbing less than the required threshold (1 acre).

Which Manual should be used

If your project will disturb less than acre and is not part of a larger common plan or sale, then use the 1998 KCSWDM in conjunction with the applicable sections of this addendum. If your project proposes to disturb more than 40,000 sq ft but less than an acre, then a pre-construction on-site inspection is required to review the proposed clearing limits, and a post construction survey is required to certify that less than an acre was disturbed.

Projects that propose to disturb over an acre shall use the 2009 KCSWDM in conjunction with this addendum.

Purpose of and Need for the Addendum

The City has been issued a Phase II Municipal Stormwater Permit (Permit) effective February 16, 2007. The Permit was issued under the National Pollutant Discharge Elimination System (NPDES), as administered by the Washington State Department of

Ecology (Ecology) within Washington State. The Permit specifies minimum requirements and technical thresholds for stormwater mitigation needed for construction sites, new developments, and redevelopments.

Ecology prepared the 2005 Stormwater Management Manual for Western Washington to provide technical guidance to control the quantity and quality of stormwater runoff from new developments and redevelopments. The measures included in the Ecology manual are considered necessary to comply with state water quality standards and protect beneficial uses. If a jurisdiction adopts the 2005 Ecology manual or equivalent manual as approved by Ecology, they will meet one of the requirements of their NPDES permit.

The City of Sammamish has previously relied upon the earlier versions of the KCSWDM to guide stormwater mitigation within the City. King County recently updated its manual to be consistent with the 2005 Ecology manual. Ecology has deemed the 2009 KCSWDM and associated requirements to be equivalent to the 2005 Ecology Manual. By adopting the 2009 KCSWDM and addressing the associated requirements, the City will be in compliance with the NPDES requirements that rely on the Ecology manual or approved equivalent.

The purpose of this Addendum is to tailor the KCSWDM to meet the unique conditions within the City, and be consistent with the City codes, organization and processes. No substantive changes have been made to the KCSWDM in order to maintain equivalency in requirements and the level of protection provided by the KCSWDM.

Relationship of the KCSWDM and the City of Sammamish Low Impact Development (LID) Code

The City of Sammamish recently adopted low impact development code amendments. The 2009 KCSWDM encourages LID through careful site planning to limit disturbance of native vegetation and it also requires consideration of specific LID techniques to reduce runoff from developed sites. The KCSWDM provides specific design guidance for implementation of the measures encouraged in the City's LID code. As a result, the 2009 KCSWDM and the City of Sammamish LID ordinance complement each other.

How to Use this Document

This Addendum shall be used in coordination with the 2009 KCSWDM for the following:

- To translate specific wording or reference from King County to the City.
- To cross-reference City ordinances and City maps in lieu of King County ordinances and maps.
- To provide a linkage or reference to other City requirements such as more restrictive requirements outlined in basin plans and the City's Critical Areas Ordinances.
- To provide exceptions and additions to the KCSWDM.

The 2009 KCSWDM shall be used in its entirety except as directed in this Addendum. Exceptions and additions to the 2009 KCSWDM are organized and referenced by chapter and section in the same manner as the 2009 KCSWDM. Some global changes are provided in this preface, which shall be applied throughout the entire 2009 KCSWDM. The user shall override the maps and references to other documents as indicated within this Addendum.

Addendum Organization

The information presented in this Addendum is organized as follows:

- **Preface – How to use this Document:** This preface provides instructions for using the City of Sammamish’s Addendum to the 2009 KCSWDM. It also defines terms in the KCSWDM that are used differently for the City of Sammamish; City departments that are equivalent to county departments referred to in the KCSWDM; and designations from the KCSWDM that do not apply to proposals in the City of Sammamish.
- **Chapter 1 – Drainage Review Requirements:** The City of Sammamish has made several minor changes to Chapter 1 of the 2009 KCSWDM. This Addendum provides replacement and supplemental text for specific sections of Chapter 1. Apart from these changes, the King County version of Chapter 1 applies for proposals in the City of Sammamish.
- **Chapter 2 – Drainage Plan Submittal:** The City of Sammamish has made minor changes to Chapter 2 of the 2009 KCSWDM. The King County version of Chapter 2 applies for proposals in the City of Sammamish, except that the applicant shall refer to the City of Sammamish documents for technical submittal requirements, project plan requirements, and as-built requirements.
- **Chapter 3 – Hydrologic Analysis and Design:** The City of Sammamish has made no changes to Chapter 3 of the 2009 KCSWDM. The King County version of Chapter 3 applies for proposals in the City of Sammamish. This Addendum to Chapter 3 provides guidance on the application of the various flow control standards specified in the 2009 KCSWDM.
- **Chapter 4 – Conveyance System Analysis and Design:** The City of Sammamish has made no changes to Chapter 4 of the 2009 KCSWDM. The King County version of Chapter 4 applies for proposals in the City of Sammamish.
- **Chapter 5 – Flow Control Design:** The City of Sammamish has made very minor changes to Chapter 5 of the 2009 KCSWDM. This addendum to Chapter 5 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 5 applies for proposals in the City of Sammamish.

The City of Sammamish has adopted a Low Impact Development Ordinance that encourages the use of LID techniques within the City. LID applications can be used to reduce the size of flow control facilities following the credits specified in the 2009 KCSWDM.

- **Chapter 6 – Water Quality Design:** The City of Sammamish has made minor changes to Chapter 6 of the 2009 KCSWDM. This addendum to Chapter 6 provides replacement text for the sections that are changed. Apart from these changes, the King County version of Chapter 6 applies for proposals in the City of Sammamish.

The City of Sammamish requires higher levels of phosphorus removal for some lakes based on specific studies. The 2009 KCSWDM Addendum identifies the procedures to follow and the areas that are involved in higher levels of phosphorus removals.

- **Definitions:** The City of Sammamish has made changes to the definitions section of the 2009 KCSWDM. This Addendum to the Definitions section provides replacement text for the definitions that are changed. Apart from these changes, the King County version of the Definitions Section applies for proposals in the City of Sammamish.
- **Appendices:** Appendix B does not apply to the City of Sammamish. Appendices A, C, and D apply to proposals in the City of Sammamish.
- **References:** King County Reference sections 2, 3, 4B, 7C, 8M through 8Q, 9, and 10 do not apply to the City of Sammamish. King County Reference sections 7b, 8G, 8J, 8K, 8L have been replaced by a City of Sammamish reference. The King County version of Reference section 1, 4A, 4C, 5, 6, 7A and 8A through 8F, 8G, 8I apply to proposals in the City of Sammamish. New reference number 11 has been added.

City Equivalents for County Agencies

Unless the context requires otherwise, any reference to “County”, “King County”, or county department, shall refer to the City of Sammamish and any reference to county staff shall refer to the City Manager or designee, unless specifically referring to the Department of Community Development (DCD).

City Equivalents for County Ordinances

For proposals in the City of Sammamish, all reference in the KCSWDM to the following ordinances or municipal codes shall be replaced by reference as indicated in the following table.

King County Code (KCC)	Description	Sammamish Municipal Code (SMC)	Description
KCC 16.82	BUILDING AND CONSTRUCTION STANDARDS-Clearing and Grading	SMC 16.15	Clearing and Grading
KCC 21A.14	Development Standards Design Requirements	SMC 21A.25	Development Standards – Density and Dimensions
KCC 21A.24	Critical Areas	SMC 21A.50	Development Code – Environmentally Critical Areas
KCC 21A.06	Technical Terms and Land Use Definitions	SMC 21A.15.254	Definitions
KCC 20.14	Basin Plans	SMC 24.200	Interim Comprehensive Plan – Basin Plans
KCC 25	Shoreline Management	SMC 25	Shoreline Management
KCC 9*	Surface Water Management	SMC 13	Surface Water Management
		SMC 15.10	Flood Damage Prevention

*Title 9 still applies to the City of Sammamish per Ordinance 099-17, and is supplemented with SMC 15.

In general, references to the King County Critical Areas Ordinance (KCC 21A) are to be replaced by reference to the Sammamish Municipal Code (SMC 21A), particularly, chapter SMC 21A.50, Environmentally Critical Areas. Definitions for critical areas terminology may be found in SMC 21A.15. The following table provides additional detail on critical areas.

Exhibit 3
City of Sammamish Stormwater Design Manual Update-DRAFT

King County Code (KCC)	Description	Sammamish Municipal Code (SMC)	Description
Title 2	Administration	20	Administrative Procedures, Environmental Policy
21A.24.230	Flood hazard area	21A.50.230 15.10	Frequently flooded areas Flood Damage prevention
21A.24.311 – 21A.24.314	Critical Aquifer recharge area	21A.50.280 21A.15.253	Critical aquifer recharge areas – Development standards and permitted alterations Definition
21A.24.230	Erosion hazard area	21A.50.220 21A.50.225 21A.15.415	Erosion hazard areas – Development standards and permitted alterations. Erosion hazards near sensitive water bodies – Special district overlay. Definition
21A.24.280	Landslide hazard area / Landslide hazard drainage area	21A.50.260 21A.15.680	Landslide hazard area – Development standards and permitted alterations Definition
21A.24.290	Seismic hazard areas	21A.50.270 21A.15.1045	Seismic hazard area – Development standards and permitted alterations Definition
21A.24.310	Steep slope hazard areas	21A.15.1230 21A.15.1230	Definition. Steep slope hazard areas now included as part of landslide hazard areas. Definition
21A.24.318 – 21A.24.345	Wetlands areas	21A.50.290 – 21A.50.320 21A.15.1415	Wetlands - Development standards and permitted alterations Definition
21A.24.355 – 21A.24.381	Aquatic Areas	21A.50.330 – 21A.50.350	Streams
21A.24.383 - 21A.24.388	Wildlife habitat conservation areas	21A.15.468 21A.50	Wildlife habitat conservation areas

City Equivalents for County Maps

For proposals in the City of Sammamish, all reference in the KCSWDM to the following maps shall be replaced by reference as indicated in the following table.

King County Map or Designation	City of Sammamish Map*
Flow Control Applications Map	Flow Control Applications Map Map to be provided by the City
Landslide Hazard Drainage Areas Map	Landslide Hazard Drainage Area Map Map to be provided by the City
Water Quality Applications Map	Water Quality Applications Map Map to be provided by the City
Flood Hazard Area as defined in KCC 21A.06	Environmentally Sensitive Areas Map Frequently flooded areas include all areas of special flood hazards within the jurisdiction of the City of Sammamish as defined in SMC 21A.50.230 and as shown on the Environmentally Sensitive Areas Map.
Erosion Hazard Area*	Definition provided in SMC 21A.50.220
Landslide Hazard Area*	Definition provided in SMC 21A.50.260
Critical Aquifer Recharge Area*	Definition provided in SMC 21A.50.280

* Maps are on the City's web site at <http://www.ci.sammamish.wa.us/Maps.aspx>.

City Equivalents for County Plans or Studies

In general, references to county-approved plans or studies in the KCSWDM are to be replaced by reference to appropriate City-approved plans or studies. If comparable City-approved plans or studies do not exist, then references to County-approved plans or studies shall be retained for proposals in the City of Sammamish.

County Designations that do not Apply in the City

The following designations are used in the 2009 KCSWDM but are not currently used in the City of Sammamish; any reference in the KCSWDM to the existence of areas with these designation or thresholds or requirements for such areas is to be disregarded for proposals in the City of Sammamish:

- **Agricultural Project**
- **Coal Mine Hazard Area**
- **Forest Production Zone Area**
- **Master Drainage Plans (MDPs)**
- **Rural Residential Development**
- **Sensitive Area Folio** - refer to City of Sammamish Sensitive Areas Maps at <http://www.ci.sammamish.wa.us/Maps.aspx>
- **Stormwater Compliance Plans (SWCPs)**
- **Urban Planned Development**
- **Zoning Classifications:** The KCSWDM references to Agricultural (A) Zoning, Forest (F) Zoning, or Rural (R) Zoning are intended for areas outside of the Urban Growth Boundary; therefore, the City of Sammamish contains no equivalent zoning. Project proponents should refer to City zoning maps to determine which zoning classifications apply to their projects.

Equivalency of the KCSWDM Relevant to the City of Sammamish

Note that King County Code (KCC) Chapter 9.04 (Surface Water Runoff Policy) and the KCSWDM alone are not equivalent with the Ecology manual. In a letter to King County dated February 19, 2008, Ecology identified additional requirements that a Phase II community needs to incorporate in order to be able to adopt the KCSWDM as an equivalent to the Ecology Manual. These other adopted requirements and the aspects of the Ecology manual or permit requirements that they address are listed in the following table. The table also identifies the equivalent City of Sammamish code or the requirement that needs be followed to obtain equivalency and be in compliance with the Permit.

Ecology Requirement	King County Code (KCC)	Sammamish Municipal Code (SMC) or Requirement
<p>Construction erosion and sediment controls are required for all new and redevelopment projects, regardless of project size.</p>	<p>To meet this requirement, King County relies on KCC 16.82.095 Clearing and Grading to require erosion and sediment controls at all sites where a site is disturbed, regardless of whether a permit is required.</p>	<p>The City of Sammamish meets this requirement in SMC 16.15.090 Clearing and Grading.</p>
<p>The application of construction erosion and sediment control requirements and the soil quality and depth best management practice (BMP) for flow control are not currently located in the KCSWDM.</p>	<p>These requirements are located in KCC 16.82 Clearing and Grading.</p>	<p>To meet this requirement, follow “BMP T5.13: Post- Construction Soil Quality and Depth” in the Ecology Manual, and provided herein as Reference 11.</p>
<p>The wetlands protection requirement (Minimum Requirement #8) is not contained in the KCSWDM,</p>	<p>Wetland protection requirements are located in KCC 21A.24 Critical Areas.</p>	<p>The City of Sammamish meets this requirement in SMC 21A.50.290 through 21A.50.632.</p> <p>Wetland management area- Special district overlay is provided in 21A.50.322.</p> <p>Wetland definitions are proved in SMC 21A.15.1395 through 21A.15.1415.</p>
<p>Exemptions for treatment and flow control in rural areas (allowed for up to 4% total impervious area and 15% new pervious area).</p>	<p>Ecology approves the exemptions based on the County’s rural area clearing restrictions in KCC 16.82 Clearing and Grading.</p> <p>Buffer requirements are contained in KCC 21A.24 Critical Areas.</p>	<p>The City of Sammamish meets these requirements in SMC 16.15 and SMC 21A.50.</p>

Exhibit 3

CHAPTER 1 – Drainage Review and Requirements

The City of Sammamish has made several minor changes to Chapter 1 of the 2009 KCSWDM. This chapter provides replacement and supplemental text for specific sections of Chapter 1. Apart from these changes, the King County version of Chapter 1 applies for proposals in the City of Sammamish. The City’s changes to the County document are as follows:

- **Key Terms and Definitions (page 1-1 of the 2009 KCSWDM)** — Replace all references to KCC 21A with SMC 21A. In addition, the following changes to specific terms apply:

Term (page)	Action
Critical aquifer recharge area (p 1-2)	<p><i>Replace as follows per SMC 21A.15.253:</i> “Critical aquifer recharge areas” is the critical area designation that is applied to areas where extra protection of groundwater quantity and quality is needed because of known susceptibility to contamination and importance to drinking water supply. Such areas are delineated on the _____ available at _____. See the “Definitions” section for more details.</p> <p>Critical aquifer recharge areas are regulated in SMC 21A.50.280 Critical aquifer recharge areas – Development standards.</p> <p>Also mapped. See XXXXX</p>
Critical Drainage Area (p 1-2)	<p><i>Replace as follows per SMC 21A.15.255:</i> “Critical drainage area” means an area that has been formally determined by the King County surface water management department to require more restrictive regulation than countywide standards afford in order to mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative impacts of development and urbanization. (Ord. O2003-132 § 10).</p> <p>Critical drainage areas are defined in SMC 21A.15.255 and are regulated in SMC 21A.50.355 Lake management areas – Special District overlay.</p>
Erosion hazard area (p 1-2)	<p><i>Replace as follows per SMC 21A.15.415:</i> “Erosion hazard area” is the critical area designation that is applied to areas underlain by soils that are subject to severe erosion when disturbed. See the “Definitions” section for more details.</p> <p>Erosion hazard areas are regulated in SMC 21A.50.220 Erosion hazard areas – Development standards and permitted alterations.</p>
Flood Hazard Area (p 1-3)	<p><i>Replace as follows per SMC 15 Flood Damage Prevention:</i> SMC 15 shall be the basis for establishing the areas of special flood hazard.</p>

Term (page)	Action
Landslide Hazard Area (p 1-3)	<p><i>Replace as follows per SMC 21A 15.680:</i></p> <p>“Landslide hazard area” is the critical designation that is applied to areas potentially subject to severe risk of landslide due to topography, soil conditions, and geology.</p>

- Section 1.1.1 PROJECTS REQUIRING DRAINAGE REVIEW (page 1-9 of the 2009 KCSWDM)** — Replace the “King County Permits and Approvals” table with the following table:

City of Sammamish Permits and Approvals
Construction Permits
Right of Way Permit
Site Development Permits
Conditional Use Permits
Clear and Grade Permit
Shoreline Management Substantial Development Permits
Short Subdivision Developments (Short Plat)
Subdivision Developments (Plats)
Commercial Site Development Permit (CSDP)
Unified Zone Development Permit (UZDP)
Plat Alterations
<p>Notes: See SMC20.05 - PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS for additional information.</p>

- Section 1.2 CORE REQUIREMENTS, Downstream Water Quality Problems Requiring Special Attention (page 1-26 of the 2009 KCSWDM)** — The following supplemental information is added to this section:

The 2009 KCSWDM recognizes water quality problems requiring special mitigation measures to protect receiving waters. A water quality problem is defined as a problem documented by the state to exceed the state’s numeric water quality standard. The 2009 KCSWDM references Category 2, 4, and 5 water quality problems as requiring special attention. Within the City of Sammamish, the following water quality problems are currently listed by the Department of Ecology, based on the 2008 Water Quality Assessment, approved by the U.S. Environmental Protection Agency on January 29, 2009.

The latest designated impaired waterbodies can be viewed at <http://apps.ecy.wa.gov/wqawa/viewer.htm>.

Impaired Water Body	Parameter	Category*
Lake Sammamish	Dissolved oxygen, fecal coliform	5
Lake Sammamish	Total phosphorus	2
Pine Lake Creek	Fecal coliform, dissolved oxygen, total phosphorus	5
Laughing Jacobs Creek	Fecal coliform, dissolved oxygen	5
Ebright Creek	Fecal coliform	5
Ebright Creek	Dissolved oxygen	2
Evans Creek	Fecal coliform, dissolved oxygen, temperature	4a
Evans Creek	pH	2
Beaver Lake No. 2	Total phosphorus	2

* Definition of Categories for impaired waterbodies:

- Category 2: Waters of concern, some evidence of water quality problem.
- Category 4 (a and b): Polluted waters with a plan (TMDL) or pollution control program in place to address the problem.
- Category 5: Polluted waters, a TMDL plan is required.

Projects that discharge to the impaired waterbodies identified above may be required to implement special treatment to address the water quality problem in accordance with the requirements outlined in Section 1.2.2.3, Water Quality Problem Impact Mitigation.

Studies and lake management plans have determined that Beaver and Pine Lakes within the City of Sammamish require a higher level of total phosphorus reduction than that currently required by the 2009 KCSWDM. For projects that drain to Beaver Lake or Pine Lake, the project proponent shall contact the City for specific requirements necessary to attain the desired level of total phosphorus reduction.

The federal Clean Water Act requires that a Total Maximum Daily Load (TMDL) cleanup plan be developed for each of the waterbodies on the state's list of impaired waterbodies, known as the "303(d) list." The TMDL study identifies pollution problems in the watershed, and specifies how much pollution needs to be reduced or eliminated to achieve clean water. Ecology has prepared TMDLs for fecal coliform bacteria, temperature and dissolved

oxygen for the Bear-Evans watershed. Strategies identified in the TMDLs to address the water quality impairment in the Bear-Evans watershed are listed below. Development or redevelopment projects within the City of Sammamish that ultimately drain to Evans Creek should incorporate these actions as appropriate.

TMDL - Implementation Strategy for Fecal Coliform Bacteria in the Evans Creek Watershed

- Implement structural (as appropriate) and non-structural stormwater source control best management practices (BMPs).
- Restore riparian vegetation to help filter out stormwater pollutants.
- Properly manage domestic animal and livestock wastes.

TMDL - Implementation Strategy for Temperature and Dissolved Oxygen in the Evans Creek watershed

- Plant new and preserve existing trees in the riparian zone along lengths of the creeks.
- Investigate opportunities to enhance groundwater recharge.
- Restore and protect wetlands in areas that will benefit the stream and enhance habitat.
- Consider a water management strategy that recognizes the benefits of maintaining summer baseflows.
- Minimize human-caused sources of nutrients in the watershed.

- **Section 1.3.1 SPECIAL REQUIREMENT #1: OTHER ADOPTED AREA-SPECIFIC REQUIREMENTS (page 1-77 of the 2009 KCSWDM) —** Replace the table in Section 1.3.1 on page 1-78 with the following:

Threshold	Requirement
IF a proposed project is in a basin plan or lake management plan...	THEN the proposed project shall comply as codified by the City of Sammamish Municipal Code.

CHAPTER 2 – Drainage Plan Submittal

The City of Sammamish has added supplemental information and made minor changes to Chapter 2 of the 2009 KCSWDM, as described below. Apart from this information, project proponents should refer to the county document for guidance on drainage plan submittal. All submittal reviews shall be conducted by the Department of Community Development (DCD).

Supplemental Information

As part of our Surface Water Design Manual the applicant shall refer to the following documents for Project Plans and As-Builts.

- 1) Site Development Permit – Technical Submittal Requirements (Pages 3-5 relate to Stormwater). This document is provided on the city website at: <http://www.ci.sammamish.wa.us/files/document/7089.pdf>
- 2) The applicant shall use the *City of Sammamish Standard Development Project Close-out (M/D Period) PW Administration Items Requirements/Checklist* form (available from the City of Sammamish Department of Community Development as a guide to assembling a *First Submittal Intake* package.

Section 2.4.2 FINAL CORRECTED PLAN SUBMITTAL (page 2-35 of the 2009 KCSWDM) — Replace Section 2.4.2 in entirety as follows:

The applicant shall use the *City of Sammamish Standard Development Project Close-out (M/D Period) PW Administration Items Requirements/Checklist* form (available from DCD) as a guide to assembling a *Second Submittal Intake* package for project closeout.

Exhibit 3

CHAPTER 3 – Hydrologic Analysis and Design

The City of Sammamish has made no changes to Chapter 3 of the 2009 KCSWDM. Project proponents should refer to the county document for guidance on hydrologic analysis and design.

The City of Sammamish has identified specific areas requiring Level 2 or Level 3 flow control as defined within the KCSWDM. Flow control areas are identified in the flow control maps accompanying this Addendum.

The City of Sammamish accepts continuous models that have been approved by Ecology. Included among these are:

- **King County Runoff Time Series (KCRTS):** This is the hydrologic model that accompanies the 2009 KCSWDM. Ecology has deemed this model to be equivalent to the requirements of the Ecology manual provided that compliance for the flow-duration curves are consistent with the method Ecology uses. The model includes hourly and 15-minute rainfall. The 15-minute rainfall is used to determine peak flows used for conveyance design.
- **Western Washington Hydrologic Model (WWHM):** This is the hydrologic model that accompanies the Ecology manual. WWHM incorporates routines to evaluate LID techniques. WWHM was initially developed for detention and water quality design and did not focus on peak flow predictions for conveyance design. The standard model does not include rainfall data that would be suitable for determining peak flows for conveyance design.
- **MGSFlood:** This is the hydrologic model originally developed for Washington State Department of Transportation (WSDOT) for use in transportation projects. MGSFlood incorporates an extended rainfall database of 158 years in length created by combining rainfall records from different locations in the Pacific Northwest. It has recently incorporated a rainfall that is disaggregated to a 5-minute timestep to assist in the design of conveyance. MGSFlood also incorporates routines to evaluate LID techniques

The approved models are all derivatives of the Hydrologic Simulation Program-FORTRAN (HSPF) model. The City also accepts use of the HSPF model, provided suitable documentation is provided and approved concerning the runoff parameters used for the analyses. Approved regional parameters or basin-specific parameters developed during a basin plan can be used. Alternative parameters can be used following the protocols described in the 2009 KCSWDM.

Hydrologic analysis methods must follow “Table 3.2 Acceptable Uses of Runoff Computation Methods” found on page 3-10 of the 2009 KCSWDM. Derivatives of HSPF (e.g., KCRTS, MGSFlood, and WWHM) can be applied as indicated under the “KCRTS” column. As noted above, there are differences the rainfall data used for these derivative models. These differences are most noticeable in the generation of peak flows used for conveyance design. The City of Sammamish currently accepts both KCRTS and MGSFlood for conveyance design.

Exhibit 3

CHAPTER 4 – Conveyance System Analysis and Design

The City of Sammamish has made no changes to Chapter 4 of the 2009 KCSWDM. Project proponents should refer to the county document for guidance on conveyance system analysis and design.

Exhibit 3

CHAPTER 5 – Flow Control Design

The City of Sammamish has added supplemental information and made several minor changes to Chapter 5 of the 2009 KCSWDM, as described below. Apart from this information, project proponents should refer to the county document for guidance on flow control design.

Supplemental Information

The City of Sammamish has identified specific areas where the Conservation Flow Control (Level 2) and Flood Problem Flow Control (Level 3) flow control standards described in the 2009 KCSWDM are to be applied within the City. Locations are shown on the City of Sammamish Flow Control Applications map accompanying this Addendum.

Generally, the King County Basic Flow Control (Level 1) standard does not apply within the City. There may, however, be circumstances where the Basic Flow Control standard can be applied. The 2009 KCSWDM defines the Basic Flow Control Standard as being appropriate for areas that drain to a closed conveyance system that discharges to a waterbody designated as a major receiving water. Lake Sammamish is designated a major receiving water. Developments that drain to closed drainage systems discharging directly to Lake Sammamish could, by definition, be eligible for the Basic Flow Control Standard. This would be the case where runoff from a new or redevelopment project area discharges to an existing system downstream drainage system where downstream capacity issues are likely with an increase in runoff to the system.

Chapter 5 describes various LID techniques. These should be used as the technical guidance for implementing the BMPs specified in the LID Ordinance.

Changes to 2009 KCSWDM

- **Section 5.3.1.1 DESIGN CRITERIA, Detention Ponds in Open Space (page 5-25 of the 2009 KCSWDM)** — This section does not apply. City of Sammamish does not require this signage.
- **Section 5.3.1.1 DESIGN CRITERIA, Figure 5.3.1.D Permanent Surface Water Control Pond Signs (page 5-29 of the 2009 KCSWDM)** — Replace references to King County and the King County logo with City of Sammamish and the City of Sammamish logo, respectively. Also, delete the last sentence and replace with the following:

For more information or to report littering, vandalism or other problems, call City Hall at 425-295-0500. For emergencies after-hours, holidays, and weekends call the public works emergency dispatch number at 206- 296-8100.

Exhibit 3

CHAPTER 6 – Water Quality Design

The City of Sammamish has added supplemental information and made one minor change to Chapter 6 of the 2009 KCSWDM, as described below. Apart from this information, project proponents should refer to the county document for guidance on water quality design.

Supplemental Information

The City of Sammamish adopts the BMPs and water quality treatment menus in the 2009 KCSWDM. Special treatment requirements for runoff draining to impaired waterbodies are addressed in Chapter 1. An exception to the KCSWDM is the treatment requirement for runoff discharging to lakes designated to receive a higher level of total phosphorus removal. The Sensitive Lake Protection Menu in the 2009 KCSWDM has a treatment goal of 50 percent reduction of annual average total phosphorus (TP), assuming typical pollutant concentrations in urban runoff. Lake management plans and studies have determined that Beaver Lake and Pine Lake require higher levels of phosphorus removal to protect the lakes from eutrophication brought about by development. Within these areas, a treatment goal of 80 percent reduction of TP is required. Areas requiring the higher level of TP reduction are shown on the Water Quality Treatment Application map accompanying this Addendum. Proponents for projects within these areas shall work with the City to determine the appropriate measures to be taken to achieve the 80 percent TP reduction goal.

Change to 2009 KCSWDM

- **Section 6.4.1.2 BASIC DESIGN CRITERIA, Figure 6.4.1.C Waterfowl Sign (page 6-82 of the 2009 KCSWDM)** — This section does not apply. City of Sammamish does not require this signage.

Exhibit 3

DEFINITIONS

The City of Sammamish has made the following changes to the Definitions Section of the 2009 KCSWDM. Project proponents should refer to the county document for other definitions.

Term (page)	Action
<p><i>Critical aquifer recharge area</i> (p 1-2)</p>	<p><i>Replace as follows (from SMC 21A.15.253):</i></p> <p><i>Critical aquifer recharge areas</i> (CARAs) means those areas in the City of Sammamish with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. CARAs shall be classified based on the following criteria:</p> <p>(1) Class 1 CARAs include those areas located within the mapped one- or five-year capture zone of a wellhead protection area.</p> <p>(2) Class 2 CARAs include those areas located within the mapped 10-year capture zone of a wellhead protection area.</p> <p>(3) Class 3 CARAs include those areas outside wellhead protection areas that are identified as high aquifer recharge potential areas based on characteristics of surficial geology and soil types. (Ord. O2005-193 § 2)</p>
<p><i>Erosion hazard area</i> (p 1-2)</p>	<p><i>Replace as follows (from SMC 21A.15.415):</i></p> <p><i>Erosion hazard areas</i> mean those areas in the City underlain by soils that are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe or very severe erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include the following when they occur on slopes 15 percent or steeper:</p> <p>(1) The Alderwood gravely sandy loam (AgD);</p> <p>(2) The Alderwood and Kitsap soils (AkF);</p> <p>(3) The Beausite gravely sandy loam (BeD and BeF);</p> <p>(4) The Everett gravelly sandy loam (EvD);</p> <p>(5) The Kitsap silt loam (KpD);</p> <p>(6) The Ovall gravely loam (OvD and OvF);</p> <p>(7) The Ragnar fine sandy loam (RaD); and</p> <p>(8) The Ragnar-Indianola Association (RdE). (Ord. O2005-193 § 2; Ord. O2003-132 § 10)</p>
<p><i>Flood hazard area</i> (p 1-3)</p>	<p><i>Replace as follows (per SMC 21A.15.680):</i></p> <p><i>Flood hazard areas</i> means those areas in the City of Sammamish subject to inundation by the base flood and those areas subject to risk from channel relocation or stream meander including, but not limited to, streams, lakes, wetlands, and closed depressions. (Ord. O2003-132 § 10)</p>

Term (page)	Action
<p>Frequently Flooded Area SMC 21A.50.230</p>	<p><i>Add new definition as follows (from SMC 21A.50.230):</i></p> <p>(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 FIRM is issued that incorporates the data utilized under SMC 15.10.130(2).</p> <p>(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.</p> <p>(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)</p>

Term (page)	Action
<p>Landslide Hazard Area (Steep slope) (page 1-3 of KCSWDM)</p>	<p>Replace as follows (per SMC 21A.15.680):</p> <p>Landslide hazard areas mean those areas in the City of Sammamish potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, groundwater, or other factors. Landslide hazard areas include the following:</p> <p>(1) Areas of historic failures, such as:(a) Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;</p> <p>(b) Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;</p> <p>(2) Areas that have shown movement during the Holocene epoch, from 10,000 years ago to the present, or which are underlain by mass wastage debris from that epoch;</p> <p>(3) Any area with all three of the following characteristics:</p> <p>(a) Slopes steeper than 15 percent; and</p> <p>(b) Hillside intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and</p> <p>(c) Springs or groundwater seepage;</p> <p>(4) Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief;</p> <p>(5) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;</p> <p>(6) Slopes having gradients steeper than 80 percent subject to rock fall during seismic shaking;</p> <p>(7) Areas potentially unstable because of rapid stream incision, stream bank erosion or undercutting by wave action; and</p> <p>(8) Landslide hazard areas do not include those areas composed of slopes greater than 40 percent that were created from a previously non-landslide hazard area through legal grading activity and that are confirmed to be stable by a qualified professional. (Ord. O2005-193 § 2; Ord. O2003-132 § 10)</p>

Exhibit 3

APPENDICES

The City of Sammamish has made the following changes to the Appendices section of the 2009 KCSWDM. Project proponents should refer to the county appendices where referenced below.

Appendix A: Maintenance Requirements for Flow Control, Conveyance, and WQ Facilities – The City of Sammamish has made no changes, and Appendix A applies in its entirety to the City of Sammamish.

Appendix B: Master Drainage Plan Objective, Criteria and Components, and Review Process – This appendix does not apply within the City of Sammamish.

Appendix C: Small Drainage Requirements – This is a separately bound document included with the KCSWDM and this appendix applies in its entirety to the City of Sammamish. Appendix C provides guidance for many of the low impact development (LID) techniques referenced in the City of Sammamish LID Ordinance.

Appendix D: Erosion and Sediment Control Standards – This is a separately bound document included with the KCSWDM and this appendix applies in its entirety to the City of Sammamish.

Exhibit 3

REFERENCE

Table Ref-1 identifies which reference sections in the KCSWDM apply and those that do not apply to the City of Sammamish. Table Ref-2 lists additional City of Sammamish references that apply.

Table Ref-1. Applicability of KCSWDM References to City of Sammamish Projects

No.	Description	Action
1	KCC 9.04 Surface Water Runoff Policy	This reference document applies. The King County surface water runoff policy, as adopted by reference in Chapter 9.04 KCC as adopted by SMC 15.05 (Ordinance 099-17 § 1)
2	Adopted Critical Drainage Areas	This reference document shall be deleted in entirety. Project proponents should refer to City codes, ordinances, and sensitive areas maps for description and requirements within sensitive areas.
3	Other Adopted Area Specific Drainage Requirements	This reference document shall be deleted in entirety. Project proponents should refer to City codes, ordinances, and sensitive areas maps for description and requirements within sensitive areas. The project proponent shall also work with the City on additional requirements that may apply to their project.
4	Other Drainage Related Regulations and Guidelines A. Grading Code Soil Amendment Standard B. Clearing & Grading Seasonal Limitations C. Landscape Management Plan Guidelines D. Shared Facility Maintenance Responsibility and Guidance	A. This standard is applicable. B. Not applicable. See SMC 16.15 C. Applicable. D. Applicable.
5	Wetland Hydrology Protection Guidelines	These guidelines apply.
6	Hydrologic/Hydraulic Design Methods A Infiltration Rate Test B Pond Geometry Equations	This reference section is applicable.
7	Engineering Plan Support A. King County Standard Map Symbols	A. Applicable.

Exhibit 3
City of Sammamish Stormwater Design Manual Update-DRAFT

No.	Description	Action
	<p>B. Standard Plan Notes and Example Construction Sequence</p> <p>C. Stormfilter Access & Cartridge Configuration</p>	<p>B. Replace with City’s standard plan notes. Contact City for most current version of notes.</p> <p>C. Not applicable. Delete this reference subsection in entirety.</p>
8	Forms and Worksheets	
	<p>A. TIR Worksheet</p> <p>B. Clearing and Grading Seasonal Limitations</p> <p>C. Offsite Analysis Drainage System Table</p> <p>D. Flow Control and Water Quality Facility</p> <p>E. CSWPPP Worksheet Forms</p> <p>F. Adjustment Application Form and Process Guidelines</p> <p>G. Dedication and Indemnification Clause</p> <p>H. Bond Quantity Worksheet</p> <p>I. Maintenance and Defect Agreement</p> <p>J. Declaration of Covenant</p> <p>K. Drainage Release Covenant</p> <p>L. Drainage Easement</p> <p>M. Flow Control BMP Covenant (see replacement form name below.</p> <p>N. Impervious Surface Limit Covenant</p> <p>O. Clearing Limit Covenant</p> <p>P. River Protection Easement</p> <p>Q. Leachable Metals Covenant</p>	<p>A. Applicable.</p> <p>B. Applicable.</p> <p>C. Applicable.</p> <p>D. Applicable.</p> <p>E. Applicable.</p> <p>F. Applicable.</p> <p>G. Applicable, replace with COS updated form.</p> <p>H. Applicable.</p> <p>I. Applicable.</p> <p>J. Applicable, replace with COS updated form.</p> <p>K. Applicable, replace with COS updated form.</p> <p>L. Applicable, replace with COS updated form.</p> <p>M. Delete in entirety; not applicable.</p> <p>N. Delete in entirety; not applicable.</p> <p>O. Delete in entirety; not applicable.</p> <p>P. Delete in entirety; not applicable.</p> <p>Q. Delete in entirety; not applicable.</p>
9	Interim Changes to Requirements	Delete in entirety
10	King County Identified Water Quality Problems	Delete in entirety

No.	Description	Action
11	BMP T5.13 Post-Construction Soil Quality and Depth	<p>New section added. Excerpt from 2005 Stormwater Manual for Western Washington, Ecology. Excerpt applies in entirety except final section, <i>Flow Reduction Credits</i>, does not apply.</p> <p>The most current version of <i>Guidelines and Resources for Implementing Soil Quality and Dept BMP T5.13</i> is available at:</p> <p>http://www.soilsforsalmon.org/pdf/Soil_BMP_Manual.pdf</p>

Table Ref-2. City of Sammamish References

No.	Description
1	<p>Area-Specific Drainage Requirements</p> <p>A Flow Control Applications Map</p> <p>B Water Quality Applications Map</p> <p>C Landslide Hazard Drainage Areas Map</p> <p>[Others to be determined]</p>

1 **13.25 Rate adjustments and appeals.**

2 A. Any person billed for service charges may file a request for rate adjustment with the division
3 within three years of the date from which the bill was sent. However, filing of such a request does not
4 extend the period for payment of the charge.

5
6 B. Requests for rate adjustment may be granted or approved by the director only when one of the
7 following conditions exists:

8 1. The parcel is owned and is the personal residence of a person or persons determined by
9 the City as qualified for a low income senior citizen property tax exemption authorized under RCW
10 84.36.381. Parcels qualifying under this subsection B.1. shall be exempt from all charges imposed in this
11 chapter;

12 2. The acreage of the parcel charged is in error;

13 3. The parcel is nonresidential and the actual impervious surface coverage of the parcel
14 charged places it in a different rate category than the rate category assigned by the division;

15 4. The parcel is nonresidential and the parcel meets the definition of open space in this
16 title. Parcels qualifying under this subsection B.4. will be charged only for the area of impervious surface
17 and at the rate which the parcel is classified under using the total parcel acreage;

18 5. The parcel is owned or leased by a public school district which provides activities which
19 directly benefit the surface water management program. The activities may include: curriculum specific
20 to the issues and problems of surface and storm water management, and student activities in the
21 community to expose students to the efforts required to restore, monitor or enhance the surface and
22 storm water management system. Pursuant to RCW 36.89.085, the amount of the rate adjustment shall
23 be determined by the director based upon the cost of the activities to the school district but not to
24 exceed the value of the activity to the surface water management program. Determination of which
25 activities qualify for the surface water management service charge reduction will be made by the
26 division. Reductions in surface water management service charges will only be granted to school
27 districts which provide programs that have been evaluated by the division. The rate adjustment for the
28 school district activity may be applied to any parcel in the service area which is owned or operated by
29 the school district;

30 6. The parcel is owned by a federally recognized tribe or member of such tribe and is
31 located within the historical boundaries of a reservation and thus is not subject to the charges provided
32 for in this chapter; or

33 7. The service charge bill was otherwise not calculated in accordance with this chapter.
34

35 C. The dollar amount of debt service on revenue or general obligation bonds issued to finance
36 storm water control facilities shall not be reduced by the rate adjustments referred to in subsection B.4.,
37 and 5. of this section.
38

39 D. The property owner shall have the burden of proving that the rate adjustment sought should be
40 granted.
41

42 E. Decisions on requests for rate adjustments shall be made by the director based on information
43 submitted by the applicant and by the division within thirty days of the adjustment request except when
44 additional information is needed. The applicant shall be notified in writing of the director's decision. If
45 an adjustment is granted which reduces the charge for the current year or two prior years, the applicant
46 shall be refunded the amount overpaid in the current and two prior years.
47

1 F. If the director finds that a service charge bill has been undercharged, then either an amended
2 bill shall be issued which reflects the increase in the service charge or the undercharged amount will be
3 added to the next year's bill. This amended bill shall be due and payable under this chapter. The director
4 may include in the bill the amount undercharged for two previous billing years in addition to the current
5 bill.
6

7 G. Decisions of the director on requests for rate adjustments shall be final unless within thirty days
8 of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal
9 setting forth a brief statement of the grounds for appeal and requesting a hearing before the City
10 hearing examiner. The examiner's decision shall be a final decision pursuant to SMC 20.10.
11

12 **13.25. Billing Procedure**

13 A. All property subject to charges of the program shall be billed based on the property
14 characteristics existing on November 1, of the year prior to the billing year and at the rate as set forth in
15 this chapter. Billing year is the year that the bills are sent. The service charge shall be displayed and
16 billed on the annual property tax statement for the parcel and shall be mailed to the name and address
17 shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are
18 exempt from property taxes and do not receive an annual property tax statement will receive a bill only
19 for the service charge. If a payment less than the sum of the total property tax plus service charge or less
20 than the sum of one-half of the property tax plus one-half of the service charge is received for a
21 combined property tax and service charge, and the parcel owner has not otherwise specified, the
22 director of the office of finance shall first apply the payment to the annual property tax of the parcel
23 pursuant to the provisions of RCW 84.56 and then apply any remaining amount to the service charge.
24

25 B. The total amount of the service charge shall be due and payable to the director of the office of
26 finance on or before the 30th day of April and shall be delinquent after that date; however, if one-half of
27 such service charge is paid on or before the said 30th day of April, the remainder shall be due and
28 payable on or before the 31st day of October and shall be delinquent after that date.
29

30 C. Parcel characteristics affecting the service charge which are altered after November 1 of any
31 year shall not be a basis for calculation of the service charge until after December 31 of the following
32 year.
33

34 **13.25. Delinquencies and foreclosures.**

35 A. Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at
36 the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a
37 monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at
38 the time of payment of the charges regardless of when the charges were first delinquent.
39

40 B. Pursuant to RCW 36.89.090, the City shall have a lien for delinquent service charges, including
41 interest thereon, against any property subject to service charges. The lien shall be superior to all other
42 liens and encumbrances except general taxes and local and special assessments. Pursuant to RCW
43 36.89.090, such lien shall be effective and shall be enforced and foreclosed in the same manner as the
44 foreclosure of real property tax liens as provided in RCW 36.94.150. The City may commence to
45 foreclose a surface water management service charge lien after three years from the date surface water
46 management charges become delinquent. Pursuant to RCW 36.94.150 collections shall include costs of
47 foreclosure in addition to service charges and interest.
48

1 **13.25. Surface water management fund.**
2 All service charges shall be deposited in the surface water management fund, which fund is hereby
3 created to be used only for the purpose of paying all or any part of the cost and expense of providing
4 surface water management services, or to pay or secure the payment of all or any portion of any issue of
5 general obligation or revenue bond issued for that purpose. Moneys in the fund not needed for
6 immediate expenditure shall be invested for the benefit of the surface water management fund
7 pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations as are contained
8 in City ordinance, but sufficient funds shall be transferred no later than the end of the fiscal year in
9 which they were first appropriated. The program's funds balances and other financial resources will be
10 invested conservatively to match strong security of principal with market rates of return. For investment
11 purposes the City Manager or designee is hereby designated the fund manager.
12

13 **13.25. Administrative standards and procedures.**
14 Pursuant to SMC 2.55 and SMC 13.05 the director shall develop administrative standards and
15 procedures relating to the implementation of this chapter. This includes but is not limited to:
16 A. Procedures for the imposition and collection of service charges and/or for filing of liens and
17 initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the
18 service charge in areas that annex or incorporate;
19 B. Lake management plans for Beaver Lake and Pine Lake.
20 C. Standards and procedures for granting discounts to the surface water management fee;
21 D. Procedures for a grant program to help citizens in reducing the impact of excess storm and
22 surface water runoff by removing impervious surface from their property.
23

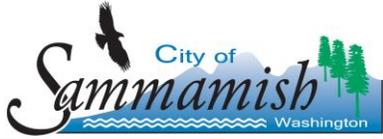
24 **13.25. Severability.**
25 If any provision of this chapter, or its application to any person or circumstance is held invalid, the
26 remainder of this chapter and the application of the provisions to other persons or circumstances shall
27 not be affected.
28

Exhibit 5

Optional soil amendment language for SWDM Addendum

Soil Amendments

All projects that propose 7,000 square feet of land disturbing activity, or more, are required to amend the soils in accordance with the 2009 King County Surface Water Design Manual. This requirement is intended to apply to all projects independent of what surface water design manual is used.



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 11, 2011

Originating Department: Community Development

Clearances:

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

Subject: Fundraising Sign Ordinance

Action Required: First Reading, Public Hearing – No Action Required

Exhibits: 1. Proposed Ordinance with Attachment A

Budget: N/A

Background: On January 4, 2011, the City Council adopted an “Emergency Ordinance” temporarily authorizing the installation of fundraising signs within the City of Sammamish; a copy of the ordinance is attached for the Planning Commissions’ reference. Following adoption of the emergency ordinance, the City Council requested that the Planning Commission evaluate and consider whether to recommend a permanent code amendment to allow for fundraising signs.

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.

The Planning Commission reviewed the proposed change to the sign regulations, authorizing the placement of fundraising signs. The Planning Commission first concluded that an amendment to the sign regulations was necessary to authorize fundraising signs, and then evaluated appropriate standards. The Planning Commission’s majority recommended ordinance is reflected in the attached proposed regulations. Commission Chair Joe Lipinski completed the Planning Commission hand-off to the City Council on May 10, 2011.

Financial Impact: N/A

Recommended Motions: Open public hearing and take testimony. Continue public hearing to June 6, 2011.

DRAFT
CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011 -

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING PROVISIONS TO AUTHORIZE FUNDRAISING SIGNS AND ESTABLISHING DEVELOPMENT STANDARDS CODIFIED INTO CHAPTER 45 OF TITLE 21A OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City incorporated in August of 1999;

WHEREAS, the City Council adopted the City's Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, the City Council adopted an emergency ordinance O2011-196 on January 4, 2011 temporarily authorizing fundraising signs; and

WHEREAS, the City Council held a public hearing on March 1, 2011 and received public testimony supporting the authorization of fundraising signs through the emergency ordinance O2011-196; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed Transfer of Development Rights regulations was issued on May 16, 2011; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on May 12, 2011 and was granted expedited review on May 30, 2011; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities at public meetings and hearings before the Planning Commission and City Council between March and June of 2011; and

WHEREAS, the Planning Commission held public meetings and public hearings on March 4 and 17 and forwarded a recommendation to permanently amend Chapter 45 of Title 21A to authorize fundraising Sign regulations to the City Council on May 10, 2011; and

WHEREAS, the City Council considered the proposed Transfer of Development Rights at a City Council public hearing on May 16, 2011, which was continued on June 5, 2011; and

WHEREAS, the City Council considered the Planning Commission's recommendation, public comment, and other available information.

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

Section 1. Adoption of the Fundraising Sign regulations. The Fundraising Sign Regulations as set forth in Attachment "A" to this ordinance is hereby adopted.

Section 2. Codification of the Fundraising Sign regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the Fundraising Sign ordinance into Title 21A of the Sammamish Municipal Code for ease of use and reference.

Section 3. Interpretation. The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the 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 (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____ 2011.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Exhibit 2

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: May 11, 2011
Public Hearing: May 16, 2011
First Reading: May 16, 2011
Public Hearing:
Second Reading:
Passed by the City Council:
Date of Publication:
Effective Date:

1 **Fundraising Sign Ordinance Elements:**

2
3
4
5
6
7
8
9
10

- 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:

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.



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 11, 2011

Originating Department: Public Works

Clearances:

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

Subject: Surface Water Fees for Public Schools

Action Required: Make motion to direct the City Manager to waive delinquent Surface Water Management Fees charged in 2009 and 2010 to the Issaquah School District.

Exhibits: Letter from Issaquah School District Dated April 21, 2011

Budget: N/A

Summary Statement

The Issaquah School District (ISD) has sent the City of Sammamish a letter requesting the waiver of approximately \$115,000 in stormwater fees charged in 2009 and 2010. In addition ISD has been billed for stormwater fees in 2011. The 2011 charges are approximately \$43,500.

Background

The City of Sammamish adopted KCC Title 9 for stormwater regulations in 2000. Within the KCC Title 9 there are provisions that allow for public schools to implement a stormwater education curriculum in lieu of paying a stormwater management fee, as long as it could be demonstrated that the value provided by the education program was equal to or greater than the stormwater fee.

At the City Council Study Session on Tuesday, May 10, 2011, staff discussed the request from the ISD with the City Council. Based on that discussion, the direction staff received was to grant the requested adjustment to the ISD. Reasoning for granting the adjustment was that school districts are struggling to manage their budgets and it appears they did not account for the costs associated with these stormwater fees. While collecting fees in the future is consistent with neighboring jurisdictions and with other types of utilities, it should be done uniformly to all schools and districts and advance notice should be provided to the districts so they may plan and budget appropriately.

The City of Sammamish is required under the NPDES permit to provide stormwater education and outreach to a number of target audiences. Based on Sammamish's demographics, one of our target audiences is school aged children. Our NPDES permit also requires that the education and outreach effectiveness be measured and reported on. Staff is recommending that we work directly with the two



City Council Agenda Bill

public school districts within Sammamish to develop a program that meets the criteria of our NPDES permit including the effective measure and reporting components. We recommend that we adjust their future stormwater fees based on the cost savings to the Surface Water Utility Fund by not having to administer these programs.

Financial Impact

Approximately \$115,000 in previously billed fees will be waived for 2009 and 2010.
Approximately \$43,500 in fees will be waived for 2011.

Recommended Motions

Authorize the City Manager to waive 2009, 2010 and 2011 billed stormwater fees Skyline High School, Cascade Elementary School and Creekside Elementary in the amount of \$158,500.



Exhibit 1

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

Brian Deagle • Jan Colbrese • Chad Magendanz • Marnie Maraldo • Suzanne Weaver

Exhibit 1

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

Board of Directors

Brian Deagle • Chad Magendanz • Marnie Maraldo • Suzanne Weaver • Jan Woldseth



City Council Agenda Bill

Meeting Date: May 16, 2011

Date Submitted: May 11, 2011

Originating Department: Public Works

Clearances:

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

Subject: Contract for an Ordinary High Water Mark study.

Action Required: Authorize the City Manager to sign a contract with Duncanson Company

Exhibits:

1. Contract for consulting services
2. Attachment A – Scope of Services
3. King County DNRP Lake Sammamish Flood Reduction Plan

Budget: \$30,000 out of the General Fund will be used for this project

Summary Statement:

The City of Sammamish is interested in conducting an Ordinary High Water Mark (OHWM) study that is specific to the eastern shore of Lake Sammamish. A resolution by the City created a Citizen's Advisory Group (CAG) to oversee the OHWM study. The CAG participated in a consultant selection interviews and selection. Duncanson Company has been selected as the consultant.

Recently, new information became available about the maintenance of the weir. King County has acknowledged that there is flooding along Lake Sammamish shoreline possibly due in part to the lack of maintenance at the weir. Based on this information the CAG is advising the Council to delay the study until the weir maintenance that King County has committed to is completed, and the any effects of the work can be realized.

Background:

The City of Sammamish recently completed an update to the Shoreline Master Program (SMP). During this process, concerned citizens raised questions about the use of an OHWM study from the City of Bellevue. To keep the SMP moving forward, the City committed to conducting an OHWM study specific to the City of Sammamish. A Citizen Advisory Group was formed by resolution to observe the completion of the study. The goal of a Sammamish specific OHMW study is to independently develop a defensible OHWM elevation that can be used by both citizens and staff for future development on Lake Sammamish.

If the contract is approved, the field work for the study will be completed this fall before the lake level rises too high. The results of the study will be presented back to Council for acceptance.



City Council Agenda Bill

It appears that the Lake Sammamish levels have increased in recent years. The levels appear to be abnormally high. A group of active citizens have been working with King County to determine the cause of the high water levels (seasonal flooding). King County has run a scientific model and determined a number maintenance activities (at the weir) that may impact the seasonal flooding and high lake levels along Lake Sammamish. King County has developed and signed a DNRP Lake Sammamish Flood Reduction Plan (April , 2011) and that has been attached here for your reference.

Shortly after the release of the King County DNRP Lake Sammamish Flood Reduction Plan, the CAG met to discuss what implication this may or may not have on the OHWM study. Their concern is that if the lake has been at “abnormally high” levels because the weir has not been maintained properly, then it might not be possible to really determine an “ordinary high” water mark. We would perhaps be determining the abnormally high water mark. Based this new information about the weir and King County’s plans to address it, the CAG is recommending that the City postpone the OHWM study. This would allow time for the lake levels to adjust and new marks on the soil to form. It could take a couple years before the effects of the maintenance on the weir are notable. They are recommending the City continue to use the City of Bellevue OHWM Study in the interim. This is a known number that Department of Ecology has already endorsed. They are also recommending that the City continue to allow property owners the option of conducting an independent study if they do not want to utilize the Bellevue number.

Based on the budgeted work plan and priorities set by the City Council staff has negotiated a contract with the selected firm, Duncanson Company. However, the Council may want to reconsider based on the new information about the weir and the recommendations from the CAG. Staff has developed two potential motions for City Council to consider. Staff is seeking council direction on this item.

Financial Impact:

This contract will not exceed \$30,000 and will be paid out of the General Fund. If the contract is not approved, there will be no financial impact.

Recommended Motion:

OPTION 1: Authorize the City Manager to sign a contract with Duncanson Company in an amount not to exceed \$30,000.

OPTION 2: Deny the approval of the contract with Duncanson Company and delay the Ordinary High Water Mark Study to a future date after King County has completed their Lake Sammamish Flood Reduction Plan based on the recommendation from the Citizen Advisory Group.

Exhibit 1

**CITY OF SAMMAMISH
AGREEMENT FOR SERVICES**

Consultant: Duncanson Company

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Duncanson, 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]

According to the rates set forth in Exhibit "___"

A sum not to exceed \$30,000

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, 200__, 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.** To the fullest extent permitted by law, the Consultant shall indemnify and hold the City, its officers, officials, employees and volunteers harmless from all, direct damages, losses and expenses including reasonable attorney fees, to the extent arising out of the negligent acts, errors or omissions of the Consultant, in performance of this Agreement, to the extent that the Consultant is responsible for such damages and losses on a

Exhibit 1

comparative basis of fault with City. The Consultant is not obligated to indemnify City for City's own negligence or intentionally wrongful conduct."

The parties understand and accept that any liability, including defense costs, on the part of Consultant shall be strictly conditioned upon and in proportion to a finding of professional negligence by Consultant as adjudicated by a court of competent jurisdiction. Subject to the foregoing, the parties expressly agree that this indemnity provision does not include, and in no other event shall Consultant be required to assume any obligation or duty to defend any claims, cause of action, demands, or lawsuits in connection with or arising out of this Project or the services rendered by Consultant.

Notwithstanding anything herein to the contrary, neither party shall be liable to the other for any consequential damages incurred due to the fault of the other party, regardless of the nature of this fault or whether it was committed by the Consultant or City, their employees, agents, subconsultants or subcontractors. Consequential damages include but are not limited to loss of profits and loss of use.

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.

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:

Exhibit 1

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

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 228th Avenue SE
Sammamish, WA 98075
Phone number: (425) 295-0500

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

Company Name _____
Contact Name _____
Street Address _____
City, State Zip _____
Phone Number _____
Email _____

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.

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: _____

Title: City Manager

Title: _____

Date: _____

Date: _____

Attest/Authenticated:

Approved As To Form:

City Clerk

City Attorney

SCOPE OF WORK

Duncanson Company and Westech Company will work together on the separate functions listed below for the Lake Sammamish Ordinary High Water Mark Study.

Westech Company

Westech will perform a determination of Ordinary High Water Mark at a minimum of 45 locations spaced roughly equidistant from each other (generally 600-1,000 feet apart) along a 7.1 mile shoreline of Lake Sammamish. We will coordinate with the City and with Duncanson Company, Inc. during the study. Our tasks will include using DOE methodology to the extent applicable and will identify Ordinary High Water as defined in WAC 173-22-030 as follows:

(5) "Ordinary High Water Mark" on all lakes, streams and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department.

For lakes, if this mark is absent, the WAC defines it as mean high water for lakes. The definitions set forth in Chapter 90.58 RCW shall also apply as used herein.

Westech will undertake the following tasks:

Task 1. Conduct a Site Reconnaissance and meet with the City

Dr. Shea and Westech investigators will conduct a site reconnaissance to determine the best and most efficient strategy for reaching the OHW areas to be determined. We will walk portions of the trail to determine how many access points can be reached directly or with contacts provided by the City. We will then meet with the City to determine cooperating homeowners and will explore several of these points as directed by the City. City staff is welcome to accompany us on this task. Following our recon fieldwork, we will meet with staff at the City offices to obtain a list of homeowners who have indicated a desire to cooperate

Task 2. Carry Out Ordinary High Water Mark Fieldwork

Westech investigators (Dr. Shea will lead the team at least 50-75% of the time), will utilize both land access and shallow draft boats where applicable to reach OHWM points and will establish an OHWM location. The survey team will follow Westech and will survey in the OHWM point in three dimensions (see following survey description). A minimum of 45 stations will be determined by Westech and staked and flagged for the survey team to measure. The teams will maintain contact by short distance radio

Exhibit 1

(Walkie-talkies). Natural shoreline areas will be emphasized whenever possible for locations. Modified OHWM forms (modified from DOE format) will be filled out on each station. Survey coordinates will be determined by the survey team and communicated to Westech for our reports.

Task 3. Prepare final report. Westech will complete a professional report on the OHWM study and points. The report will include a discussion of the City's need for the study, methods and approach take, and results, conclusions and recommendations of the study. We will discuss statistical deviations and the accuracy of the determinations in the report. Any effects of wind fetch, waves etc. will be noted, however, these are expected to be minor at most locations. The report will be submitted electronically or in one hardcopy for City review. Corrections will be made as per staff comments and a Final Report will be prepared and submitted in up to five copies and an electronic copy.

Duncanson Company

Duncanson Company will provide the surveying function of this study, measuring elevations at the set OHWM points set by Westech and also collect GPS occupations to provide a horizontal component at the OHWM points for possible placement within a City GIS system.

For its part, Duncanson Company plans on utilizing the East Lake Sammamish Trail as a base of operations for our survey work related to this project. There are also several published benchmarks along East Lake Sammamish Parkway that will be tied into to reference our elevations to a known vertical datum.

Following is a general work sequence and scope outline:

- After the reconnaissance and site selection and prior to commencement of work for the OHWM determination and measurement, the Duncanson crew will perform a closed loop level survey through several published benchmarks along East Lake Sammamish Parkway and onto the East Lake Sammamish Trail with the purpose of establishing a network of adjusted elevation benchmarks for the subsequent phase of work.
- The Duncanson survey crew will follow the Westech crew, on the same day or possibly the day after, using a survey level and rod to measure the elevations of the OHWM points. Prior to the start of work, the survey level will be calibrated to ensure accuracy.
- The Duncanson crew will routinely loop back to the trail to tie into the previously set benchmarks thereon. At the end of the day, the Duncanson crew will close back to the starting point of the day then reduce and adjust the level data so the Westech crew can view the results for any anomalies. If found, these anomalies will be resolved quickly.
- While measuring the elevation of the OHWM points, or at a later time that or possibly the following day, the Duncanson crew will make a GPS observation of the OHWM point and some of the benchmarks along the trail. These points will be referenced to

Exhibit 1

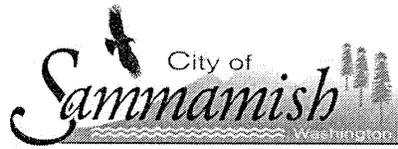
a known horizontal datum and provided along with the elevations from the leveling work at the end of the project.

- At the completion of the field measurement work, the field data will go through a cumulative and final adjustment in our office before being reviewed and sent to Westech for inclusion in their report.

Submittal of Materials

Once the report is completed, Westech will send it to Duncanson Company for a final review for grammatical errors and to proof any included survey data before the report is preliminarily submitted to the City for review. Any comments made by the City during such review will be addressed accordingly, recompiled, re-reviewed and re-submitted to the City for final completion.

EXHIBIT B



REQUEST FOR CONSULTANT PAYMENT

To: City of Sammamish
801 228th 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:

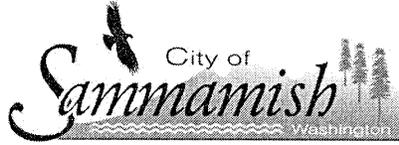
Approved for Payment by: _____

Date: _____

Exhibit 1

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

EXHIBIT C



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:

- | | | |
|--|--|--|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership | <input type="checkbox"/> Government Consultant |
| <input type="checkbox"/> Individual/Proprietor | <input type="checkbox"/> Other (explain) | |

TIN No.: _____

Social Security No.: _____

Print Name: _____

Title: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Date

Authorized Signature (Required)



King County

Department of
Natural Resources and Parks
Director's Office
King Street Center
201 S Jackson St, Suite 700
Seattle, WA 98104-3855

King County DNRP Lake Sammamish Flood Reduction Plan April, 2011

This documents actions that King County DNRP is committed to taking to address Lake Sammamish flooding. Many factors contribute to the flooding along Lake Sammamish. Although many of the factors that contribute to the flooding are beyond King County's control, the County is fully committed to taking actions within its authority that will to reduce flooding, consistent with environmental protection and in compliance with applicable laws.

The County's scientific modeling indicates that the actions identified below will materially reduce high-water levels. Although actual outcomes could differ from the models, the County is committed to monitoring the success of the work and modifying it to ensure optimal results.

To address the flooding occurring along Lake Sammamish, King County DNRP is committed to taking the following actions:

1. **Four-fold increase in mowing.** King County will **mow both sides of the transition zone every year.** This is a four-fold increase in mowing frequency, compared to the prior schedule.
Timing: Permit application: April 2011; Mowing: Fall 2011, the time when it will be most effective.
2. **Cutting buffer vegetation.** King County will cut back willows and other vegetation on the buffer to a maximum of ten feet adjacent to the low flow channel.
Timing: Permit applications: April 2011; Cutting: Fall 2011, the time when it will be most effective.
3. **Removal of cuttings and clippings.** King County will remove cuttings and clippings after each cutting or mowing.
Timing: Immediately following each cutting or mowing.
4. **Sediment and debris removal evaluation.** King County will retain a consultant to evaluate sediment and debris removal in the transition zone to determine areas in which sediment removal will be most beneficial and areas in which debris may be causing flow obstructions, along with related impacts and permitting requirements.
Timing: Consultant identified: June 2011; Report complete: Summer 2012 or sooner; Follow up actions: Fall 2012
5. **Downstream Aquatic Weeds Removal.** King County will continue with a recently-started project to remove a large infestation of noxious aquatic weeds downstream of the transition zone. Weed removal is designed to improve water quality and flow.

Timing: Planning in progress; Weed removal: 2013 or sooner.

6. **Transition Zone Flood Reduction Capital Improvement Project.** King County will reallocate funds to match the City of Redmond's \$130,000 commitment to the initial phases (e.g., scoping and feasibility) of a project to modify the transition zone to reduce flooding.

Timing: Seek budget authorization: Spring 2011; Start of project scoping and feasibility (if budget authorization approved): Fall 2011

7. **Restoration of Navigability of Center ("Low Flow") Channel.** Center channel of transition zone will be restored to be navigable by small non-motorized watercraft.

Timing: In conjunction with each cutting.

8. **Monitor Plan Effectiveness.** King County will monitor the effectiveness of actions in the Lake Sammamish Flood Reduction Plan. King County will monitor and report at appropriate milestones to the King County Flood Control District Lake Sammamish water levels and discharge at the weir in order to facilitate monitoring to achieve optimal results. Original designed functionality was a discharge of, at a minimum, 1,500 CFS

9. at 29 feet NGVD.

Timing: Current calculation: Spring 2011; Monitoring: Ongoing.



Mark Isaacson
Director, King County WLRD



Bob Burns
Deputy Director, King County DNRP



Jane Hague
King County Councilmember



Kathy Lambert
King County Councilmember

We the undersigned have been privy to discussions and contributed to developing this plan and agree this plan will move in the necessary direction to mitigate lake flooding and does not create any legal or financial obligations to the Lake Sammamish citizens.



Marty Nizek
Lake Sammamish Resident



Gil Pauley
Lake Sammamish Resident



Dwight Martin
Lake Sammamish Resident

**City of Sammamish
2009-2010 Impact Fee Report
Transmittal Letter**

To the Honorable Members of the Sammamish City Council:

The attached report is provided for information purposes only, there is no City Council action being requested. This report will meet the requirements outlined in Revised Code of Washington (RCW) 82.02.070 regarding development impact fee collections and uses.

The report includes total development impact fee collections for the previous 2009-2010 biennium and the parks capital and specific transportation capital projects where these fees were applied. At the end of 2010, there is a \$0 balance for any unspent parks or transportation impact fees received through year end 2010. This \$0 balance eliminates any potential future liability from existing as a result of RCW requirements specifying that impact fees be spent within 6 years of collection or be refunded to the applicant with interest.

Also, as you may recall from the 2011-2012 Budget discussions, Impact Fees are now receipted directly into their respective parks capital (Fund #302) or transportation capital (Fund #340) improvement funds beginning in January, 2011. The previous special revenue fund #111 (Development Impact Fee Fund) was closed at the end of 2010 and balances distributed to the appropriate capital fund in response to new fund definition accounting requirements.

Thank you,

Ben Yazici
City Manager

Impact Fee Annual Report

For 2009 and 2010 Calendar Years

Required by RCW 82.02.070

2009 Traffic Impact Fee Summary

340 Fund 2009 Eligible Project Expenses

• 244 th Avenue NE	\$3,645,673
• Eastlake Sammamish Pkwy	<u>\$5,600,792</u>
• Total for 2009	<u>\$9,246,465</u>

2009 Traffic Impact Fees

• 2009 Impact fees + interest	\$930,765
• Less refunds	<u>(\$10,145)</u>
• Available Impact Fees	\$920,620
• Allocated to projects (2009 Transfer from Fund 111)	<u>(\$350,000)</u>
• 2009 Impact fee balance	<u>\$570,620</u>

2010 Traffic Impact Fee Summary

340 Fund 2010 Eligible Project Expenses

• 244 th Avenue NE	\$5,179,871
• Eastlake Sammamish Pkwy	\$ 941,158
• Total for 2010	<u>\$6,121,029</u>

2010 Traffic Impact Fees

• 2009 Impact fee carryover	\$ 570,620
• 2010 Impact fees + interest	<u>\$1,044,309</u>
• Available impact fees	\$1,614,929
• Allocated to projects	(\$1,614,929)
• 2010 Impact fee balance*	<u>\$ -0-</u>

***NOTE: FUND#111 closed at end of 2010**

2009 Park Impact Fee Summary

302 Fund 2009 Eligible Project Expenses

• Sammamish Commons	\$1,070,731
• Pine Lake Park	\$966,938
• Other	<u>\$924,606</u>
• Total for 2009	<u>\$2,962,275</u>

2009 Park Impact Fees

• 2008 Impact fee carryover	\$ 87,691
• 2009 Impact fees + interest	<u>\$112,249</u>
• Available impact fees	\$199,940
• Allocated to projects(2009 Transfer Amount)	(\$100,000)
• 2009 Impact fee balance	<u>\$ 99,940</u>

2010 Park Impact Fee Summary

302 Fund 2010 Eligible Project Expenses

• Library/Teen Center	\$2,746,816
• Evans Creek	\$ 118,337
• Other	<u>\$1,176,899</u>
• Total for 2010	<u>\$4,042,052</u>

2010 Park Impact Fees

• 2009 Impact fee carryover	\$ 99,940
• 2010 Impact fees + interest	<u>\$ 354,391</u>
• Available impact fees	\$ 454,331
• Allocated to projects	<u>(\$ 454,331)</u>
• 2010 Impact fee balance	<u>\$ -0-</u>

End of Report