



City Council, Regular Meeting

AGENDA

July 18, 2011

6:30 pm – 9:30 pm
Council Chambers

Call to Order

Roll Call/Pledge of Allegiance

Approval of Agenda

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 June 30, 2011 for pay date July 5, 2011 in the amount of \$247,167.44
- 1. Approval: Claims for period ending July 18, 2011 in the amount of \$1,489,520.22 for Check No. 29632 through No. 29770
- 2. Bid Award: Electric Vehicle Charging Stations Installation/ANM Electric
- 3. Interlocal: North Inglewood Street Overlays/Sammamish Plateau Water & Sewer District
- 4. Interlocal: Landscape Maintenance of a Portion of SR-202/City of Redmond
- 5. Amendment: On-Call Engineering/PACE

Public Hearings

6. Ordinance: Second Reading Adopting Amendments To The Town Center Development Regulations Codified Into Chapter 25 Of Title 21B And Adopting Amendments To The Transfer Of Development Rights Regulations Codified Into Chapter 80 Of Title 21A Of The Sammamish Municipal Code
7. Ordinance: Second Reading Adopting Revisions To The Sammamish Shoreline Master Program Adopted By Ordinance 2009-265 And Replacing The King County Shoreline Master Program Adopted By King County Ordinance 3688; Amending The City Of Sammamish Comprehensive Plan; Adopting Shoreline Maps; And Codifying The Shoreline Master Program Into Title 25 Of The Sammamish Municipal Code

Unfinished Business - None

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.

New Business

8. Ordinance: First Reading Of An Interim Ordinance Adopting A Moratorium On The Establishment Of Collective Gardens; Defining "Collective Gardens;" Providing For A Public Hearing, Referring The Matter To The Planning Commission For Hearing And Review; And Establishing An Effective Date.
9. Authorization to Award Bid: Sammamish Landing Picnic Shelters
10. Authorization to Award Bid: Construction of the West Parking Lot and Construction of the "Shell" and Tenant Improvements to City Hall Room 202
11. Authorization to Award Bid: 2011 Citywide Patching Contract
12. Authorization to Award Bid: 2011 Citywide Crack Seal Contract
13. Authorization to Award Bid: SE 244th Avenue Non-Motorized Project

Council Reports**City Manager Report****Executive Session – If necessary****Adjournment**

AGENDA CALENDAR

Jul. 2011			
Mon. 7/18	6:30 pm	Regular Meeting	Public Hearing: Second Reading Reading Shoreline Master Plan Public Hearing: Second Reading Transfer of Development Rights Ordinance: Moratorium on Establishment of Collective Gardens Bid Award: Electric Vehicle Charging Stations (consent) Authorization to Award Bid: 2011 City Wide Patching Contract Authorization to Award Bid: 2011 Citywide Crack Seal Contract Authorization to Award Bid: Sammamish Landing Picnic Shelters Authorization to Award Bid: 244 th Non-Motorized Project Interlocal: North Inglewood Street Overlays/Sammamish Plateau Water & Sewer District (consent) Interlocal/Landscape Maintenance of a Portion of State Route 202/City of Redmond (consent) Contract: National Pollutant Discharge Elimination System Educational Survey/Hebert Research (consent) Amendment: On-Call Engineering/PACE (consent)
August 2011			
NO MEETINGS			
Sept. 2011			
Mon. 9/5		Holiday	Labor Day– City Offices Closed
Tues. 9/6	6:30 pm	Regular	Public Hearing First Reading: Wireless Facilities Code Amendments
Tues. 9/13	6:30 pm	Study Session	Department Reports:/Admin/Police/Fire Discussion: 228 th Avenue Operational Analysis
Mon. 9/19	6:30 pm	Regular Meeting	Proclamation: Mayors Month of Concern Second Reading Wireless Facilities Code Amendments
Oct. 2011			
Tues. 10/4	6:30 pm	Regular	
Tues. 10/11	6:30 pm	Study Session	Discussion: Stormwater Manual Update 2012 Department Reports: Finance/Information Information Technology/Parks/Public Works Review: Parks Capital Projects Emergency Plan
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	Department Report: Department of Community Development Review: Non- Motorized Transportation Program
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	
Jan. 2012			
Tues. 1/3	6:30 pm	Regular	
Tues. 1/10	6:30 pm	Study Session	

Mon. 1/16	6:30 pm	Regular Meeting	
Feb. 2012			
Tues. 2/7	6:30 pm	Regular	
Tues. 2/14	6:30 pm	Study Session	
Mon. 2/20	6:30 pm	Regular Meeting	
Mar. 2012			
Tues. 3/6	6:30 pm	Regular	
Tues. 3/13	6:30 pm	Study Session	
Mon. 3/19	6:30 pm	Regular Meeting	
Apr. 2012			
Tues. 4/3	6:30 pm	Regular	
Tues. 4/10	6:30 pm	Study Session	
Mon. 4/16	6:30 pm	Regular Meeting	
May 2012			
Tues. 5/1	6:30 pm	Regular	
Tues. 5/8	6:30 pm	Study Session	
Mon. 5/14	6:30 pm	Regular Meeting	
June 2012			
Tues. 6/5	6:30 pm	Regular	
Tues. 6/12	6:30 pm	Study Session	
Mon. 6/18	6:30 pm	Regular Meeting	
To Be Scheduled		To Be Scheduled	Parked Items
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 Level of Service/Concurrency	Joint Meeting/LWSD

<< June

July 2011

August >>

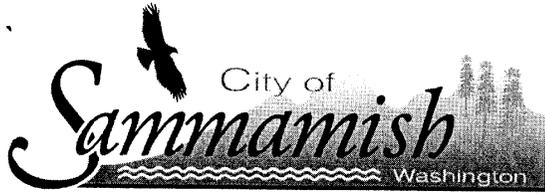
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 6 p.m. Fourth on the Plateau Celebration City offices closed	5 6:30 p.m. City Council Meeting	6 4 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting	7 6:30 p.m. Concert in the Park "Creme Tangarine" 6:30 p.m. Planning Commission Meeting Canceled	8	9
10	11 6:30 p.m. Community Center Feasibility Study Public Meeting	12 6:30 p.m. Joint Meeting with Parks & Recreation Commission	13 4 p.m. Sammamish Farmers Market	14 6:30 p.m. Concert in the Park "@Five"	15 1:30 p.m. Public Safety Committee Meeting	16 10 a.m. Sammamish Walks 7 p.m. Woodin O Shakespeare Play
17	18 5:30 p.m. Finance Committee Meeting Canceled 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	19 12 p.m. Kids First Noontime Performance 5:30 p.m. City Council Council Office Hour	20 4 p.m. Sammamish Farmers Market	21 5:30 p.m. Concert in the Park "the About Face band" 6:30 p.m. Community Garden Steering Committee Meeting 6:30 p.m. Planning Commission Meeting	22	23 7 p.m. Woodin O Shakespeare Play
24	25	26	27 4 p.m. Sammamish Farmers Market	28 6:30 p.m. Concert in the Park "Dr. Funk"	29	30
31						

<< July

August 2011

September >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 12 p.m. National Night Out & Kid's Performance 12 p.m. Sammamish Police NNO Kick-Off Event 7 p.m. 28th Annual National Night Out	3 4 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting Canceled	4 6:30 p.m. Concert in the Park "FreddiePink"	5	6
7	8	9	10 4 p.m. Sammamish Farmers Market	11 6:30 p.m. Concert in the Park "BottleRockit" 6:30 p.m. Community Garden Steering Committee Meeting Canceled	12 6 p.m. Sammamish Nights	13 11 a.m. Sammamish Days
14	15 6:30 p.m. Arts Commission Meeting Canceled	16 12 p.m. Kids First Noontime Performance	17 4 p.m. Sammamish Farmers Market	18 6:30 p.m. Concert in the Park Sammamish Symphony	19	20 10 a.m. Sammamish Walks
21	22	23	24 4 p.m. Sammamish Farmers Market	25 6:30 p.m. Concert in the Park "Soul Purpose"	26	27
28	29 12 p.m. Kids First Noontime Performance	30	31 4 p.m. Sammamish Farmers Market			



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: July 14, 2011
RE: Claims for July 18, 2011

194,320.99 +
 263.60 +
 1,253,108.71 +
 23,576.26 +
 18,250.66 +
 1,489,520.22 *

\$ 194,320.99
263.60
1,253,108.71
23,576.26
18,250.66

Top 5 Expense Items in Packet

Eastside Fire & Rescue	\$442,039.92	July Services
King County Sheriff	\$353,626.75	Services - June 2011
Reid Middleton	\$85,427.26	244th Non-Motorized Project
State of Wa Dept of Info Svcs	\$58,969.16	Microsoft Enterprise Licenses - 2 years
Tiger Construction & Excavation	\$37,296.00	Evans Creek Preserve

TOTAL: \$ 1,489,520.22
Check # 29632* through # 29770

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 7/5/2011 - 9:50 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29633	07/05/2011	ANI	ANI Administrators NW Inc	1,608.15	0
29634	07/05/2011	AWCMED	AWC Employee Benefits Trust	94,687.09	0
29635	07/05/2011	CHAP13	Chapter 13 Trustee	1,100.00	0
29636	07/05/2011	ICMA401	ICMA 401	30,173.67	0
29637	07/05/2011	ICMA457	ICMA457	8,277.13	0
29638	07/05/2011	ISD	Issaquah School District	25,175.50	0
29639	07/05/2011	LWSD	Lake Washington School Dist	33,154.00	0
29640	07/05/2011	PREPAIDL	Pre-Paid Legal Services, Inc	145.45	0
				<u>194,320.99</u>	
Check Total:				194,320.99	



#29632 MANUAL PAYROLL CHECK

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 7/5/2011 - 2:50 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29641	07/05/2011	ICMA401	ICMA 401	233.60	0
29642	07/05/2011	ICMA457	ICMA457	30.00	0
				<hr/> <hr/>	
Check Total:				263.60	
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 7/13/2011 - 2:38 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29643	07/18/2011	ABC	ABC Special Event Rentals	1,746.49	0
29644	07/18/2011	ABOUTFAC	Army W. Bailey	800.00	0
29645	07/18/2011	AICPA	AICPA	215.00	0
29646	07/18/2011	ANI	ANI Administrators NW Inc	165.00	0
29647	07/18/2011	APS	Applied Professional Svs, Inc.	120.00	0
29648	07/18/2011	ATWORK	At Work!	825.00	0
29649	07/18/2011	AUDIOAM	Eddie Bishop	657.00	0
29650	07/18/2011	BACKGROU	Background Source Intl	64.00	0
29651	07/18/2011	BEST	Best Parking Lot Cleaning, Inc	2,385.09	0
29652	07/18/2011	BLDGSPEC	Building Specialties NW LLC	25,690.57	0
29653	07/18/2011	BMC	BMC Select	2,566.07	0
29654	07/18/2011	BRIDENST	Art Bridenstine	17.29	0
29655	07/18/2011	BRIM	Brim Tractor Co, Inc	412.29	0
29656	07/18/2011	BROWNTYL	Tyler Brown	50.00	0
29657	07/18/2011	BRS	Barker Rinker Seacat Architecture	13,964.07	0
29658	07/18/2011	BUILDERS	Builders Exchange of WA	45.75	0
29659	07/18/2011	CADMAN	Cadman, Inc.	1,724.75	0
29660	07/18/2011	CASEPOWE	Case Power & Equipment	39.18	0
29661	07/18/2011	CERTIFIE	Certified Backflow Testing, Inc	280.00	0
29662	07/18/2011	CNR	CNR Inc	11,392.60	0
29663	07/18/2011	COMCAST2	COMCAST	99.95	0
29664	07/18/2011	COSTCO	Costco Wholesale	1,450.91	0
29665	07/18/2011	DAILY	Daily Journal of Commerce	392.40	0
29666	07/18/2011	DEJONG	Cory de Jong & Son Inc	2,000.67	0
29667	07/18/2011	DRFUNK	Doctor Funk LLC	1,000.00	0
29668	07/18/2011	EASTEQ	Eastside Equipment & Marine	499.43	0
29669	07/18/2011	EASTFIRE	Eastside Fire & Rescue	442,039.92	0
29670	07/18/2011	EWINGIRR	Ewing Irrigation	7,582.99	0
29671	07/18/2011	FASTENAL	Fastenal Industrial Supplies	460.94	0
29672	07/18/2011	FRONTIR2	Frontier	523.71	0
29673	07/18/2011	GRANGE	Grange Supply, Inc.	120.17	0
29674	07/18/2011	HDFOWL	H. D. Fowler Company	126.48	0
29675	07/18/2011	HEBERT	Hebert Research, Inc.	2,126.00	0
29676	07/18/2011	HOMEDE	Home Depot	2,175.94	0
29677	07/18/2011	HOPEFAMI	Hopelink/Avondale Park	412.50	0
29678	07/18/2011	IBSEN	IBSEN Towing	387.64	0
29679	07/18/2011	INDYBITE	Indybite, Inc	270.00	0
29680	07/18/2011	IPS	Integrated Print Solutions, Inc	3,285.00	0
29681	07/18/2011	IRONMT	Iron Mountain	242.22	0
29682	07/18/2011	ISSAQ1	Issaquah Press, Inc.	322.50	0
29683	07/18/2011	JACOBSON	Jacobson Law Group PLLC	200.00	0
29684	07/18/2011	JARDO	William Jarcho	500.00	0
29685	07/18/2011	JCS	Erik Johnston	219.00	0
29686	07/18/2011	KENYON2	Kenyon Disend PLLC	20,135.81	0
29687	07/18/2011	KINGFI	King County Finance A/R	20,246.18	0
29688	07/18/2011	KINGPET	King County Pet Licenses	245.00	0
29689	07/18/2011	KINGSH	King County Sheriff's Office	353,826.75	0
29690	07/18/2011	L&IBOIL	Dept of Labor & Industries	48.50	0
29691	07/18/2011	LESSCHWA	Les Schwab Tire Center	74.40	0
29692	07/18/2011	LEXIS	Lexis Nexis Risk Data Mgmt	54.75	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
29693	07/18/2011	LIVESOUN	Live Sound & Recording Co, LLC	1,067.63	0
29694	07/18/2011	LIVESOUN	Live Sound & Recording Co, LLC	1,067.63	0
29695	07/18/2011	MICRO	Microflex, Inc.	97.67	0
29696	07/18/2011	MINUTE	Minuteman Press	28.80	0
29697	07/18/2011	MOBERLY	Lynn Moberly	7,214.00	0
29698	07/18/2011	MODERNNSH	Modern Shed, Inc.	5,425.00	0
29699	07/18/2011	NABARR	National Barricade Co., LLC	399.67	0
29700	07/18/2011	NAMI	NAMI Eastside	687.50	0
29701	07/18/2011	NAPA	Genuine Parts Company/Issaquah	323.27	0
29702	07/18/2011	NAPA/RED	Napa Auto Parts Redmond	192.22	0
29703	07/18/2011	NCA	Network Computing Architects Inc	6,229.91	0
29704	07/18/2011	NESAM	NE Sammamish Sewer & Water	193.72	0
29705	07/18/2011	NEXTEL	Nextel Communications	2,254.13	0
29706	07/18/2011	NWCASC	Northwest Cascade, Inc.	2,213.15	0
29707	07/18/2011	OFFDEP	Office Depot	228.53	0
29708	07/18/2011	OILCAN	Oil Can Henry's	126.96	0
29709	07/18/2011	OTIS	Otis Elevator	504.02	0
29710	07/18/2011	PACPOWER	Pacific Power Products	1,078.25	0
29711	07/18/2011	PACSOIL	Pacific Topsoils, Inc	2,479.34	0
29712	07/18/2011	PAETEC	PAETEC Integrated Solutions Group,	5,108.46	0
29713	07/18/2011	PINFOUND	Pin Foundations, Inc	1,859.15	0
29714	07/18/2011	PLATT	Platt Electric	340.53	0
29715	07/18/2011	POA	Pacific Office Automation	135.04	0
29716	07/18/2011	PROVIDEN	Providence Marianwood	11,000.00	0
29717	07/18/2011	PSE	Puget Sound Energy	18,975.69	0
29718	07/18/2011	PSF	PSF Mechanical Inc	348.21	0
29719	07/18/2011	QBS	Quality Business Systems	523.20	0
29720	07/18/2011	RAINIER	Rainier Wood Recyclers Inc	14.00	0
29721	07/18/2011	RED-E	Red-E Topsoil	1,918.44	0
29722	07/18/2011	REDMOND	City Of Redmond	5.13	0
29723	07/18/2011	REIDMID	Reid Middleton, Inc	85,427.26	0
29724	07/18/2011	ROTARSAM	Rotary Club of Sammamish	212.00	0
29725	07/18/2011	SAM	Sammamish Plateau Water Sewer	1,258.58	0
29726	07/18/2011	SAUER	Mike Sauerwein	102.46	0
29727	07/18/2011	SB&MAC	Stewart Beall & MacNichols	2,308.00	0
29728	07/18/2011	SCI	SCI Infrastructures, LLC	843.43	0
29729	07/18/2011	SEASHAKE	Seattle Shakespeare Company	1,700.00	0
29730	07/18/2011	SEATIM	Seattle Times	279.79	0
29731	07/18/2011	SEQUOYAH	Sequoyah Electric, LLC	458.55	0
29732	07/18/2011	SERVICE	Service Paper Co	3,794.02	0
29733	07/18/2011	SIGNARAM	Doran Signs LLC	1,191.44	0
29734	07/18/2011	SKYLINE	Skyline High School	178.00	0
29735	07/18/2011	SOFTRESO	Soft Resources LLC	4,185.00	0
29736	07/18/2011	SONITROL	Sonitrol Pacific	803.77	0
29737	07/18/2011	SOUNDPUB	Sound Publishing, Inc	630.00	0
29738	07/18/2011	SPOTLIGH	Spotlight Music, Inc	675.00	0
29739	07/18/2011	SPRAGUE	SPRAGUE	91.98	0
29740	07/18/2011	STAPLES	Staples Advantage	1,711.00	0
29741	07/18/2011	STOECKL	Jane C. Stoecklin	115.00	0
29742	07/18/2011	TIGERCON	Tiger Construction & Excavation Inc	37,296.00	0
29743	07/18/2011	UNITRENT	United Rentals NW, Inc	5,335.20	0
29744	07/18/2011	VERIZON	Verizon Wireless	72.15	0
29745	07/18/2011	VOYAGER	Voyager	8,634.64	0
29746	07/18/2011	WAALARM	Wa Alarm Inc	155.73	0
29747	07/18/2011	WADIS	State of Wa Dept of Info Syste	58,969.16	0
29748	07/18/2011	WALIC	Wa State Dept of Licensing	280.17	0
29749	07/18/2011	WASTE	Waste Mgmt of Wa Snoking	3,496.20	0
29750	07/18/2011	WATREAS	Wa State Treasurer	670.50	0
29751	07/18/2011	WAWORK	Washington Workwear Stores Inc	1,141.04	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
29752	07/18/2011	WECARESP	WE CARE Alternative Sports Prog	500.00	0
29753	07/18/2011	WESTERNE	Western Entrance Tech LLC	958.13	0
29754	07/18/2011	WOLVERIN	Wolverine West, LLC	20,000.00	0
29755	07/18/2011	WOODRUFF	Michael J. Cooper & Teeuwynn A. W	11,719.00	0
29756	07/18/2011	WRPA	Wa Recreation & Parks Assoc	1,020.00	0
29757	07/18/2011	ZUMAR	Zumar Industries, Inc.	626.35	0
				<hr/> <hr/>	
				Check Total:	1,253,108.71
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: mdunham
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
29758	07/18/2011	WALAB	Wa State Dept of Labor & Indus	23,576.26	0
				Check Total:	
				23,576.26	

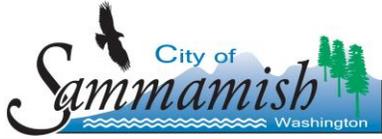
Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
29759	07/18/2011	BMC	BMC Select	13.94	0
29760	07/18/2011	CENTRALW	Central Welding Supply	4.28	0
29761	07/18/2011	DELL	Dell Marketing L.P.	3,643.91	0
29762	07/18/2011	ISSAQI	Issaquah Press, Inc.	2,431.50	0
29763	07/18/2011	KCFLEET	King County Fleet Admin	407.48	0
29764	07/18/2011	KINGFI	King County Finance A/R	1,019.08	0
29765	07/18/2011	L&IBOIL	Dept of Labor & Industries	27.20	0
29766	07/18/2011	MODERNSH	Modern Shed, Inc.	1,356.47	0
29767	07/18/2011	PSE	Puget Sound Energy	254.36	0
29768	07/18/2011	QBS	Quality Business Systems	5,037.00	0
29769	07/18/2011	UNITRENT	United Rentals NW, Inc	3,979.44	0
29770	07/18/2011	WATREAS	Wa State Treasurer	76.00	0
				18,250.66	
Check Total:					



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 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: Electrical Vehicle charging Station Installation

Action Required: Authorize City Manager to sign contract

Exhibits: 1. ANM Bid

Budget: General Fund Capital Contingency.

Summary Statement:

Staff is seeking approval of this contract to install two charging stations at the Sammamish Commons City Hall. They cost of the stations were covered by a federal grant.

Background:

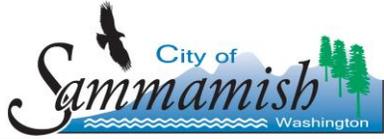
Sammamish can receive no-cost Level 2 Electric Vehicle Charging Stations (EVCS) under a federal grant administered by Charge Point NW. Staff has identified up to six possible locations for the Coulomb Technologies model CT2100 EVCS units in selected locations in the City Hall parking garage and parking lot. Depending on the award from Charge Point NW and the installation cost, not all locations may be installed.

The city sought bids from qualified electrical contractors for three different option and locations, and bidders were provided with as-built electrical drawings and the installation manual. This contract includes both the location design and installation of the charging stations.

ANM Electric Inc. is the qualified, responsive low bidder. The city has elected to go with Bid Item #1 which will install four EVCS; two in the parking garage and two at the parking lot at the NE corner of the City Hall building. The units in the parking garage will be on the standby power. The contract includes all the cost of cutting, coring, trenching, patching asphalt, concrete placement, installing pavers and restoring landscaping.

Financial Impact: \$ 27,729.47

Bid: \$23,205.00



City Council Agenda Bill

10% Contingency:	\$ 2,320.00
w.s.s.t. 9.5%=	\$ 2,204.47
TOTAL=	\$27,729.47

Recommended Motion: Authorize City Manager to sign contract

ADDENDUM #1 6/21/2011
 City of Sammamish
 EVCS Installation - 2011
 Small Works Roster Project

ANM ELECTRIC, INC.
 8810 172 AVE. N.E
 REDMOND, WA 98052-3212
 (425) 861-7195

Section 00300 Page 1
 FORM OF PROPOSAL

00300FORM OF PROPOSAL

FORM OF PROPOSAL

TO: City of Sammamish
 801 – 228th Ave SE
 Sammamish, WA 98075

The Undersigned submits the following proposal.

BASE BID

Pursuant to and in compliance with the Request for Bids and Instruction for Bidders, the undersigned hereby certifies, having carefully examined the Contract Documents entitled:

ELECTRIC VEHICAL CHARGING STATION (E.V.C.S.) INSTALLATION

And conditions affecting the work, and being familiar with the site; and having made the necessary examinations, proposes to furnish all labor, materials, equipment, and services necessary to complete the work in strict accordance with the Contract Documents for the sum of

BID ITEM #1	
Install (EVCS) at locations A, B, C and D AB will be on standby power C and D on standard power	\$ <u>23,205⁰⁰</u>

Twenty Three THOUSAND TWO HUNDRED FIVE DOLLARS
 Which sum is hereby designated as the Bid Item #1.

BID ITEM #2	
Install (EVCS) at locations A,B,C and D All on standard power	\$ <u>21,160⁰⁰</u>

TWENTY ONE THOUSAND ONE HUNDRED SIXTY DOLLARS
 Which sum is hereby designated as the Bid Item #2.

BID ITEM #3	
Install (EVCS) at location E All on standard power from Pergola	\$ <u>5,535</u>

FIVE THOUSAND FIVE HUNDRED THIRTY FIVE DOLLARS
 Which sum is hereby designated as the Bid Item #3.

ADDENDUM #1 6/21/2011
City of Sammamish
EVCS Installation - 2011
Small Works Roster Project

ANM ELECTRIC, INC.
8810 172 AVE. N.E
REDMOND, WA 98052-3212
(425) 861-7195

Section 00300 Page 2
FORM OF PROPOSAL

SALES TAX:

None of the sums stated in the foregoing include Washington State Sales Tax, except as designated in Article 4 of the Instructions for Bidders.

TIME OF COMPLETION AND LIQUIDATED DAMAGES:

The Undersigned agrees, if awarded the Contract, to complete the work under the Contract within the number of calendar days specified in Supplemental Conditions Section 00800, and also agrees to the amounts specified for Liquidated Damages. It is further agreed that the time for completion of the work described herein is a reasonable time considering the average climatic range and usual industrial conditions prevailing in the locality.

TRENCH EXCAVATION SAFETY PROVISIONS:

If the bid contract contains any work which requires trenching exceeding a depth of four feet, all costs for adequate trench safety systems shall be identified as a separate bid item in compliance with Chapter 39.04 RCW and WAC 296-155-650. The purpose of this provision is to ensure that the bidder agrees to comply with all the relevant trench safety requirements of Chapter 49.17 RCW. This bid amount shall be considered as part of the total base bid set forth above. Bidder must include a lump sum dollar amount in blank below (even if the value is \$0.00) to be responsive.

Trench Excavation Safety Provision Only: \$ 0.00

ADDENDUM #1 6/21/2011
City of Sammamish
EVCS Installation - 2011
Small Works Roster Project

ANM ELECTRIC, INC.
8810 172 AVE. N.E
REDMOND, WA 98052-3212
(425) 861-7195

Section 00300 Page 3
FORM OF PROPOSAL

CONTRACT AND BOND:

If notified of the acceptance of this bid within ninety (90) days of the time set for the opening of bids, the undersigned agrees to execute a contract for the above work, for a compensation computed from the above stated sums, on the State of Washington Public Works Contract Form and to furnish Bonds as required by the Contract Documents on the forms bound herein.

ADDENDA:

Receipt of Addenda numbered 1 is hereby acknowledged.

ANM ELECTRIC, INC.

Legal Name of Bidder

[Handwritten Signature]

Signature

OPERATIONS MGR

Title

6/30/2011

Date

ANMELIXOSSLT

State of WA Contractor's No.

8810 172 AVE NE

Street Address

REDMOND WA

City State

425 861 7195

Telephone

The firm represented by the above signature is:

- Sole Proprietorship _____
- Partnership _____
- Corporation _____
- Other _____

State of Incorporation WA

END OF SECTION 00300



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 13, 2011

Originating Department: Public Works

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Rec

Police

Public Works

Subject: Interlocal Agreement with Sammamish Plateau Water & Sewer District for Street Overlays in a portion of the Inglewood Neighborhood

Action Required: Authorize the City Manager to execute an Interlocal Agreement with Sammamish Plateau Water & Sewer District for street overlay work in a portion of the Inglewood Neighborhood

Exhibits: 1. Interlocal Agreement with the Sammamish Plateau Water & Sewer District

Budget: N/A - Zero net cost

Summary Statement:

The Public Works Department recommends that the City enter into an Agreement with Sammamish Plateau Water and Sewer District (SPWSD) to transfer responsibility for street overlay work in exchange for an advance payment for this work. The overlay work is a required mitigation for SPWSD's work within City right of way to install water and sewer facilities.

Background:

In 2010 and 2011 SPWSD and a private developer installed water and sewer improvements along portions of the following public streets located within the Inglewood subdivision:

- NE 15th Street from 208th Ave NE to the east end
- 209th Avenue NE from NE 15th St to the north end
- 210th Avenue NE from NE 15th St to the north end
- 211th Place NE from NE 16th St to the south end

In association with these utility improvements, the City required that SPWSD and the developer perform full and half-street overlays of the affected impacted streets. As there is ongoing home construction in this area, the City desires to wait to have the overlay work performed until the home construction activity is completed. The end result will be a better roadway surface.



City Council Agenda Bill

In addition this whole neighborhood is a strong candidate for the city's 2012 pavement preservation program. It makes sense to complete this neighborhood at one time rather than have new streets mixed with old streets.

Financial Impact:

This work is expected to be a net no-cost item to the City. Within 60-days of execution of the Interlocal Agreement, the City will receive a \$56,372.24 payment from the District. In exchange, the City will contract to have roadway overlay work performed in conjunction with the 2012 annual overlay program. The payment amount is based on the bid prices from the City's 2011 overlay contract.

Recommended Motion:

Move to authorize the City Manager to execute an Interlocal Agreement with Sammamish Plateau Water & Sewer District for street overlay work in a portion of the Inglewood Neighborhood.

**INTERLOCAL AGREEMENT BETWEEN CITY OF SAMMAMISH AND
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT**

**NE 15TH ST AND 210TH AVE NE WATER AND SEWER MAIN PROJECT AND NORTH
INGLEWOOD OVERLAY PROGRAM**

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

WHEREAS, from August 2010 to May 2011, as part of the District's NE 15th St and 210th Ave NE Water and Sewer Main Project ("Project"), the District installed water and sewer mains along certain roads in the vicinity of NE 15th Street, as depicted on Exhibit A; and

WHEREAS, the District acquired a right-of-way permit (Permit No. 10-0086) for the construction of the Project from the City that requires the District to overlay all or a portion of the roadways disturbed during the Project water and sewer construction, the limits of such pavement overlay as described on Exhibit A; and

WHEREAS, a developer ("Developer") by separate Developer Extension Agreement with the District has constructed sewer facilities on a portion of 209th Avenue NE from NE 15th Street northward for approximately 150 feet and on a portion of 211th Place NE from the end of the cul-de-sac northward for approximately 200 feet, as depicted on Exhibit A ("Developer's Project"), and such construction of Developer's Project has disturbed the roadways and will require additional pavement overlay; and

WHEREAS, the portion of the Developer's Project in the roadways was constructed under a right-of-way permit (Permit No. 11-0004) secured by the District in the District's name on behalf of the Developer, that requires the Developer to overlay the portions of the roadways disturbed by the Developer's Project, the limits of such pavement overlay as described on Exhibit A; and

WHEREAS, the amount of overlay that the District is responsible for on 211th Avenue NE is approximately equal to the amount of overlay that the Developer is responsible for 209th Avenue NE, and to simplify the areas of responsibility, the District and the Developer have agreed in a separate agreement that the District will be responsible for all of the overlay on 209th Avenue NE and the Developer will be responsible for all of the overlay on 211th Avenue NE; and

WHEREAS, there is potential for other developers to extend sewer service in the Project area in 2011 and/or in 2012, and the City and the District desire to delay portions of the overlay of the roadways until at least 2012 to allow such sewer construction to occur before the overlay is installed; and

Exhibit 1

WHEREAS, the City, as part of its annual Pavement Program, plans to overlay portions of the roadways within and adjacent to the boundaries of the District's Project and to the Developer's Project; and

WHEREAS, the City, the District, and the Developer can achieve cost savings and benefits in the public's interest by the City performing the City's overlay work, the District's overlay work and the Developer's overlay work at the same time; and

WHEREAS, the City has publicly bid the 2011 Pavement Program – Overlays, and has provided the bid results to the District; and

WHEREAS, the City has offered to allow the District to pay the City for the City's future overlay of the District's Project at the unit bid prices in the City's 2011 Pavement Program - Overlays; and

WHEREAS, the City has agreed to allow the Developer to pay a fee in lieu of the final overlay of the Developer's Project, as defined in the separate agreement executed between the District and the Developer; and

WHEREAS, the City and the District have the authority to undertake joint and cooperative action pursuant to Chapter 39.34 RCW; and

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

I. SCOPE OF DISTRICT AND CITY RESPONSIBILITIES

The Parties agree to respectively perform the work described below and as depicted on Exhibit B:

A. District's Responsibilities

1. The District shall install a permanent asphalt patch over the new water and sewer trenches on 209th Avenue NE, 210th Avenue NE, 211th Avenue NE, and 211th Place NE.
2. The District shall install a 3-inch thick hot mix asphalt (HMA) overlay on the entire width of 209th Avenue NE from NE 15th Street southward to the end of the cul-de-sac.
3. The District shall install a 4-inch thick asphalt treated base (ATB) on the entire width of NE 15th Street between 208th Avenue NE and the end of the existing asphalt pavement east of 210th Ave NE.
4. The District shall pay the City a total sum of \$14,052.24 for the City to perform the future overlay of 211th Place NE from NE 16th Street southward to the end of the cul-de-sac for the Developer's Project. This overlay shall also include the area at the north end of 211th Place NE beyond the north end of the Developer's sewer main installation, where the District previously installed a new water main.

This amount includes the cost of shoulder finishing and raising the iron castings to finished grade following the overlay.

5. The District shall pay the City, at the 2011 unit bid price for HMA as determined in Section II herein, for the City to perform the future overlay of the roads listed below:
 - (a) 1-1/2-inch minimum HMA overlay of 209th Avenue NE from NE 15th Street northward to the end of the cul-de-sac, which the Parties agree is 129 tons of HMA CL. ½ IN. PG 64-22.
 - (b) 2-inch minimum HMA overlay of NE 15th Street from 208th Avenue NE to the east end of the existing asphalt pavement which the Parties agree is 267 tons of HMA CL. ½ IN. PG 64-22.
6. The District shall pay the City, at the 2011 unit bid prices for raising iron castings (valves, manholes, monuments, and storm drain catch basins) as determined in Section II herein, for the City to raise the castings following the overlay of 209th Avenue NE from NE 15th Street northward to the end of the cul-de-sac and on NE 15th Street from 208th Avenue NE to the east end of the existing asphalt pavement. The number of castings which the Parties agree the District is responsible for is listed below:
 - (a) 2 EA - Monument Case and Cover
 - (b) 7 EA - Manhole
 - (c) 6 EA - Catch Basin
 - (d) 14 EA - Valve Box
7. The District shall pay the City, at the 2011 unit bid price for shoulder finishing to restore the gravel shoulders following the overlay of 209th Avenue NE from NE 15th Street northward to the end of the cul-de-sac and on NE 15th Street from 208th Avenue NE to the east end of the existing asphalt pavement, which the Parties agree is 0.22 miles of shoulder finishing.
8. The District shall notify the City no later than May 31st, 2012 if any imminent sewer projects are planned along the roads described in this Interlocal Agreement.

B. City's Responsibilities

1. No earlier than Summer 2012, the City shall install a HMA overlay on the following roads:
 - (a) 1-1/2-inch minimum HMA overlay of 209th Avenue NE from NE 15th Street northward to the end of the existing roadway, utilizing the funds paid to the City by the District
 - (b) 2-inch minimum HMA overlay of NE 15th Street from 208th Avenue NE to the east end of the existing asphalt pavement, utilizing the funds paid to the City by the District
 - (c) HMA overlay of 210th Avenue NE from NE 15th Street northward to the end of the existing roadway, at the City's sole cost and expense
 - (d) HMA overlay of 211th Avenue NE from NE 16th Street southward to the end of the cul-de-sac, at the City's sole cost and expense

Exhibit 1

- (e) 1-1/2-inch minimum HMA overlay of 211th Place NE from NE 16th Street southward to the end of the existing roadway, utilizing the funds paid to the City by the District on behalf of the Developer
 - (f) NE 16th Street – extent of overlay to be determined by City (District work does not impact NE 16th Street), at the City's sole cost and expense
2. If the District notifies the City by May 31st, 2012 that there are District or developer sewer projects planned to be constructed before the end of 2013 within the overlay areas described herein, the City shall delay the overlay for the road(s) until after completion of such sewer project(s).

II. BIDDING

The District has reviewed the bid results for the 2011 Pavement Program – Overlays, and approves the unit bid price for HMA and raising castings as shown in Exhibit C that have been used in the calculation of the District's financial responsibility for the future overlay.

If the City has not completed the overlay of 209th Avenue NE and NE 15th Street by December 31st, 2013, and the District has not requested that such overlay be delayed because of a pending or proposed sewer project, the City shall refund any funds paid by the District to the City pursuant to Section III herein for such overlay within sixty (60) days, and the City shall release the District from the requirement to overlay 209th Avenue NE, NE 15th Street, and 211th Place NE.

III. PAYMENT

Within sixty (60) days of the execution of this Agreement, the District shall pay the City the following amounts:

\$14,052.24 paid by the Developer to the District for the Developer's Project on 211th Place NE

\$42,320.00 as determined in Section I(A) herein and as set forth on Exhibit C attached hereto.

This shall represent the District's entire financial obligation for overlay, raising of iron castings and shoulder finishing of the roads listed above.

IV. INDEMNIFICATION AND HOLD HARMLESS

Each Party to this Agreement agrees to protect, defend, and indemnify the other Party, its officers, officials, employees, and agents from any and all costs, claims, claims for delay, judgments and/or awards of damages arising out of or in any way resulting from the Party's default, failure of performance, or negligent conduct associated with this Agreement, by the Party, its employees, subcontractors or agents. Each Party agrees that its obligations under this provision extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees or agents. The foregoing indemnity is specifically and expressly intended to

Exhibit 1

constitute a waiver of each Party's immunity under Washington's Industrial Insurance Act, RCW Title 51, as respects the other Party only, and only to the extent necessary to provide each Party with a full and complete indemnity of claims made by the other Party's employees. The Parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

In the event either Party incurs any costs, including attorney fees or expert witness fees, to enforce this Agreement, and prevails in such enforcement action, all such costs and fees shall be recoverable from the losing Party.

The provisions of this section shall survive the expiration or earlier termination of the Agreement with regard to any event that occurred prior to or on the date of such expiration or earlier termination.

V. OTHER PROVISIONS

A. This Agreement contains the entire agreement of the Parties and supersedes all prior discussions. This Agreement may be amended only in writing, signed by both Parties.

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

C. Waiver of any default or breach of this Agreement shall not be deemed to be a waiver of any other prior or subsequent default or breach and shall not be construed to be a modification of the terms of this Agreement unless stated to be such through written agreement of both Parties.

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

E. This Agreement is authorized under RCW 39.34.080. Nothing herein shall be construed to create a partnership or joint venture between the Parties.

F. The individuals signing this Agreement on behalf of the respective Party represent and warrant they have the power and authority to do so.

G. The recitals set forth above are incorporated herein by this reference.

Exhibit 1

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective as of the date last written below ("Effective Date").

CITY OF SAMMAMISH

SAMMAMISH PLATEAU
WATER AND SEWER
DISTRICT

Signature

Signature

Ben Yazici, City Manager

John C. Krauss, General Manager

Date

Date

**EXHIBIT C
 SAMMAMISH PLATEAU WATER AND SEWER DISTRICT
 PAYMENT TO CITY OF SAMMAMISH
 FOR OVERLAY AND RAISING CASTINGS ASSOCIATED WITH
 NE 15TH ST AND 210TH AVE NE WATER AND SEWER MAIN PROJECT
 AND INGLEWOOD 211TH PL PAUL SEWER EXTENSION**

Item No.	Item with 2011 Unit Price Bid	Quantity	Unit	Bid Price	Amount	Comments
1	HMA CL. 1/2 IN. PG 64-22	396	TONS	\$75.00	\$29,700.00	(a)
2	Shoulder Finishing	0.22	MILE	\$6,000.00	\$1,320.00	(a)
3	Adjust Monument Case and Cover	2	Each	\$300.00	\$600.00	(a)
4	Adjust Manhole	7	Each	\$500.00	\$3,500.00	(a)
5	Adjust Catch Basin	6	Each	\$500.00	\$3,000.00	(a)
6	Adjust Valve Box	14	Each	\$300.00	\$4,200.00	(a)
	Overlay, raise castings, shoulder work on 211th Place NE	1	LS		\$14,052.24	(b)
TOTAL AMOUNT					\$56,372.24	

- (a) On 209th Ave NE and NE 15th St
- (b) For Developer's work on 211th Pl NE, equal to bid from Sutter Paving to Developer



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 13, 2011

Originating Department: Public Works

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Rec

Police

Public Works

Subject: Interlocal Agreement with the City of Redmond for Landscape Maintenance of A Portion of SR 202

Action Required: Authorize the City Manager to execute an Interlocal Agreement with the City of Redmond for Maintenance of Landscaping on SR 202 within Sammamish

Exhibits: 1. Interlocal Agreement with the City of Redmond

Budget: \$218,000 in the adopted 2011-2012 Street Fund budget

Summary Statement:

The Public Works Department recommends partnering with the City of Redmond to maintain landscaping improvements along State Route (SR) 202 within Sammamish.

Background:

Roadway improvements to SR 202 were completed in 2009. Since completion, the landscape maintenance work has been performed by the State's contractor. Now that the State's maintenance period is coming to an end, the City is now responsible for maintaining the portion of SR 202 right of way and landscaping improvements that are within the city limits (SR 202 from 192nd Drive NE to 187th Avenue NE). Contracting out the work to maintain the right of way landscaping is consistent with other locations within Sammamish.

Financial Impact:

Right of way landscape service work is a planned expense identified in the city's adopted 2011 street fund budget. For 2012, the annual cost to perform this work is \$5,383.75. The annual cost for future years will be adjusted by the CPI-U as described in Section 2 of the agreement.

Recommended Motion:

Move to authorize the City Manager to execute an Interlocal Agreement with the City of Redmond for Maintenance of Landscaping on SR 202 within Sammamish

**INTERLOCAL AGREEMENT BETWEEN CITY OF REDMOND AND
CITY OF SAMMAMISH FOR LANDSCAPE MAINTENANCE
OF A PORTION OF SR 202**

THIS AGREEMENT is entered into between the City of Sammamish, a Washington city (“Sammamish”) and the City of Redmond, a Washington City (“Redmond”) for the purposes hereafter mentioned.

RECITALS

A. In 2009, the State of Washington completed road widening improvements to SR 202 from SR 520 to 192nd Ave N.E. A portion of these improvements are in Redmond and a portion of these improvements are in Sammamish. The improvements included landscaped medians and other landscaped areas within and adjacent to the improved roadway.

B. Under an interlocal agreement between Redmond and the Washington State Department of Transportation (“WSDOT”), Redmond has maintained the landscaping in both Redmond and a portion of Sammamish since installation by the state. The interlocal agreement between Redmond and WSDOT expired June 30, 2011.

C. Sammamish and Redmond deem it to be in the best interest of both cities that Redmond continues to maintain the landscaping as provided in Redmond’s interlocal agreement with WSDOT. Redmond has expressed a willingness to do so and Sammamish has expressed a willingness to pay Redmond to do so. The parties wish to reduce their agreement to writing.

AGREEMENT

IN CONSIDERATION OF the terms and conditions set forth below, the parties agree as follows:

1. Redmond to Maintain Landscaping. Redmond agrees to provide all labor, equipment, and materials necessary to perform routine maintenance of the landscaping in the shaded areas shown on the as-built Roadside Planting Plans attached to this Agreement as Exhibit A and incorporated herein by this reference as if set forth in full. Routine maintenance means and includes those services described on the Maintenance Schedule attached to this Agreement as Exhibit B and incorporated herein by this reference as if set forth in full. With respect to the irrigation system in the landscaped areas, routine maintenance includes main line repairs, lateral line repairs, and sprinkler head repairs. Routine maintenance of the irrigation system does not include repair or replacement of valves, valve wiring, controllers, control cabinets, double-check valves, and the Maxicom CCU(s), which shall remain the sole responsibility of Sammamish. Routine maintenance also does not include maintenance or repair of streetlights, fences, retaining walls, and hard surfaces (concrete/asphalt). The frequency of maintenance shall be as provided in the Maintenance Schedule. Items marked “NIC” on the Maintenance Schedule are not included in this Agreement.

2. Payment by Sammamish. Sammamish agrees to pay Redmond on an annual basis for the maintenance services provided under Section 1 of this Agreement. For the remainder of 2011, the payment shall be determined by multiplying the sum of \$14.75 by the number of calendar days remaining in the year as of the effective date of this Agreement. The entire amount due for 2011 shall be paid on or before the 15th day of the month following the effective date of this Agreement. For 2012, the annual payment shall be \$5,383.75, which shall be due on or before the 15th day of January, 2012. If this Agreement is renewed for the calendar year 2013, the amount of the payment shall be increased over the 2012 amount by an amount equal to the increase in the Consumer Price Index - All Urban Consumers (CPI-U) for the Seattle-Tacoma-Bremerton Area from June 2011 to June 2012. If this Agreement is renewed thereafter, the amount of the payment shall be increased each January 1 by an amount equal to the increase in the CPI-U during the most recent June to June period. Annual payments in 2013 and after shall be due and payable on or before January 15 of the renewal year.

3. Duration of Agreement. This Agreement shall become effective upon execution by both parties and shall be for an initial term ending December 31, 2012. This Agreement shall thereafter renew on a year-to-year basis unless either party gives notice to the other of its intent not to renew at least sixty days prior to December 31 of the year in which notice is given.

4. Right of Entry. Sammamish hereby grants Redmond access to the shaded areas shown on Exhibit A for the purpose of performing maintenance pursuant to the terms of this Agreement. During such times as Redmond is performing maintenance, Redmond shall be responsible for any necessary traffic control.

5. Indemnification.

5.1 Redmond agrees to indemnify, hold harmless, and defend Sammamish, its officers and employees, from and against any and all costs, claims, judgments and/or awards of damages (both to persons and/or property), arising out of or resulting from Redmond's negligence in the performance of this Agreement. Redmond will not be required to indemnify, hold harmless or defend Sammamish if the claim, suit, or action for injuries, death or damages (both to persons and/or property) is the result of the sole negligence of Sammamish, its officers or employees.

5.2 Sammamish agrees to indemnify, hold harmless, and Redmond, its officers and employees, from and against any and all costs, claims, judgments and/or awards of damages (both to persons and/or property), arising out of or resulting from Sammamish's negligence in the performance of this Agreement. Sammamish will not be required to indemnify, hold harmless or defend Redmond if the claim, suit, or action for injuries, death or damages (both to persons and/or property) is the result of the sole negligence of Redmond, its officers or employees.

5.3 Where a claim, suit, or action results from the concurrent negligence of Sammamish and Redmond, or their officers or employees, the indemnity provisions of this section shall be valid and enforceable only to the extent of each party's, or their officers' or employees' negligence.

5.4 This indemnity shall survive termination or expiration of this Agreement for any claim, suit, or action for injuries, death, or damage occurring prior to such termination or expiration.

6. Termination. Either party may terminate this Agreement during its term or any renewal term thereof for breach of the Agreement by the other party, provided, that such termination shall not become effective if, within thirty (30) days from the date notice of termination is given, the non-terminating party cures the breach or, if such breach cannot be cured within thirty (30) days, commences cure within that time period and pursues the cure to completion.

7. Property. Sammamish and Redmond will not acquire any joint property under this Agreement. Performance of services by Redmond shall not result in any title to the landscaped areas passing to Redmond. Payment by Sammamish shall not result in title to any Redmond equipment or materials passing to Sammamish.

8. Administration. No separate legal entity is created by this Agreement. This Agreement shall be jointly administered by the Park and Recreation Director of Redmond and the Public Works Director of Sammamish.

9. Notices. Notices under this Agreement shall be provided in writing to the parties at the following addresses:

Redmond

Craig Larson
Director of Parks and Recreation
City of Redmond
15970 NE 85th Street
P.O. Box 97010
Mail Stop 4NPK
Redmond, WA 98073

Sammamish

Laura Philpot
Public Works Director
City of Sammamish
801 228th Ave. S.E.
Sammamish, WA 98075

Notices shall be given by personal delivery or by mail and, if given by mail, shall be deemed received three (3) business days after the same is deposited in the United States Mail, postage prepaid, addressed as provided above.

10. Amendments. This Agreement may be amended only by a written instrument signed by both parties.

11. Listing on Web Sites. Pursuant to RCW 39.34.040, Redmond and Sammamish shall each list this Agreement by subject on their respective web sites.

12. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the maintenance of the landscaping described in Section 1 hereof and supersedes all prior negotiations or understandings.

AGREED TO by the parties on the dates set forth below.

CITY OF REDMOND

CITY OF SAMMAMISH

Mayor John Marchione
Date: _____

City Manager Ben Yazici
Date: _____

ATTEST:

ATTEST:

City Clerk Michelle McGehee, CMC

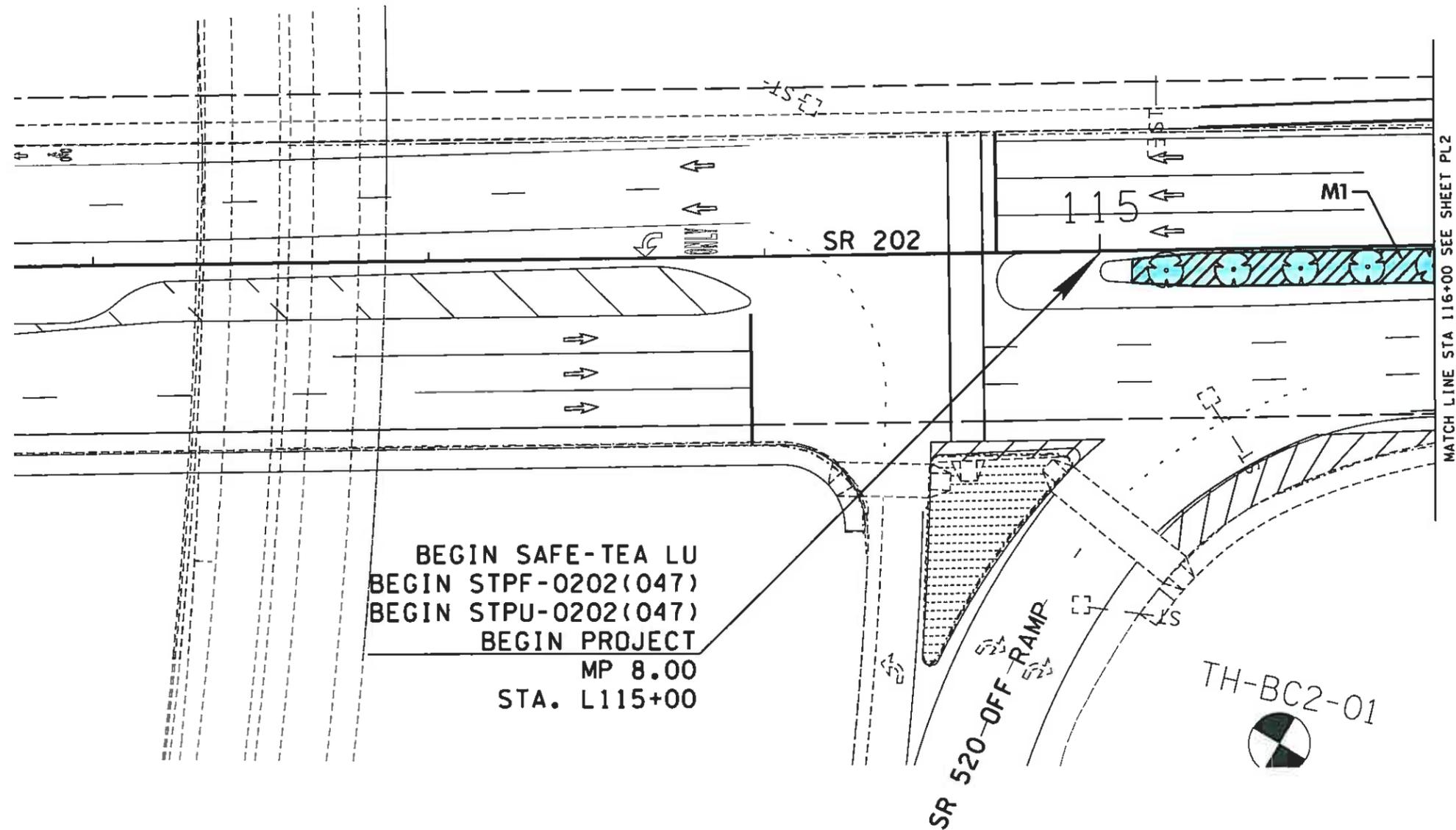
City Clerk Melonie Anderson

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney James E. Haney

City Attorney Bruce L. Disend



QUANTITY TAB - THIS SHEET ONLY

SYMBOL	ITEM	QUANTITY
	MIX M - 4' D.C.	M1
	COMPACT OREGON GRAPE	33
	WATANABE VIBURNUM *	12
	BARK OR WOOD CHIP MULCH (CY)	6.0
	AMUR MAPLE - 20' D.C. (TYP)	4

* PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.

- NOTES:
1. BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
 2. SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.

LEGEND

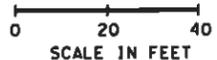
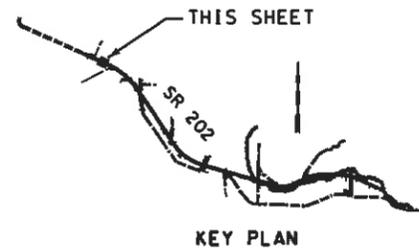
	WALL
	RIGHT OF WAY
	LIMITED ACCESS
	GUARDRAIL
	CITY OF REDMOND
	CITY OF SAMMAMISH
	KING COUNTY
	ADJACENT PROPERTY OWNER

BEGIN SAFE-TEA LU
 BEGIN STPF-0202(047)
 BEGIN STPU-0202(047)
 BEGIN PROJECT
 MP 8.00
 STA. L115+00

SR 520-OFF-RAMP

TH-BC2-01

AS-BUILT
 FOR REFERENCE ONLY



STATE OF WASHINGTON
 REGISTERED
 LANDSCAPE ARCHITECT

DAVID S. PETERSON
 CERTIFICATE NO. 476
 DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn	REGION NO.	STATE	FED.AID PROJ.NO.	Washington State Department of Transportation	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4	ROADSIDE PLANTING PLAN	PLOT1
TIME	5:51:23 PM	10	WASH					PL1
DATE	10/2/2008	JOB NUMBER	04A059	LOCATION NO.				SHEET
DESIGNED BY	A. SAWICH	CONTRACT NO.						OF
ENTERED BY	K. McLEAN							SHEETS
CHECKED BY	B. MacLAREN							
PROJ. ENGR.	D. EDWARDS							
REGIONAL ADM.	L. ENG	REVISION	DATE	BY	P.E. STAMP BOX	DATE		

T.25N. R.5E. W.M.



QUANTITY TAB - THIS SHEET ONLY		
SYMBOL	ITEM	QUANTITY
	MIX M - 4' O.C.	M2
	COMPACT DREGON GRAPE	59
	WATANABE VIBURNUM *	25
	BARK OR WOOD CHIP MULCH (CY)	11
	AMUR MAPLE - 20' O.C. (TYP)	9

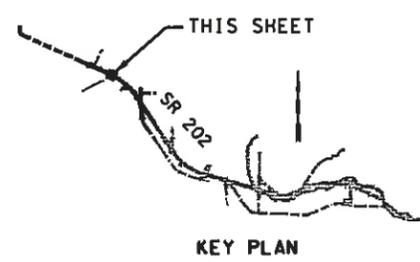
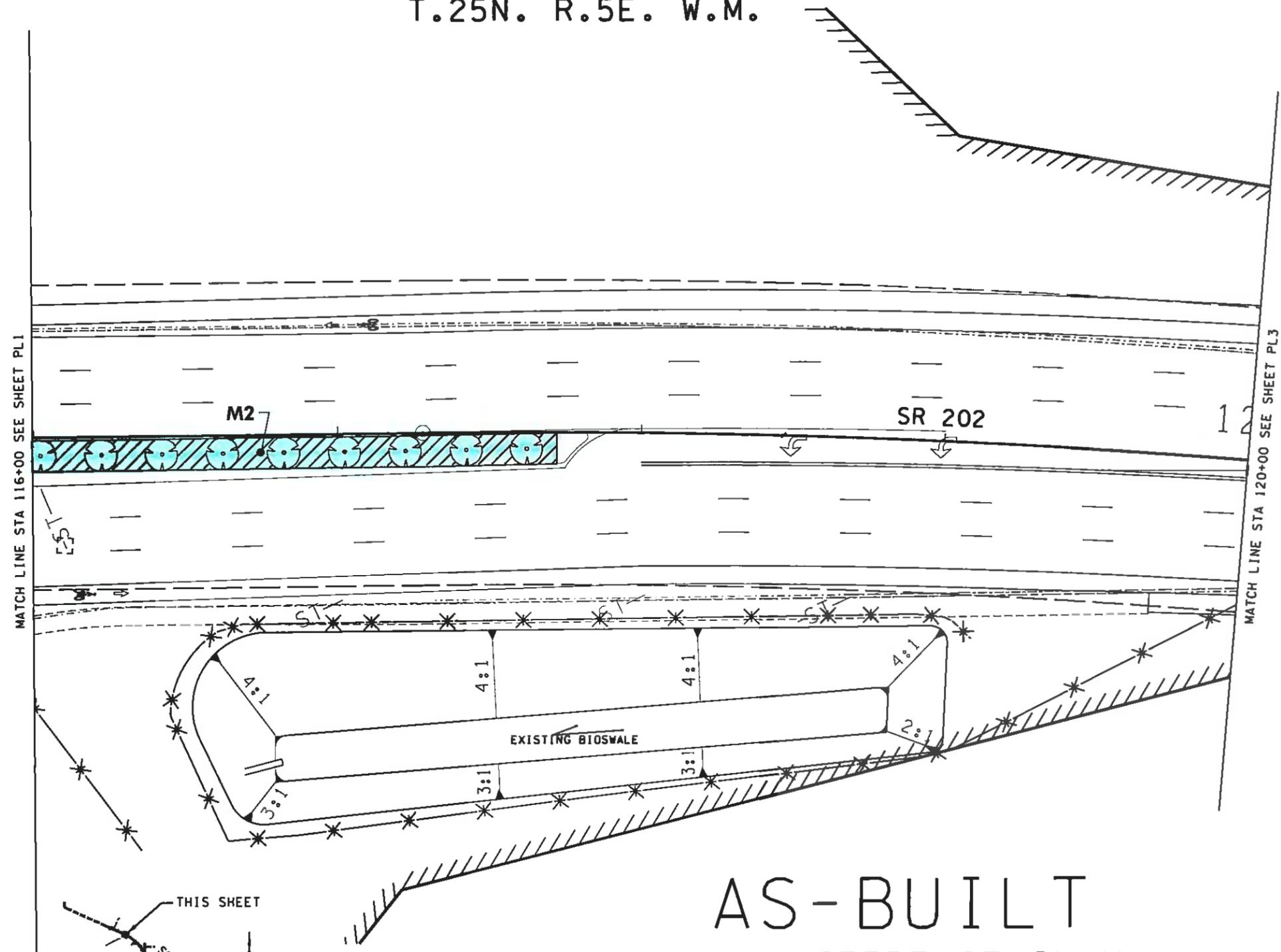
*PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.

NOTES:

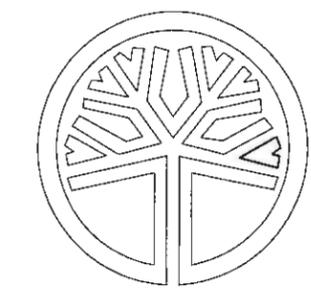
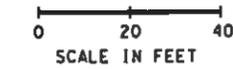
- BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.

LEGEND

- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL
- CITY OF REDMOND
- CITY OF SAMMAMISH
- KING COUNTY
- ADJACENT PROPERTY OWNERS



AS-BUILT
FOR REFERENCE ONLY



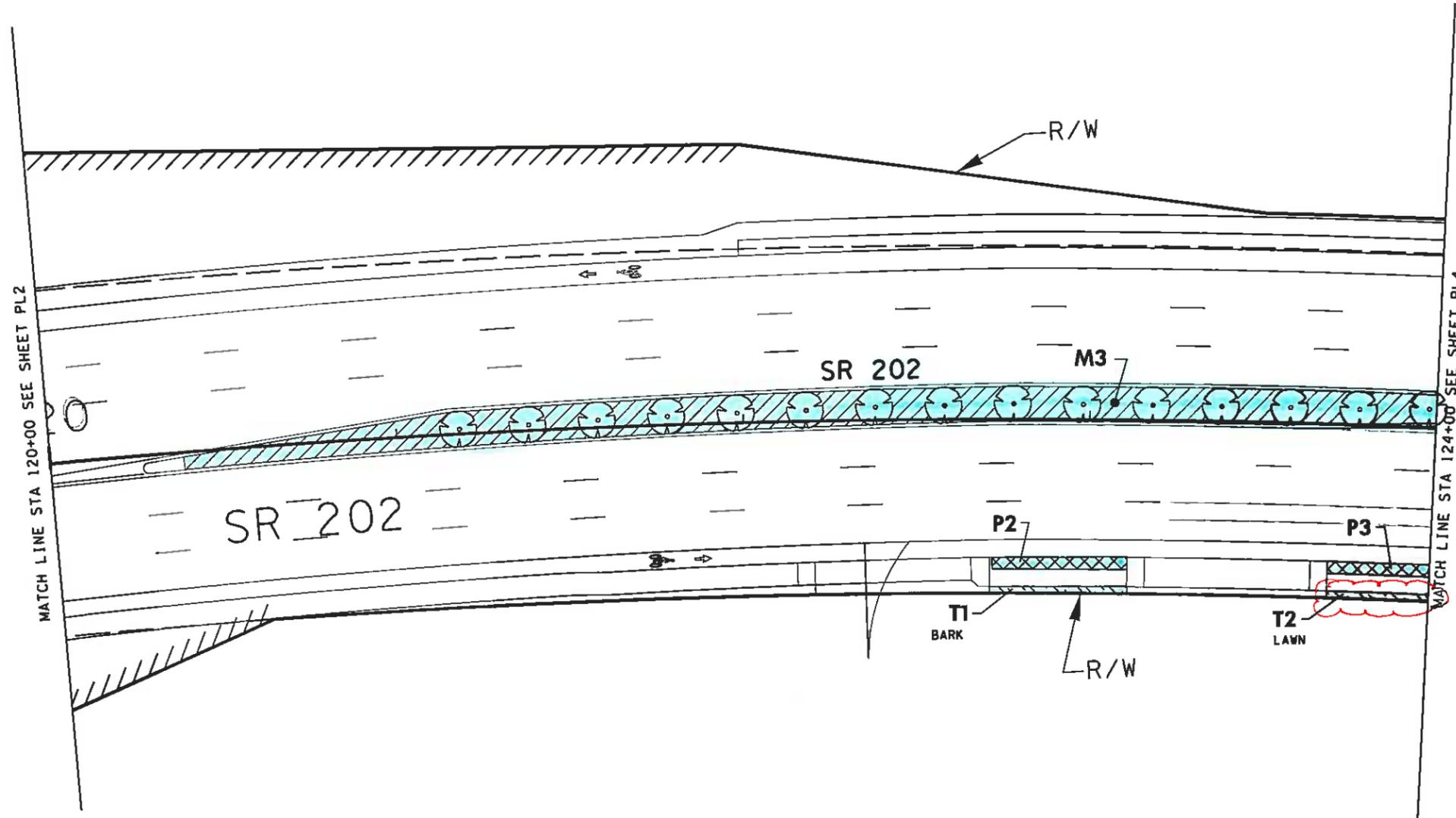
STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape SHTS 3 & 4.dgn		REGION NO. STATE		FED. AID PROJ. NO.		PLOT2	
TIME 6:03:43 PM		10	WASH			PL2	
DATE 10/2/2008		JOB NUMBER 04A059		LOCATION NO.		SHEET	
DESIGNED BY A. SAWICH		CONTRACT NO.				OF	
ENTERED BY K. McLEAN						SHEETS	
CHECKED BY B. MacLAREN							
PROJ. ENGR. D. EDWARDS							
REGIONAL ADM. L. ENG	REVISION	DATE	BY	P.E. STAMP BOX	DATE	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4 ROADSIDE PLANTING PLAN	



T.25N. R.5E. W.M.



QUANTITY TAB - THIS SHEET ONLY			
SYMBOL	ITEM	QUANTITY	
MIX M - 4' O.C.		M3	
[Hatched Box]	COMPACT OREGON GRAPE	127	
	WATANABE VIBURNUM *	54	
	BARK OR WOOD CHIP MULCH (CY)	21.0	
MIX P - 4' O.C. **		P2	P3
[Cross-hatched Box]	COMPACT OREGON GRAPE	19	4
	PRIVET HONEYSUCKLE	20	5
	BARK OR WOOD CHIP MULCH (CY)	6.0	1.0
		0.5	
MIX T		T1	T2
[Diagonal Hatched Box]	LAWN (SY)		6.7
	BARK OR WOOD CHIP MULCH (CY)	0.5	
[Circle with 'A']	AMUR MAPLE - 20' O.C. (TYP)	15	

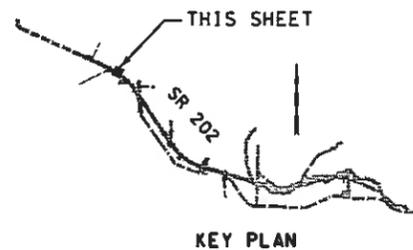
* PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.

** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3 TO 7 PLANTS

NOTES:

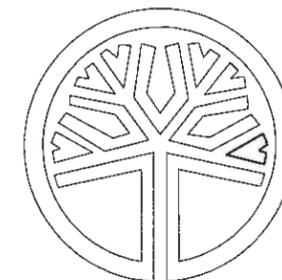
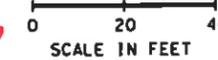
- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
- BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.

AS-BUILT FOR REFERENCE ONLY



LEGEND

- [Hatched Box] WALL
- [Solid Line] RIGHT OF WAY
- [Dashed Line] LIMITED ACCESS
- [Dashed Line] GUARDRAIL
- [Blue Box] CITY OF REDMOND
- [White Box] CITY OF SAMMAMISH
- [White Box] KING COUNTY
- [Red Cloud] ADJACENT PROPERTY OWNERS?



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\FOR Landscape SHTS 3 & 4.dgn		
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ENTERED BY	K. McLEAN	STATE	WASH
CHECKED BY	B. MacLAREN	JOB NUMBER	
PROJ. ENGR.	D. EDWARDS	CONTRACT NO.	
REGIONAL ADM.	L. ENG	LOCATION NO.	
REVISION	DATE	BY	

P.E. STAMP BOX DATE

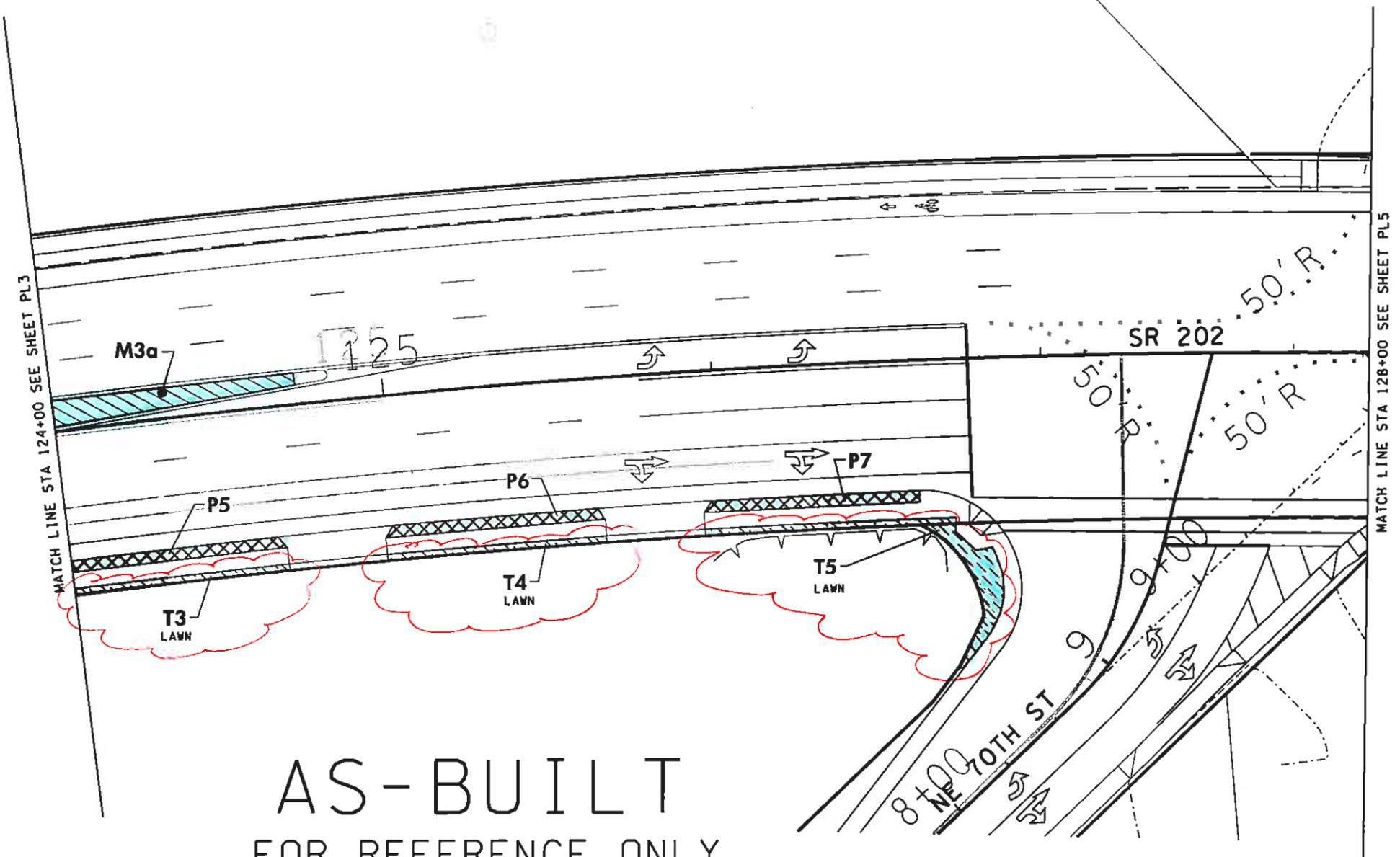


SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

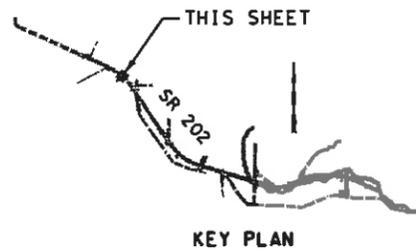
ROADSIDE PLANTING PLAN

PLOT 3
PL3
SHEET
OF
SHEETS

T.25N. R.5E. W.M.

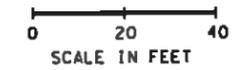


AS-BUILT
FOR REFERENCE ONLY



LEGEND

- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL
- CITY OF REDMOND
- CITY OF SAMMAMISH
- KING COUNTY
- ADJACENT PROPERTY OWNERS



QUANTITY TAB - THIS SHEET ONLY

SYMBOL	ITEM	QUANTITY		
MIX M - 4' O.C.		M3a		
	COMPACT OREGON GRAPE	28		
	WATANABE VIBURNUM *	12		
	BARK OR WOOD CHIP MULCH (CY)	3.0		
MIX P - 4' O.C. **			P5	P6
	COMPACT OREGON GRAPE		7	7
	PRIVET HONEYSUCKLE		8	8
	BARK OR WOOD CHIP MULCH (CY)		1.5	1.5
MIX T			T3	T4
	LAWN (SY)		15.1	14.8
				10
				8
				1.0

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS

- NOTES:
- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
 - BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
 - SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.

LEGEND

- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

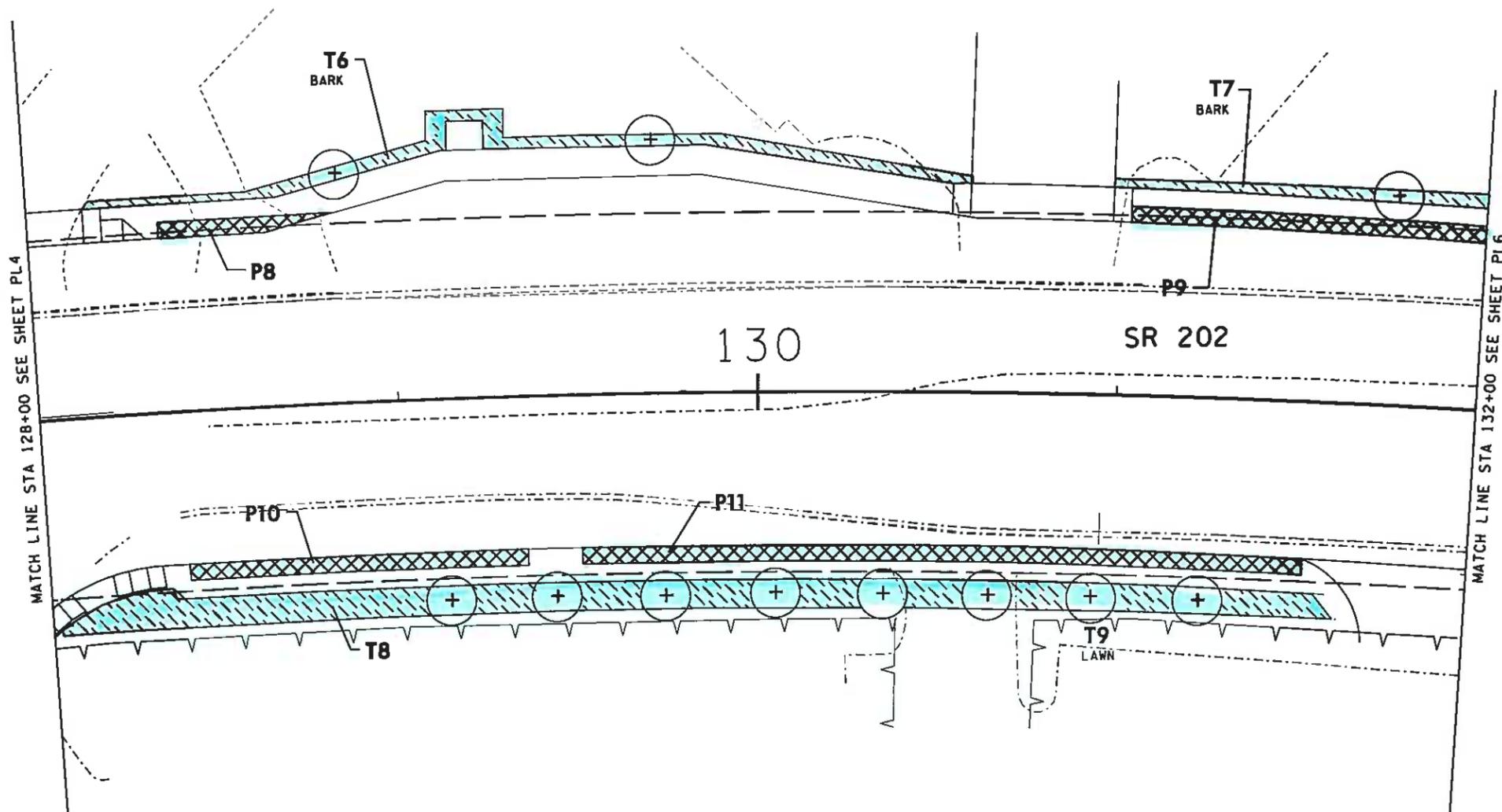
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DATE	10/2/2008			JOB NUMBER	04A059		PL4
DESIGNED BY	A. SAWICH			CONTRACT NO.			SHEET
ENTERED BY	K. McLEAN			LOCATION NO.			OF
CHECKED BY	B. MacLAREN						SHEETS
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG			REVISION	DATE	BY	



SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

T.25N. R.5E. W.M.



QUANTITY TAB - THIS SHEET ONLY					
SYMBOL	ITEM	QUANTITY			
		P8	P9	P10	P11
MIX P - 4' O.C. **					
[Cross-hatch]	COMPACT OREGON GRAPE	4	12	11	25
[Cross-hatch]	PRIVET HONEYSUCKLE	5	12	12	24
	BARK OR WOOD CHIP MULCH (CY)	1.0	3.0	3.0	5.0
MIX T		T6	T7	T8	
[Diagonal hatch]	COMPACT OREGON GRAPE			132	
	SOIL AMENDMENT WITH GROUND BARK (CY)	8.0	3.0	18.0	
	FINE COMPOST (CY)	3.0	1.0	1.0	
	BARK OR WOOD CHIP MULCH (CY)	8.0	3.0	1.5	
[Circle with +]	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	11			

** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS

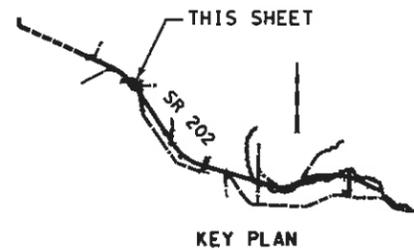
NOTES:

- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
- BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
- IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PDS.
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
- FOR T8 AND T9 PLANT 'EMERALD QUEEN' NORWAY MAPLE WITHIN EXISTING PLANTING. SEE TREE PIT PLANTING DETAIL ON SHEET PDS. APPLY 1" FINE COMPOST (DO NOT INCORPORATE) AND 3" BARK OR WOOD CHIP MULCH.

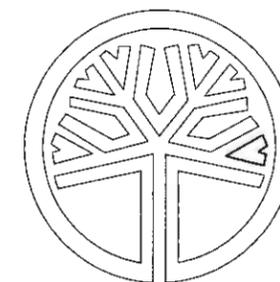
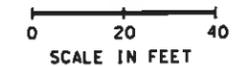
LEGEND

- [Diagonal hatch] WALL
- [Solid line] RIGHT OF WAY
- [Dashed line] LIMITED ACCESS
- [Dashed line with ticks] GUARDRAIL

AS-BUILT
FOR REFERENCE ONLY



- [Blue box] CITY OF REDMOND
- [White box] CITY OF SAMMAMISH
- [White box] KING COUNTY
- [White box] ADJACENT PROPERTY OWNER



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

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DESIGNED BY	A. SAWICH	REGIONAL NO.	10	STATE	SHEET
ENTERED BY	K. McLEAN	JOB NUMBER	04A059	WASH	
CHECKED BY	B. MacLAREN	CONTRACT NO.		LOCATION NO.	OF SHEETS
PROJ. ENGR.	D. EDWARDS				
REGIONAL ADM.	L. ENG	REVISION	DATE	BY	

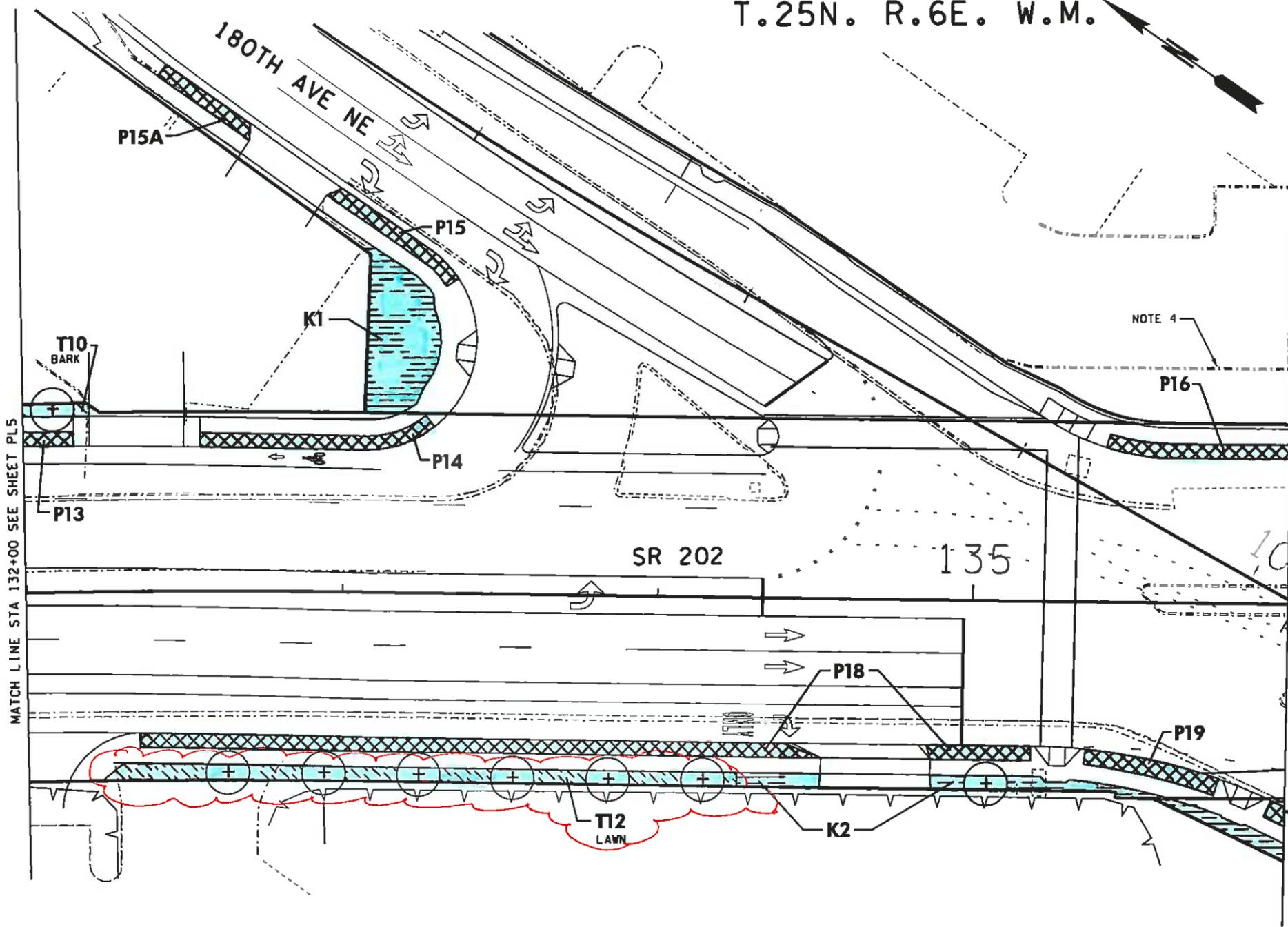


SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

Exhibit 1

T.25N. R.6E. W.M.



QUANTITY TAB - THIS SHEET ONLY							
SYMBOL	ITEM	QUANTITY					
MIX P - 4' O.C. **		P13	P14	P15	P15A	P16	P18 P19
[Cross-hatch symbol]	COMPACT OREGON GRAPE	2	9	5	3	6	43 8
	BARK OR WOOD CHIP MULCH (CY)	0.5	2.0	1.5	0.5	1.5	6.5 1.5
MIX T		T10					
[Diagonal lines symbol]	LAWN (SY) SEE NOTE 3	1.0					
	SOIL AMENDMENT WITH GROUND BARK (CY)	1.0					
	FINE COMPOST (CY)	0.5					
	BARK OR WOOD CHIP MULCH	0.5					
MIX K - 4' O.C.		K1					
[Horizontal lines symbol]	COMPACT OREGON GRAPE	47					
[Vertical lines symbol]	'ELMA' ROCK ROSE	24					
[Dotted lines symbol]	SALAL	8					
	SOIL AMENDMENT WITH GROUND BARK (CY)	11.0					
	FINE COMPOST (CY)	4.0					
	BARK OR WOOD CHIP MULCH	11.0					
[Circle with cross symbol]	'EMERALD QUEEN' NORWAY MAPLE - 30' O.C. (TYP)	8					
[Circle with tree symbol]	KOUSA DOGWOOD SPACING AS SHOWN (TYP)						

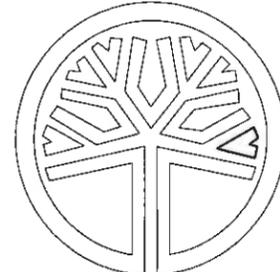
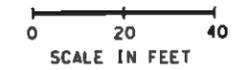
** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS

- NOTES:
- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA TREATMENT.
 - BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
 - IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PD5.
 - FORCE ACCOUNT ROADSIDE RESTORATION FOR TEMPORARY EASEMENT; PLANTING SHALL NOT BLOCK PROPERTY SIGNAGE.
 - SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - FOR T12 PLANT 'EMERALD QUEEN' NORWAY MAPLE WITHIN EXISTING PLANTING. SEE TREE PIT PLANTING DETAIL ON SHEET PD5. APPLY 1" FINE COMPOST (DO NOT INCORPORATE) AND 3" BARK OR WOOD CHIP MULCH.

SEE SHEET PL7 FOR QUANTITY

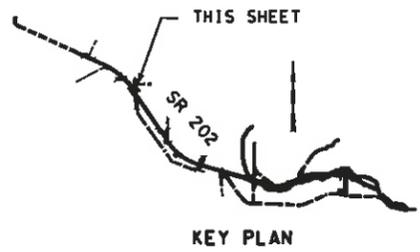
AS-BUILT FOR REFERENCE ONLY

LEGEND	
[Diagonal lines symbol]	WALL
[Solid line symbol]	RIGHT OF WAY
[Dashed line symbol]	LIMITED ACCESS
[Dotted line symbol]	GUARDRAIL
[Blue fill symbol]	CITY OF REDMOND
[White fill symbol]	CITY OF SAMMAMISH
[White fill symbol]	KING COUNTY
[Red cloud symbol]	ADJACENT PROPERTY OWNER



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

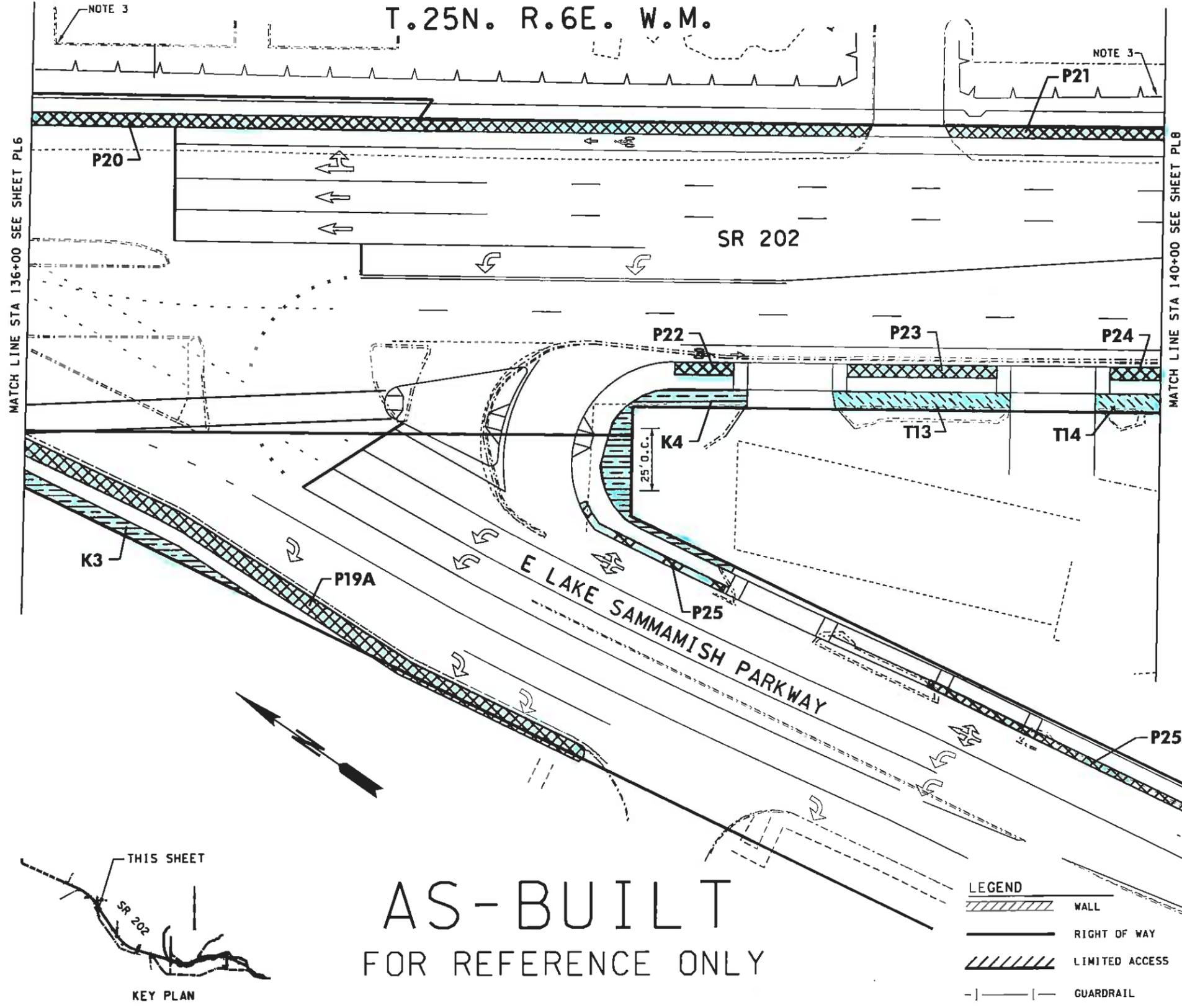
DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____



FILE NAME *****DESIGNFILENAME*****	REGION NO. 10	STATE WASH	FED. AID PROJ. NO.	Washington State Department of Transportation	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4	PLOT6 PL6
DESIGNED BY A. SAWICH	JOB NUMBER 04A059	CONTRACT NO.	LOCATION NO.			
ENTERED BY K. McLEAN				DATE	DATE	SHEET OF SHEETS
CHECKED BY B. MacLAREN						
PROJ. ENGR. D. EDWARDS	REVISION	DATE	BY			
REGIONAL ADM. L. ENG				P.E. STAMP BOX	P.E. STAMP BOX	

Exhibit 1

T.25N. R.6E. W.M.



QUANTITY TAB - THIS SHEET ONLY

SYMBOL	ITEM	QUANTITY								
		P19A	P20	P21	P22	P23	P24	P25	P25A	
MIX P - 4' O.C. **										
[Cross-hatch]	COMPACT OREGON GRAPE	31	43	9	2	6	1	8	15	
[Cross-hatch]	PRIVET HONEYSUCKLE	34	46	10	2	7	2	10	13	
	BARK OR WOOD CHIP MULCH (CY)	8.0	8.0	2.0	1.0	1.5	0.5	1.0	1.5	
MIX T			T13	T14						
[Diagonal lines]	SOIL AMENDMENT WITH GROUND BARK (CY)		4.0	1.5						
	FINE COMPOST (CY)		1.0	1.0						
	BARK OR WOOD CHIP MULCH (CY)		4.0	1.5						
MIX X - 4' O.C.			K3	K4						
[Horizontal lines]	COMPACT OREGON GRAPE		16	26						
[Horizontal lines]	'ELMA' ROCK ROSE		8	14						
[Horizontal lines]	SALAL		3	5						
	SOIL AMENDMENT WITH GROUND BARK (CY)		4.0	6.0						
	FINE COMPOST (CY)		1.5	2.0						
	BARK OR WOOD CHIP MULCH (CY)		4.0	6.0						

** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS

NOTES:

- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
- BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
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- FORCE ACCOUNT ROADSIDE RESTORATION FOR TEMPORARY EASEMENT; PLANTING SHALL NOT BLOCK PROPERTY SIGNAGE.
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.

CITY OF REDMOND
 CITY OF SAMMAMISH
 KING COUNTY
 ADJACENT PROPERTY OWNER



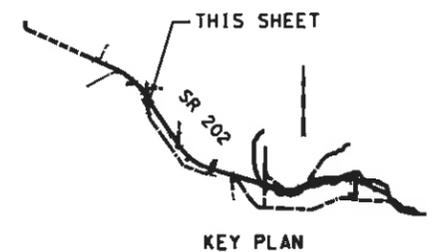
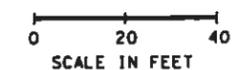
STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

AS-BUILT
FOR REFERENCE ONLY

LEGEND

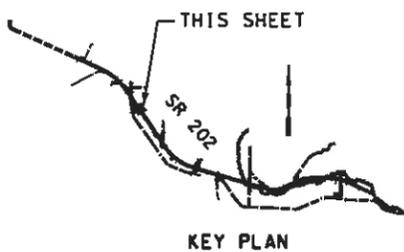
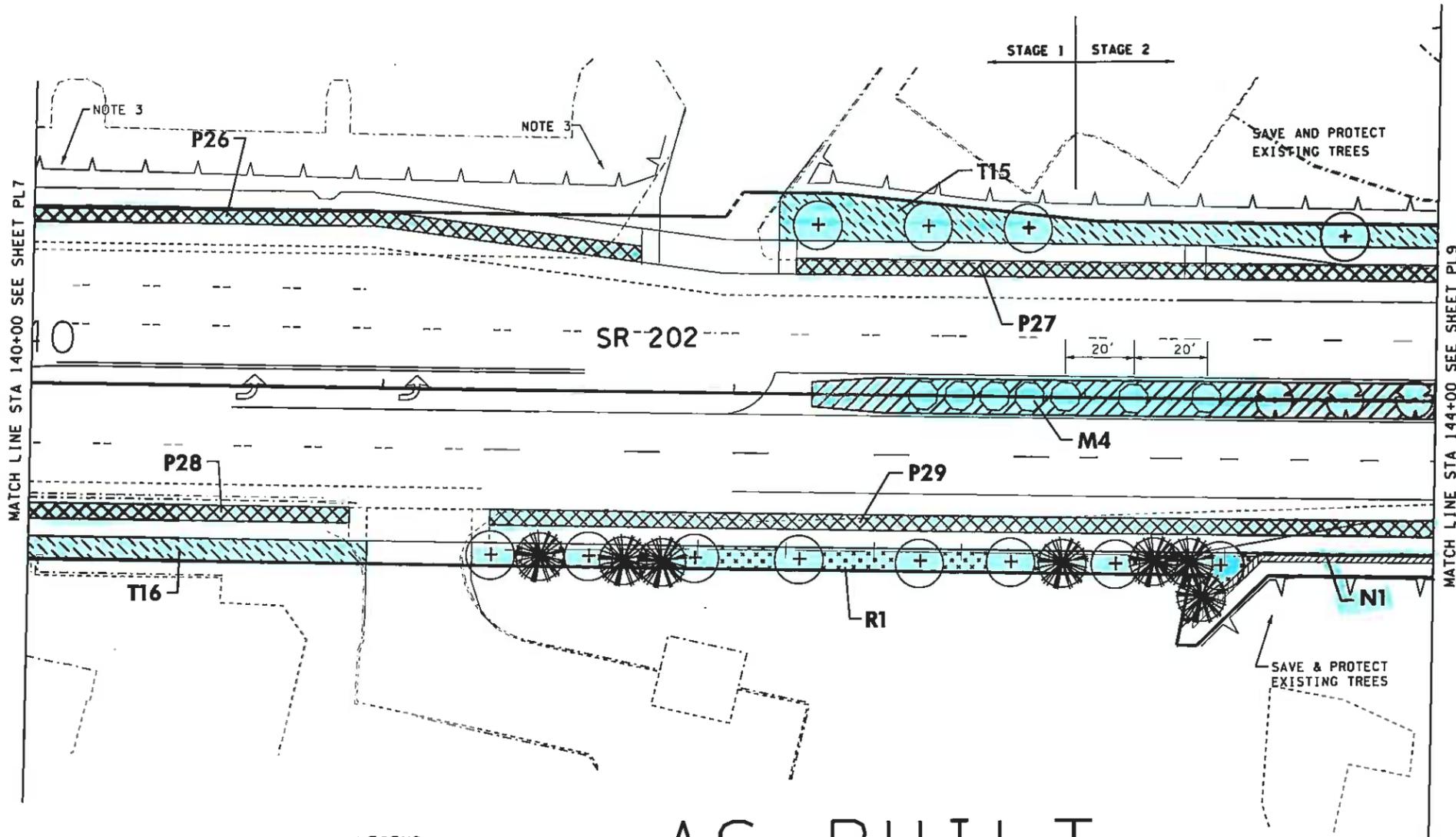
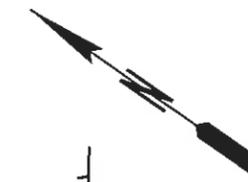
- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL



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DATE 10/2/2008		JOB NUMBER 04A059		LOCATION NO.		SHEET	
DESIGNED BY A. SAWICH		CONTRACT NO.				OF	
ENTERED BY K. McLEAN						SHEETS	
CHECKED BY B. MacLAREN							
PROJ. ENGR. D. EDWARDS							
REGIONAL ADM. L. ENG	REVISION	DATE	BY	P.E. STAMP BOX	DATE	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4 ROADSIDE PLANTING PLAN	



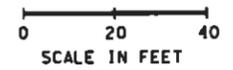
T.25N. R.6E. W.M.



LEGEND

	WALL
	RIGHT OF WAY
	LIMITED ACCESS
	GUARDRAIL
	CITY OF REDMOND
	CITY OF SAMMAMISH
	KING COUNTY
	ADJACENT PROPERTY OWNER

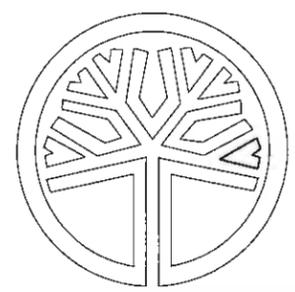
AS-BUILT FOR REFERENCE ONLY



- NOTES:**
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 - BARK OR WOOD CHIP MULCH SHALL BE PLACED AT A 2" DEPTH IN MEDIANS AND IN PLANTING AREAS BETWEEN CURB AND SIDEWALK IN STAGE 1 ONLY.
 - FORCE ACCOUNT ROADSIDE RESTORATION FOR TEMPORARY EASEMENT; PLANTING SHALL NOT BLOCK PROPERTY SIGNAGE.
 - SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.

QUANTITY TAB - THIS SHEET ONLY					
SYMBOL	ITEM	QUANTITY			
MIX M - 4' O.C.		M4			
	COMPACT OREGON GRAPE	67			
	WATANABE VIBURNUM*	27			
	BARK OR WOOD CHIP MULCH (CY)	16.0			
	TOPSOIL TYPE A (CY)	54.0			
MIX P - 4' O.C.		P26	P27	P28	P29
	COMPACT OREGON GRAPE	21	22	11	41
	PRIVET HONEYSUCKLE	22	23	11	41
	BARK OR WOOD CHIP MULCH (CY)	5.0	7.0	3.0	7.0
	TOPSOIL TYPE A (CY)		26.0		13.0
STAGE 2 ONLY					
MIX T		T15	T16		
	SOIL AMENDMENT WITH GROUND BARK (CY)	15.0	6.0		
	FINE COMPOST (CY)	5.0	2.0		
	BARK OR WOOD CHIP MULCH (CY)	15.0	6.0		
MIX R - 6' O.C.		R1			
	MOCK ORANGE	2			
	NOOKA ROSE	3			
	OCEANSPRAY	0			
	TALL OREGON GRAPE	4			
	VINE MAPLE	2			
	WESTERN SERVICEBERRY	2			
	SOIL AMENDMENT WITH GROUND BARK (CY)	14.0			
	FINE COMPOST (CY)	5.0			
	BARK OR WOOD CHIP MULCH (CY)	14.0			
MIX N - 3' O.C. ***		N1			
	BEACH STRAWBERRY	4			
	BOSTON IVY 'VEITCHII'	1			
	COMPACT OREGON GRAPE	2			
	SOIL AMENDMENT WITH GROUND BARK (CY)	0.5			
	FINE COMPOST (CY)	0.5			
	BARK OR WOOD CHIP MULCH (CY)	0.5			
	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT WHERE NOTED	7			
	AMUR MAPLE 20' O.C. (TYP)	3			
	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	17			
	DOUGLAS FIR 4' HT.	7			

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. FROM BACK OF SIDEWALK



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

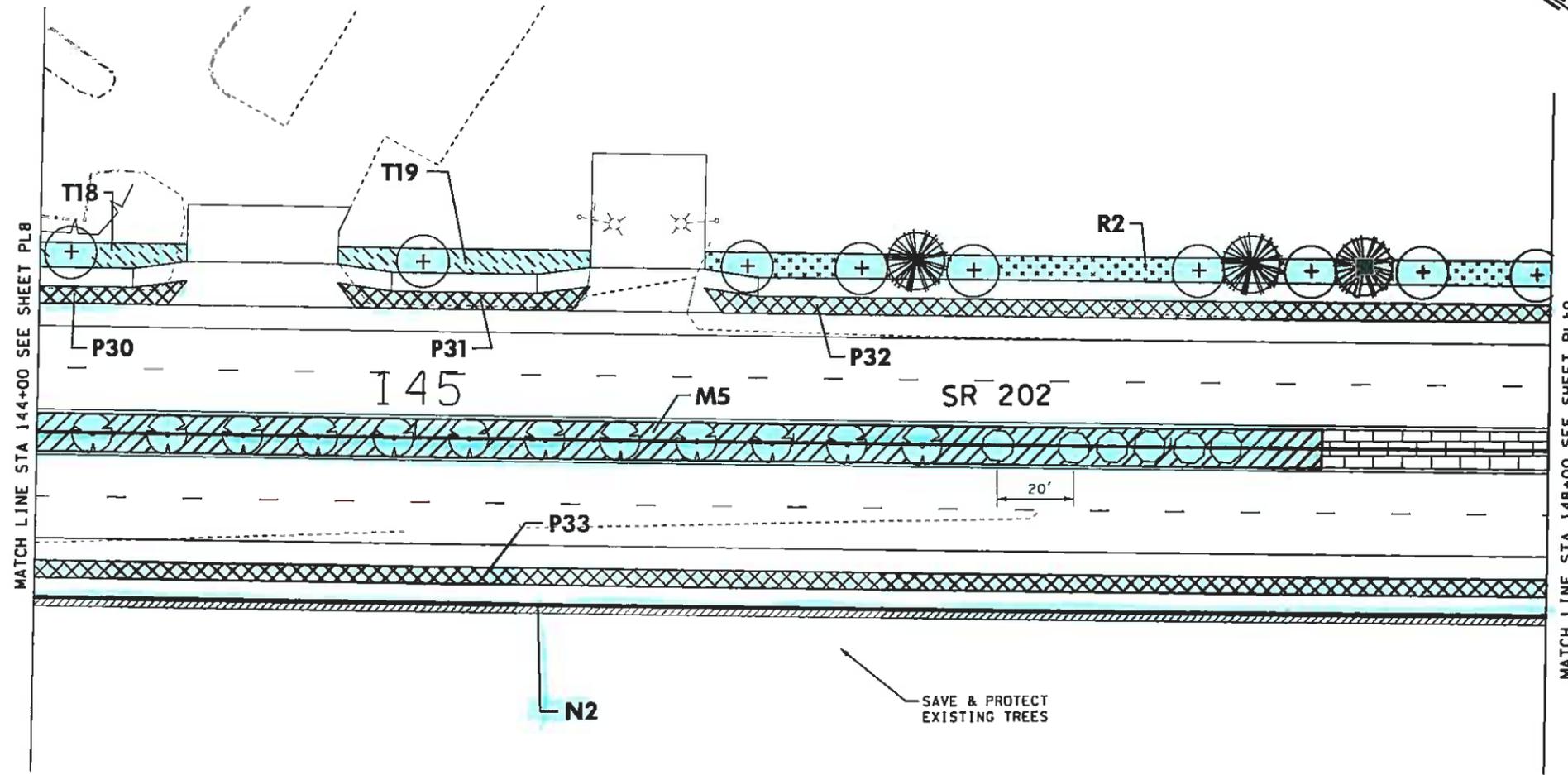
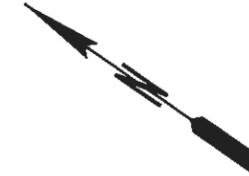
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TIME	5:51:35 PM			10	WASH		
DATE	10/2/2008			JOB NUMBER			SHEET
DESIGNED BY	A. SAWICH			CONTRACT NO.		LOCATION NO.	OF
ENTERED BY	K. McLEAN						SHEETS
CHECKED BY	B. MacLAREN						
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG			REVISION	DATE	BY	



SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

T.25N. R.6E. W.M.



QUANTITY TAB - THIS SHEET ONLY				
SYMBOL	ITEM	QUANTITY		
MIX M - 4' O.C.		M5		
[Hatched Box]	COMPACT OREGON GRAPE	117		
	WATANABE VIBURNUM*	51		
	BARK OR WOOD CHIP MULCH (CY)	32.0		
	TOPSOIL TYPE A (CY)	105.0		
MIX P - 4' O.C. **		P30	P31	P33
[Cross-hatched Box]	COMPACT OREGON GRAPE	2	5	32
	PRIVET HONEYSUCKLE	2	5	32
	BARK OR WOOD CHIP MULCH (CY)	1.0	2.0	9.0
	TOPSOIL TYPE A (CY)	3.0	7.0	32.0
MIX T		T18	T19	
[Diagonal Hatched Box]				
	SOIL AMENDMENT WITH GROUND BARK(CY)	2.0	4.0	
	FINE COMPOST (CY)	0.5	1.0	
	BARK OR WOOD CHIP MULCH (CY)	2.0	4.0	
MIX R - 6' O.C.		R2		
[Dotted Box]	MOCK ORANGE	3		
	NOOTKA ROSE	5		
	OCEANSPRAY	0		
	TALL OREGON GRAPE	6		
	VINE MAPLE	3		
	WESTERN SERVICEBERRY	3		
	SOIL AMENDMENT WITH GROUND BARK(CY)	14.0		
	FINE COMPOST (CY)	5.0		
	BARK OR WOOD CHIP MULCH (CY)	14.0		
MIX N - 3' O.C. ***		N2		
[Vertical Line Box]	BEACH STRAWBERRY	16		
	BOSTON IVY 'VEITCHII'	3		
	COMPACT OREGON GRAPE	7		
	SOIL AMENDMENT WITH GROUND BARK(CY)	2.0		
	FINE COMPOST (CY)	1.0		
	BARK OR WOOD CHIP MULCH (CY)	2.0		
[Circle with dot]	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	6		
[Circle with cross]	AMUR MAPLE 20' O.C. (TYP)	12		
[Circle with plus]	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	9		
[Starburst]	DOUGLAS FIR	3		

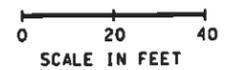
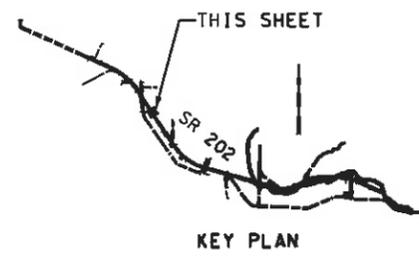
AS-BUILT FOR REFERENCE ONLY

LEGEND

[Hatched Box]	WALL
[Solid Line]	RIGHT OF WAY
[Diagonal Hatched Box]	LIMITED ACCESS
[Dashed Line]	GUARDRAIL
[Light Blue Box]	CITY OF REDMOND
[White Box]	CITY OF SAMMAMISH
[Light Grey Box]	KING COUNTY
[Dark Grey Box]	ADJACENT PROPERTY OWNER

- NOTES:
- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
 - SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn	REGION NO.	STATE	FED. AID PROJ. NO.	PLOT9
TIME	5:51:37 PM	10	WASH		
DATE	10/2/2008	JOB NUMBER			SHEET
DESIGNED BY	A. SAWICH	CONTRACT NO.			OF
ENTERED BY	K. McLEAN	LOCATION NO.			SHEETS
CHECKED BY	B. MacLAREN				
PROJ. ENGR.	D. EDWARDS				
REGIONAL ADM.	L. ENG				
REVISION		DATE	BY	P.E. STAMP BOX	

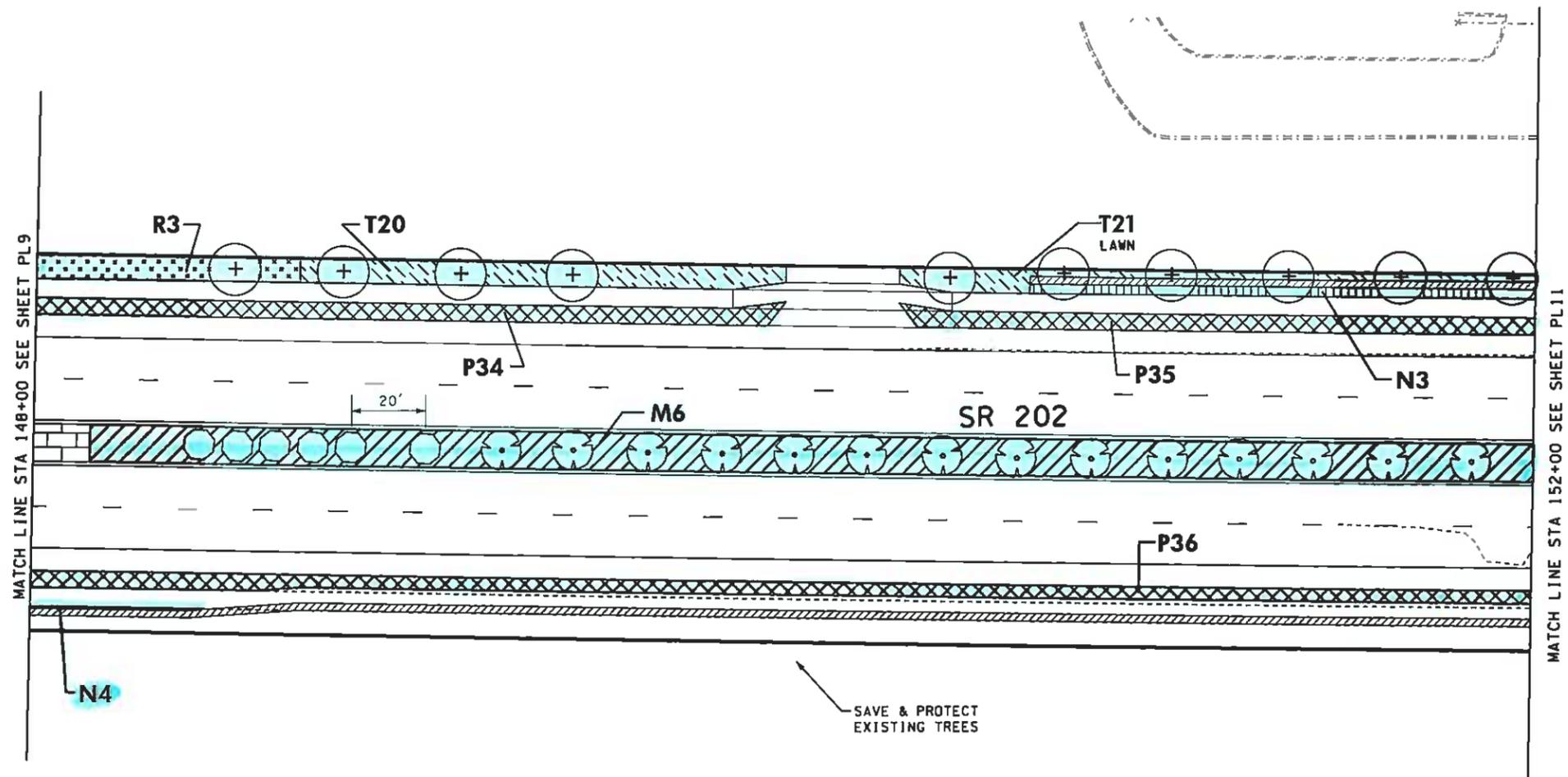


SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

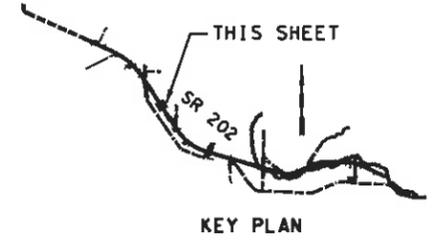
Exhibit 1

T.25N. R.6E. W.M.



SAVE & PROTECT EXISTING TREES

AS-BUILT FOR REFERENCE ONLY

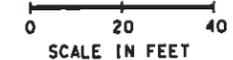


LEGEND

	WALL
	RIGHT OF WAY
	LIMITED ACCESS
	GUARDRAIL
	CITY OF REDMOND
	CITY OF SAMMAMISH
	KING COUNTY

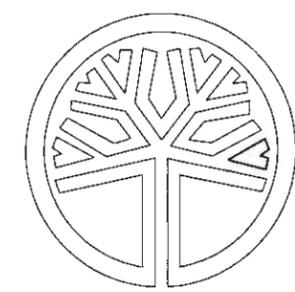
ADJACENT PROPERTY OWNER

- NOTES:**
- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
 - IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PDS.
 - SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.



QUANTITY TAB - THIS SHEET ONLY			
SYMBOL	ITEM	QUANTITY	
MIX M - 4' O.C.		M6	
	COMPACT OREGON GRAPE	132	
	WATANABE VIBURNUM *	57	
	BARK OR WOOD CHIP MULCH (CY)	35.0	
	TOPSOIL TYPE A (CY)	118.0	
MIX P - 4' O.C. **		P34	P35 P36
	COMPACT OREGON GRAPE	39	23 59
	PRIVET HONEYSUCKLE	39	24 60
	BARK OR WOOD CHIP MULCH (CY)	8.0	7.0 13.0
	TOPSOIL TYPE A (CY)	27.0	23.0 45.0
MIX T		T20	T21
	LAWN (SY)	92.7	55.9
	SOIL AMENDMENT WITH GROUND BARK(CY)	8.0	5.0
	FINE COMPOST (CY)	0.5	0.5
	BARK OR WOOD CHIP MULCH (CY)	0.5	0.5
MIX R - 6' O.C.		R3	
	MOCK ORANGE	1	
	NOOTKA ROSE	2	
	OCEANSPRAY	0	
	TALL OREGON GRAPE	3	
	VINE MAPLE	1	
	WESTERN SERVICEBERRY	1	
	SOIL AMENDMENT WITH GROUND BARK(CY)	4.0	
	FINE COMPOST (CY)	1.0	
	BARK OR WOOD CHIP MULCH (CY)	4.0	
MIX N - 3' O.C. ***		N3	N4
	BEACH STRAWBERRY	11	4
	BOSTON IVY 'VEITCHII'	2	1
	COMPACT OREGON GRAPE	5	2
	SOIL AMENDMENT WITH GROUND BARK(CY)	3.0	0.5
	FINE COMPOST (CY)	1.0	0.5
	BARK OR WOOD CHIP MULCH (CY)	3.0	0.5
	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	6	
	AMUR MAPLE 20' D.C. (TYP)	14	
	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	10	

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK



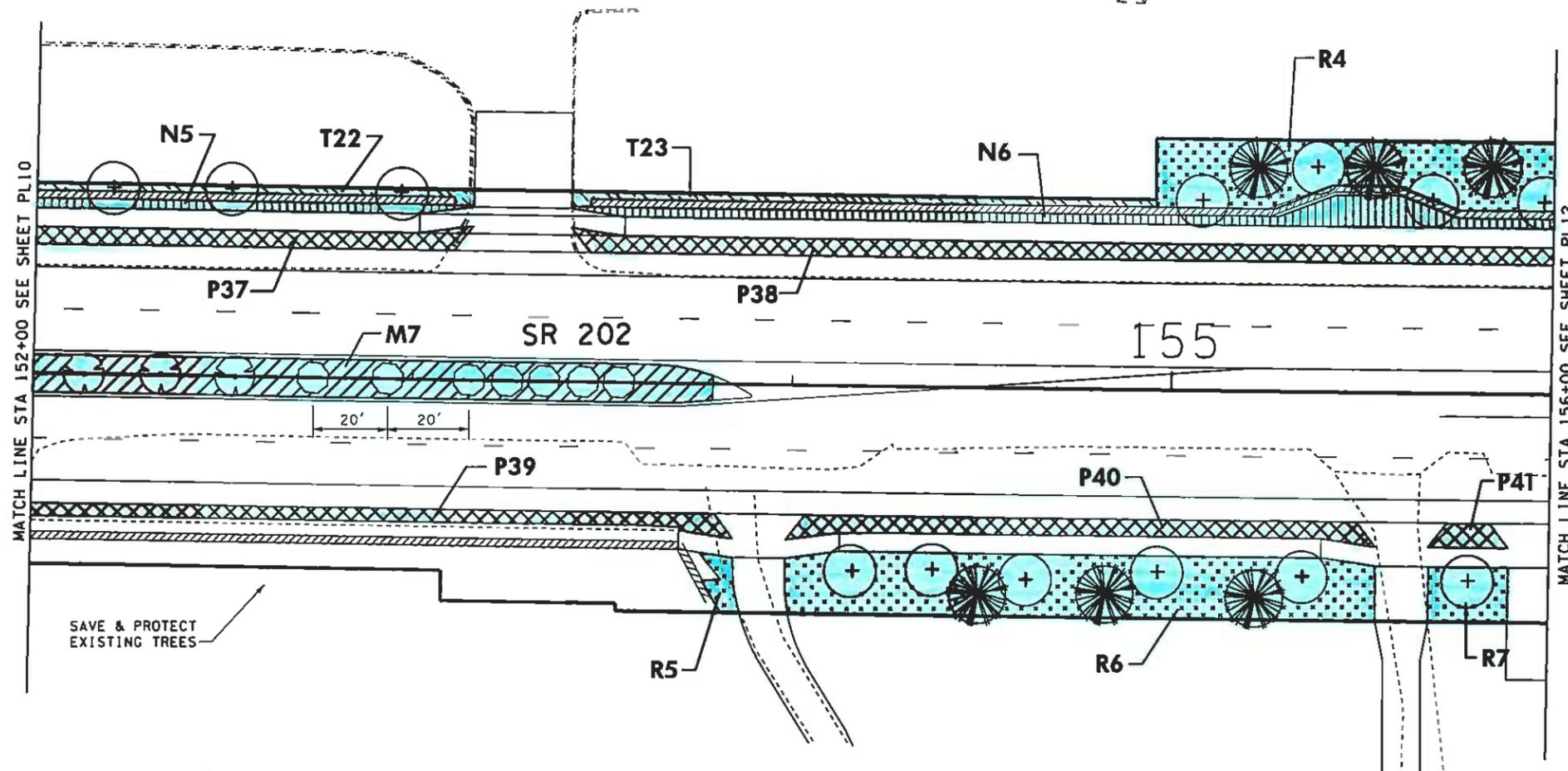
STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn			REGION NO.	STATE	FED.AID PROJ.NO.	PLOT10 PL10
TIME	5:51:40 PM			10	WASH		
DATE	10/2/2008			JOB NUMBER			SHEET OF SHEETS
DESIGNED BY	A. SAWICH			04A059			
ENTERED BY	K. McLEAN			CONTRACT NO.			SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4 ROADSIDE PLANTING PLAN
CHECKED BY	B. MacLAREN			LOCATION NO.			
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG			REVISION	DATE	BY	



P.E. STAMP BOX DATE



SAVE & PROTECT EXISTING TREES

AS-BUILT FOR REFERENCE ONLY

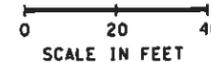
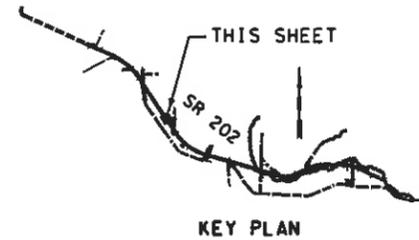
NOTES:

- MIX T GROUND TREATMENT VARIES TO MATCH ADJACENT LANDSCAPE. SEE QUANTITY TAB FOR AREA AND TREATMENT.
- IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PDS.
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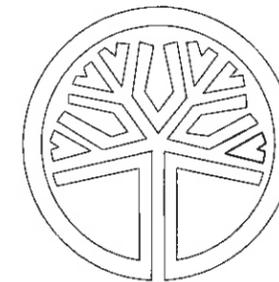
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- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK

LEGEND

	WALL		CITY OF REDMOND
	RIGHT OF WAY		CITY OF SAMMAMISH
	LIMITED ACCESS		KING COUNTY
	GUARDRAIL		ADJACENT PROPERTY OWNER



QUANTITY TAB - THIS SHEET ONLY					
SYMBOL	ITEM	QUANTITY			
MIX M - 4' O.C.		M7			
	COMPACT OREGON GRAPE	67			
	WATANABE VIBURNUM *	27			
	BARK OR WOOD CHIP MULCH (CY)	16.0			
	TOPSOIL TYPE A (CY)	54.0			
MIX P - 4' O.C. **		P37	P38	P39	P40
	COMPACT OREGON GRAPE	16	36	21	23
	PRIVET HONEYSUCKLE	17	36	22	23
	BARK OR WOOD CHIP MULCH (CY)	5.0	10.0	5.0	6.0
	TOPSOIL TYPE A (CY)	16.0	35.0	18.0	21.0
MIX T		T22	T23		
	LAWN (SY)	26.5	34.7		
	SOIL AMENDMENT WITH GROUND BARK (CY)	2.0	3.0		
	FINE COMPOST (CY)	0.5	0.5		
	BARK OR WOOD CHIP MULCH (CY)	0.5	0.5		
MIX R - 6' O.C.		R4	R5	R6	R7
	MUCK ORANGE	8	0	12	2
	NOOTKA ROSE	13	0	19	3
	OCEANSPRAY	0	0	0	0
	TALL OREGON GRAPE	16	1	23	3
	VINE MAPLE	9	1	12	0
	WESTERN SERVICEBERRY	8	1	12	2
	SOIL AMENDMENT WITH GROUND BARK (CY)	18.0	1.0	25.0	3.0
	FINE COMPOST (CY)	6.0	0.5	8.0	1.0
	BARK OR WOOD CHIP MULCH (CY)	18.0	1.0	25.0	3.0
MIX N - 3' O.C. ***		N5	N6		
	BEACH STRAWBERRY	9	21		
	BOSTON IVY 'VEITCHII'	2	4		
	COMPACT OREGON GRAPE	4	9		
	SOIL AMENDMENT WITH GROUND BARK (CY)	3.0	6.0		
	FINE COMPOST (CY)	1.0	2.0		
	BARK OR WOOD CHIP MULCH (CY)	3.0	6.0		
	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	7			
	AMUR MAPLE 20' O.C. (TYP)	3			
	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	13			
	DOUGLAS FIR	6			

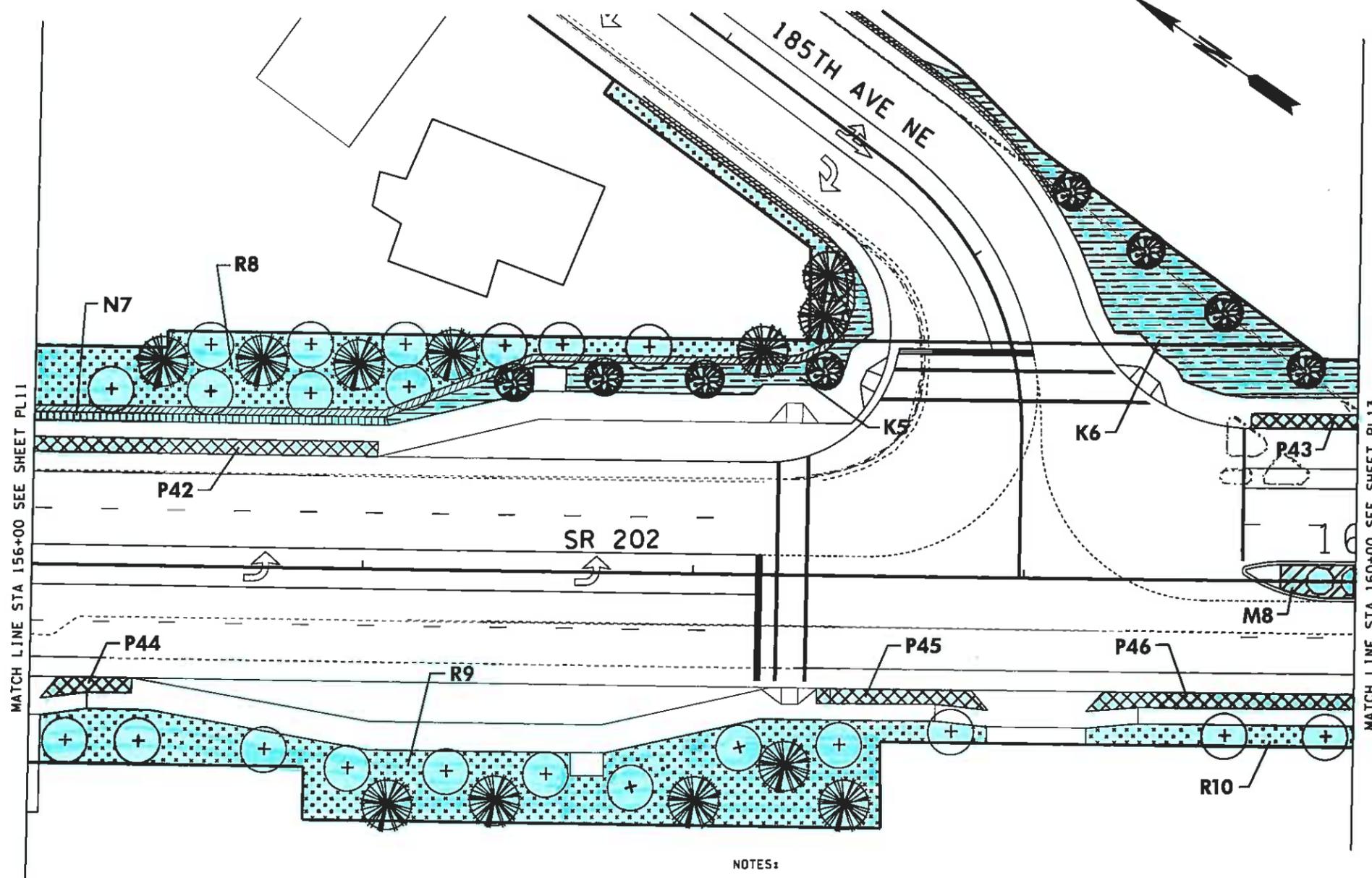


STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn	REGION NO.	10	STATE	WASH	FED.AID PROJ.NO.		Washington State Department of Transportation	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4	ROADSIDE PLANTING PLAN	PLOT 11 PL11
TIME	5:51:43 PM	JOB NUMBER	04A059	CONTRACT NO.		LOCATION NO.					
DATE	10/2/2008	DESIGNED BY	A. SAWICH	ENTERED BY	K. McLEAN	CHECKED BY	B. MacLAREN	PROJ. ENGR.	D. EDWARDS	REGIONAL ADM.	L. ENG
REVISION		DATE	BY	P.E. STAMP BOX		P.E. STAMP BOX					

T.25N. R.6E. W.M.

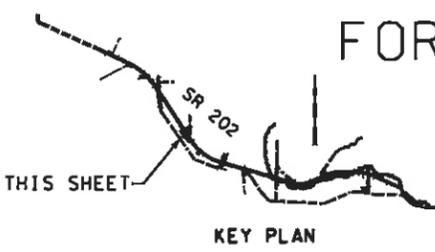


QUANTITY TAB - THIS SHEET ONLY					
SYMBOL	ITEM	QUANTITY			
MIX M - 4' O.C.		M8			
[Symbol]	COMPACT OREGON GRAPE	9			
[Symbol]	WATANABE VIBURNUM *	3			
	BARK OR WOOD CHIP MULCH (CY)	2.0			
	TOPSOIL TYPE A (CY)	7.0			
MIX P - 4' O.C. **		P42	P43	P44	P45
[Symbol]	COMPACT OREGON GRAPE	10	3	2	5
[Symbol]	PRIVET HONEYSUCKLE	10	4	2	6
	BARK OR WOOD CHIP MULCH (CY)	4.0	1.0	1.0	2.0
	TOPSOIL TYPE A (CY)	15.0	4.0	3.0	6.0
MIX R - 6' O.C.		R8	R9	R10	
[Symbol]	MOCK ORANGE	17	27	2	
[Symbol]	NOOTKA ROSE	29	44	4	
[Symbol]	OCEANSPRAY	0	0	0	
[Symbol]	TALL OREGON GRAPE	35	53	4	
[Symbol]	VINE MAPLE	17	26	2	
[Symbol]	WESTERN SERVICEBERRY	17	27	3	
	SOIL AMENDMENT WITH GROUND BARK (CY)	37.0	53.0	5.0	
	FINE COMPOST (CY)	12.0	18.0	2.0	
	BARK OR WOOD CHIP MULCH (CY)	37.0	53.0	5.0	
MIX K - 4' O.C.		K5	K6		
[Symbol]	COMPACT OREGON GRAPE	47	111		
[Symbol]	'ELMA' ROCK ROSE	23	55		
[Symbol]	SALAL	8	18		
	SOIL AMENDMENT (CY)	11.0	24.0		
	FINE COMPOST (CY)	4.0	8.0		
	BARK OR WOOD CHIP MULCH (CY)	11.0	24.0		
MIX N - 3' O.C. ***		N7			
[Symbol]	BEACH STRAWBERRY	9			
[Symbol]	BOSTON IVY 'VEITCHII'	1			
[Symbol]	COMPACT OREGON GRAPE	4			
	SOIL AMENDMENT WITH GROUND BARK (CY)	3.0			
	FINE COMPOST (CY)	1.0			
	BARK OR WOOD CHIP MULCH (CY)	3.0			
[Symbol]	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	1			
[Symbol]	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	22			
[Symbol]	DOUGLAS FIR	11			
[Symbol]	KOUSA DOGWOOD	8			

AS-BUILT FOR REFERENCE ONLY

- NOTES:
1. IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PDS.
 2. SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 3. SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK



LEGEND			
[Symbol]	WALL	[Symbol]	CITY OF REDMOND
[Symbol]	RIGHT OF WAY	[Symbol]	CITY OF SAMMAMISH
[Symbol]	LIMITED ACCESS	[Symbol]	KING COUNTY
[Symbol]	GUARDRAIL	[Symbol]	ADJACENT PROPERTY OWNER



STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT
 DAVID S. PETERSON
 CERTIFICATE NO. 476
 DATE: _____

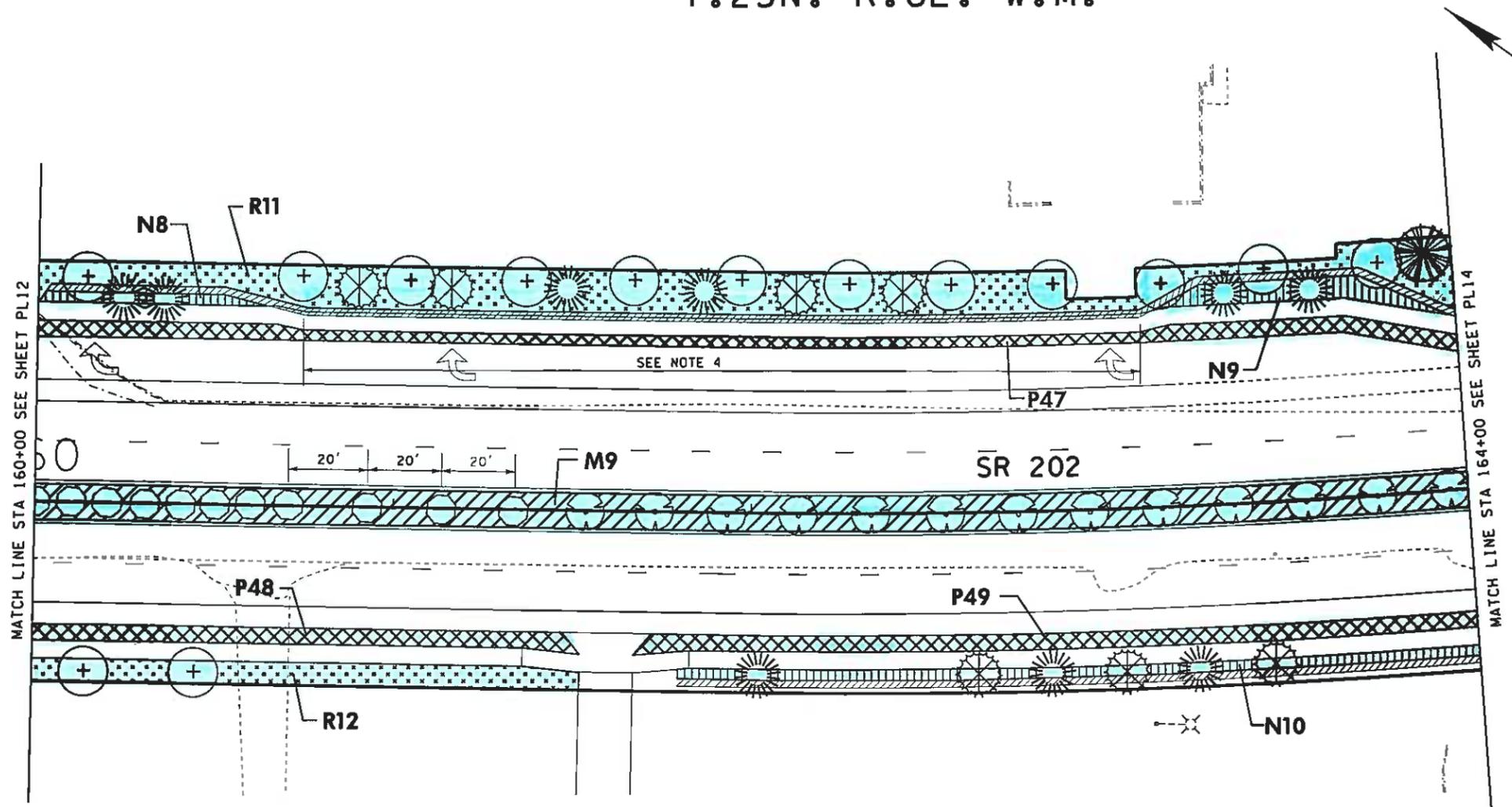
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TIME	5:51:46 PM	JOB NUMBER	04A059	LOCATION NO.			
DATE	10/2/2008	CONTRACT NO.					
DESIGNED BY	A. SAWICH						
ENTERED BY	K. McLEAN						
CHECKED BY	B. MacLAREN						
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG						
REVISION		DATE		BY			



SR 202
 SR 520 TO SAHALEE WAY STAGE 2
 PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

PLOT 12
 PL 12
 SHEET OF SHEETS



QUANTITY TAB - THIS SHEET ONLY			
SYMBOL	ITEM	QUANTITY	
MIX M - 6' O.C.		M9	
[Symbol]	COMPACT OREGON GRAPE	136	
[Symbol]	WATANABE VIBURNUM *	60	
	BARK OR WOOD CHIP MULCH (CY)	37.0	
	TOPSOIL TYPE A (CY)	122.0	
MIX P - 4' O.C. **		P47	P48 P49
[Symbol]	COMPACT OREGON GRAPE	78	18 34
[Symbol]	PRIVET HONEYSUCKLE	20	18 34
	BARK OR WOOD CHIP MULCH (CY)	13.0	6.0 10.0
	TOPSOIL TYPE A (CY)	43.0	21.0 32.0
MIX R - 6' O.C.		R11	R12
[Symbol]	MOCK ORANGE	10	4
[Symbol]	NOOTKA ROSE	15	7
[Symbol]	OCEANSPRAY	0	0
[Symbol]	TALL OREGON GRAPE	20	9
[Symbol]	VINE MAPLE	10	4
[Symbol]	WESTERN SERVICEBERRY	10	5
	SOIL AMENDMENT WITH GROUND BARK(CY)	24.0	9.0
	FINE COMPOST (CY)	8.0	3.0
	BARK OR WOOD CHIP MULCH (CY)	24.0	9.0
MIX N - 3' O.C. ***		N8	N9 N10
[Symbol]	BEACH STRAWBERRY	8	30 32
[Symbol]	BOSTON IVY 'VEITCHII'	4	5 5
[Symbol]	COMPACT OREGON GRAPE	1	13 14
	SOIL AMENDMENT WITH GROUND BARK(CY)	2.0	16.0 6.0
	FINE COMPOST (CY)	1.0	6.0 2.0
	BARK OR WOOD CHIP MULCH (CY)	2.0	16.0 6.0
[Symbol]	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	10	
[Symbol]	AMUR MAPLE 20' O.C. (TYP)	11	
[Symbol]	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	14	
[Symbol]	DOUGLAS FIR	1	
[Symbol]	FASTIGIATE HORNBEAM	7	
[Symbol]	SPRING GROVE WESTERN RED CEDAR	9	

NOTES:

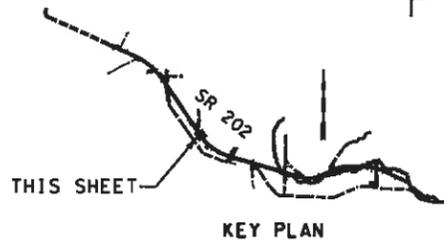
1. IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET PD5.
2. SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
3. SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.
4. PLANT ONLY COMPACT OREGON GRAPE IN THIS AREA.

* PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.

** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS

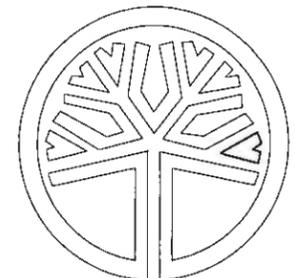
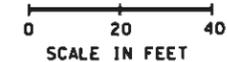
*** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK

AS-BUILT
FOR REFERENCE ONLY



LEGEND

- [Symbol] WALL
- [Symbol] RIGHT OF WAY
- [Symbol] LIMITED ACCESS
- [Symbol] GUARDRAIL
- [Symbol] CITY OF REDMOND
- [Symbol] CITY OF SAMMAMISH
- [Symbol] KING COUNTY
- [Symbol] ADJACENT PROPERTY OWNER



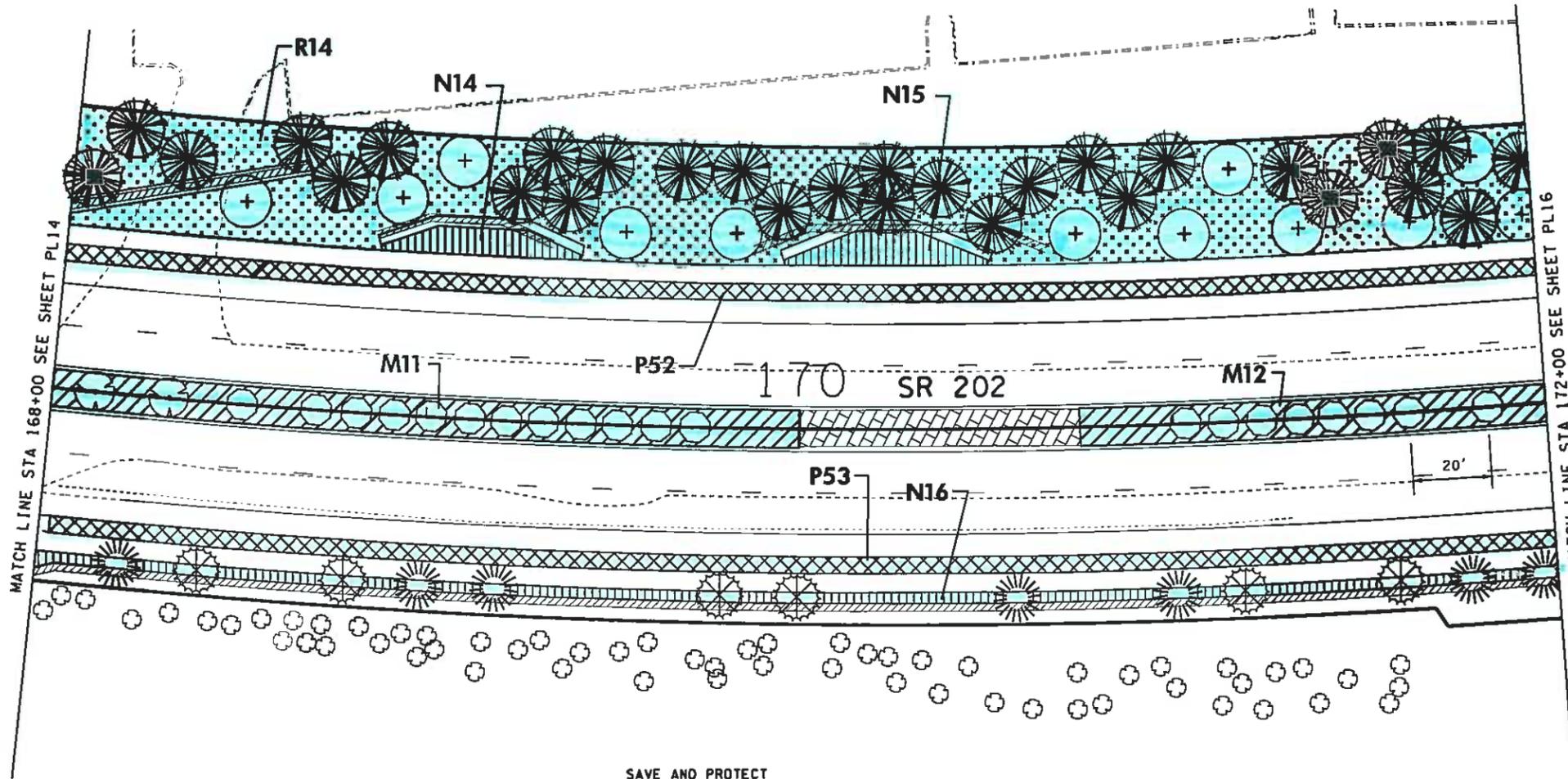
STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\FOR Landscape-municipalities.dgn			REGION NO.	STATE	FED. AID PROJ. NO.	PLOT 13
TIME	5:51:49 PM			10	WASH		
DATE	10/2/2008			JOB NUMBER			PL13
DESIGNED BY	A. SAWICH			04A059			
ENTERED BY	K. McLEAN			CONTRACT NO.		LOCATION NO.	SHEET OF SHEETS
CHECKED BY	B. MacLAREN						
PROJ. ENGR.	D. EDWARDS						ROADSIDE PLANTING PLAN
REGIONAL ADM.	L. ENG						
REVISION		DATE	BY				



SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

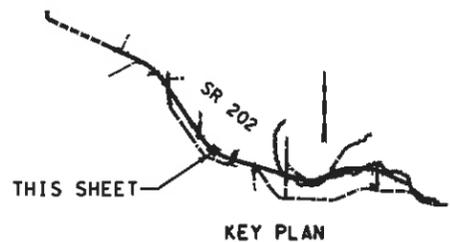


SAVE AND PROTECT EXISTING TREES

NOTES:

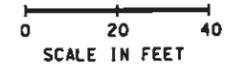
1. IN AREAS WITH LAWN AND STREET TREES, SEE LAWN EDGING AND TREE PIT PLANTING DETAILS, SHEET P05.
2. SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
3. SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.

AS-BUILT
FOR REFERENCE ONLY



LEGEND

- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL
- CITY OF REDMOND
- CITY OF SAMMAMISH
- KING COUNTY
- ADJACENT PROPERTY OWNER



QUANTITY TAB - THIS SHEET ONLY				
SYMBOL	ITEM	QUANTITY		
		M11	M12	
MIX M - 4' O.C.				
	COMPACT OREGON GRAPE	67	42	
	WATANABE VIBURNUM *	27	18	
	BARK OR WOOD CHIP MULCH (CY)	18.0	12.0	
	TOPSOIL TYPE A (CY)	62.0	39.0	
MIX P - 4' O.C. **				
	COMPACT OREGON GRAPE	69	69	
	PRIVET HONEYSUCKLE	50	50	
	BARK OR WOOD CHIP MULCH (CY)	16.0	17.0	
	TOPSOIL TYPE A (CY)	54.0	55.0	
MIX R - 6' O.C.				
	MOCK ORANGE	52		
	NOOTKA ROSE	87		
	OCEANSPRAY	0		
	TALL OREGON GRAPE	105		
	VINE MAPLE	52		
	WESTERN SERVICEBERRY	54		
	SOIL AMENDMENT WITH GROUND BARK (CY)	113.0		
	FINE COMPOST (CY)	38.0		
	BARK OR WOOD CHIP MULCH (CY)	113.0		
MIX N - 3' O.C. ***				
	BEACH STRAWBERRY	25	32	57
	BOSTON IVY 'VEITCHII'			10
	COMPACT OREGON GRAPE	10	14	24
	SOIL AMENDMENT WITH GROUND BARK (CY)	3	3	11.0
	FINE COMPOST (CY)	1	1	4.0
	BARK OR WOOD CHIP MULCH (CY)	3	3	11.0
	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	20		
	AMUR MAPLE 20' O.C. (TYP)	2		
	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	13		
	DOUGLAS FIR	29		
	FASTIGIATE HORNBEAM	6		
	SPRING GROVE WESTERN RED CEDAR	6		

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHLEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn			REGION NO.	STATE	FED. AID PROJ. NO.	PLOT 15
TIME	5:51:54 PM			10	WASH		
DATE	10/2/2008			JOB NUMBER			SHEET
DESIGNED BY	A. SAWICH			CONTRACT NO.		LOCATION NO.	OF
ENTERED BY	K. McLEAN						SHEETS
CHECKED BY	B. MacLAREN						
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG			REVISION	DATE	BY	

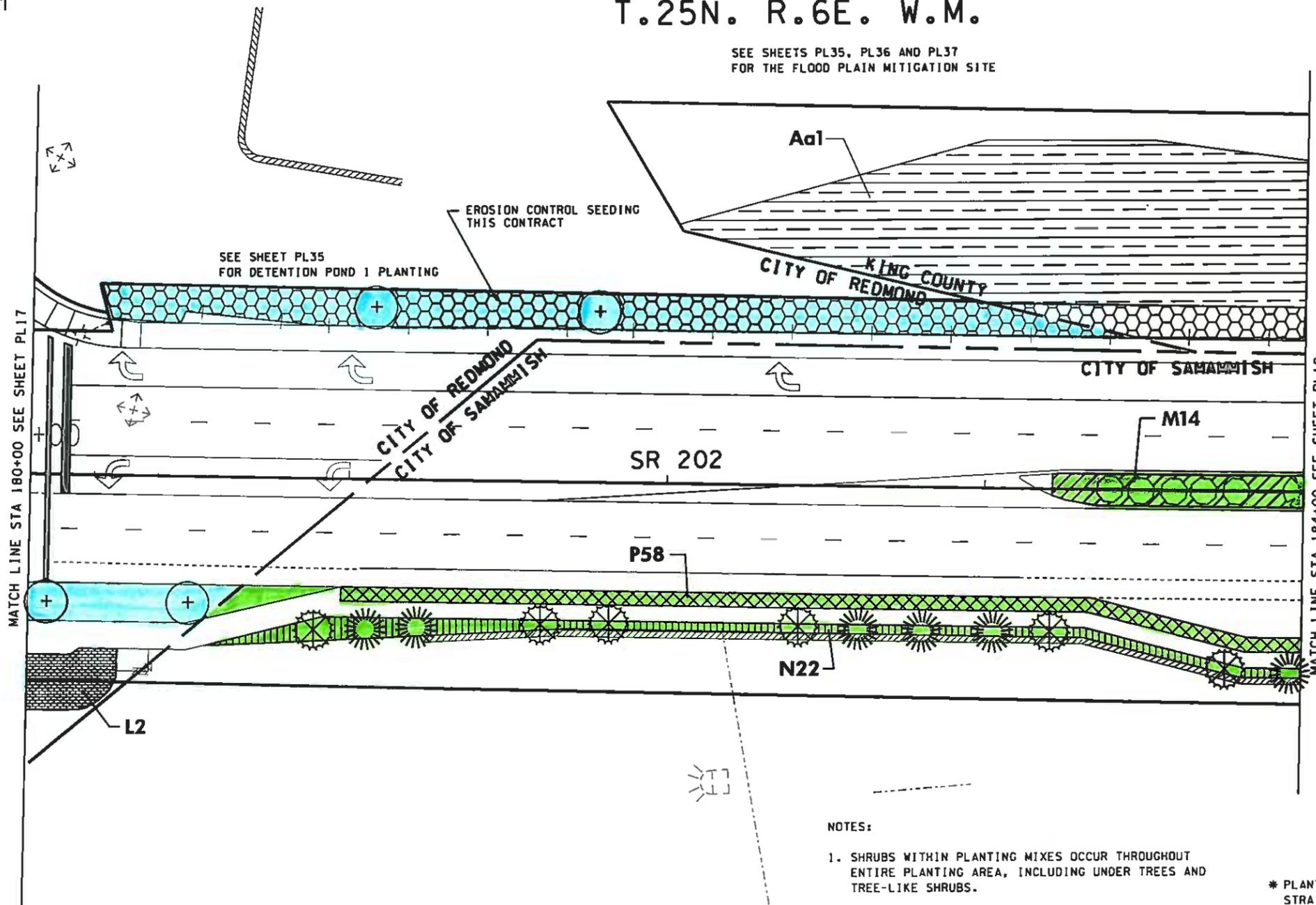


SR 202
SR 520 TO SAHLEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

ROADSIDE PLANTING PLAN

T.25N. R.6E. W.M.

SEE SHEETS PL35, PL36 AND PL37 FOR THE FLOOD PLAIN MITIGATION SITE



QUANTITY TAB - THIS SHEET ONLY		
SYMBOL	ITEM	QUANTITY
MIX M - 4' O.C.		M14
[Grid Pattern]	COMPACT OREGON GRAPE	28
[Grid Pattern]	WATANABE VIBURNUM *	12
	BARK OR WOOD CHIP MULCH (CY)	7.0
	TOPSOIL TYPE A (CY)	25.0
MIX P - 4' O.C.	**	P58
[Cross-hatch Pattern]	COMPACT OREGON GRAPE	30
[Cross-hatch Pattern]	PRIVET HONEYSUCKLE	30
	BARK OR WOOD CHIP MULCH (CY)	12.0
	TOPSOIL TYPE A (CY)	42.0
MIX N - 3' O.C.	***	N22
[Vertical Line Pattern]	BEACH STRAWBERRY	51
[Vertical Line Pattern]	BOSTON IVY 'VEITCHII'	8
[Vertical Line Pattern]	COMPACT OREGON GRAPE	22
	SOIL AMENDMENT WITH GROUND BARK (CY)	11.0
	FINE COMPOST (CY)	4.0
	BARK OR WOOD CHIP MULCH (CY)	11.0
MIX Aa - 5' O.C.		W1
[Horizontal Line Pattern]	DOUGLAS FIR	36
[Horizontal Line Pattern]	WESTERN HEMLOCK	36
[Horizontal Line Pattern]	SNOWBERRY (BARE ROOT)	72
[Horizontal Line Pattern]	BALDHIP ROSE	36
[Horizontal Line Pattern]	RED ELDERBERRY	73
[Horizontal Line Pattern]	CASCARA	72
[Horizontal Line Pattern]	WESTERN SERVICEBERRY	36
	SOIL AMENDMENT WITH COMPOST (CY)	72
	FINE COMPOST (CY)	24
	BARK OR WOOD CHIP MULCH (CY)	72
MIX L - 5' O.C.		L2
[Stippled Pattern]	BEAKED HAZELNUT	6
[Stippled Pattern]	RED ELDERBERRY	7
[Stippled Pattern]	RED-OSIER DOGWOOD	7
	SOIL AMENDMENT WITH GROUND BARK (CY)	5
	FINE COMPOST (CY)	2
	BARK OR WOOD CHIP MULCH (CY)	5
	BIOFILTRATION SWALE SEED (AC)	0.01
[Circle with cross]	BURKWOOD OSMANTHUS 10' O.C. (TYP) EXCEPT AS NOTED	5
[Circle with cross]	AMUR MAPLE 20' O.C. (TYP)	1
[Starburst]	FASTIGIATE HORNBEAM	6
[Starburst]	SPRING GROVE WESTERN RED CEDAR	6
[Circle with cross]	'EMERALD QUEEN' NORWAY MAPLE 30' O.C. (TYP)	4

- NOTES:
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.

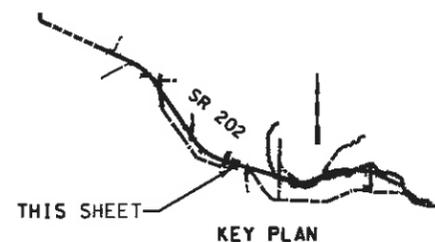
- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK

AS-BUILT FOR REFERENCE ONLY

LEGEND	
[Hatched Box]	WALL
[Solid Line]	RIGHT OF WAY
[Dashed Line]	LIMITED ACCESS
[Dashed Line]	GUARDRAIL
[Light Blue Box]	CITY OF REDMOND
[Light Green Box]	CITY OF SAMMAMISH
[White Box]	KING COUNTY
[Dashed Line]	ADJACENT PROPERTY OWNER



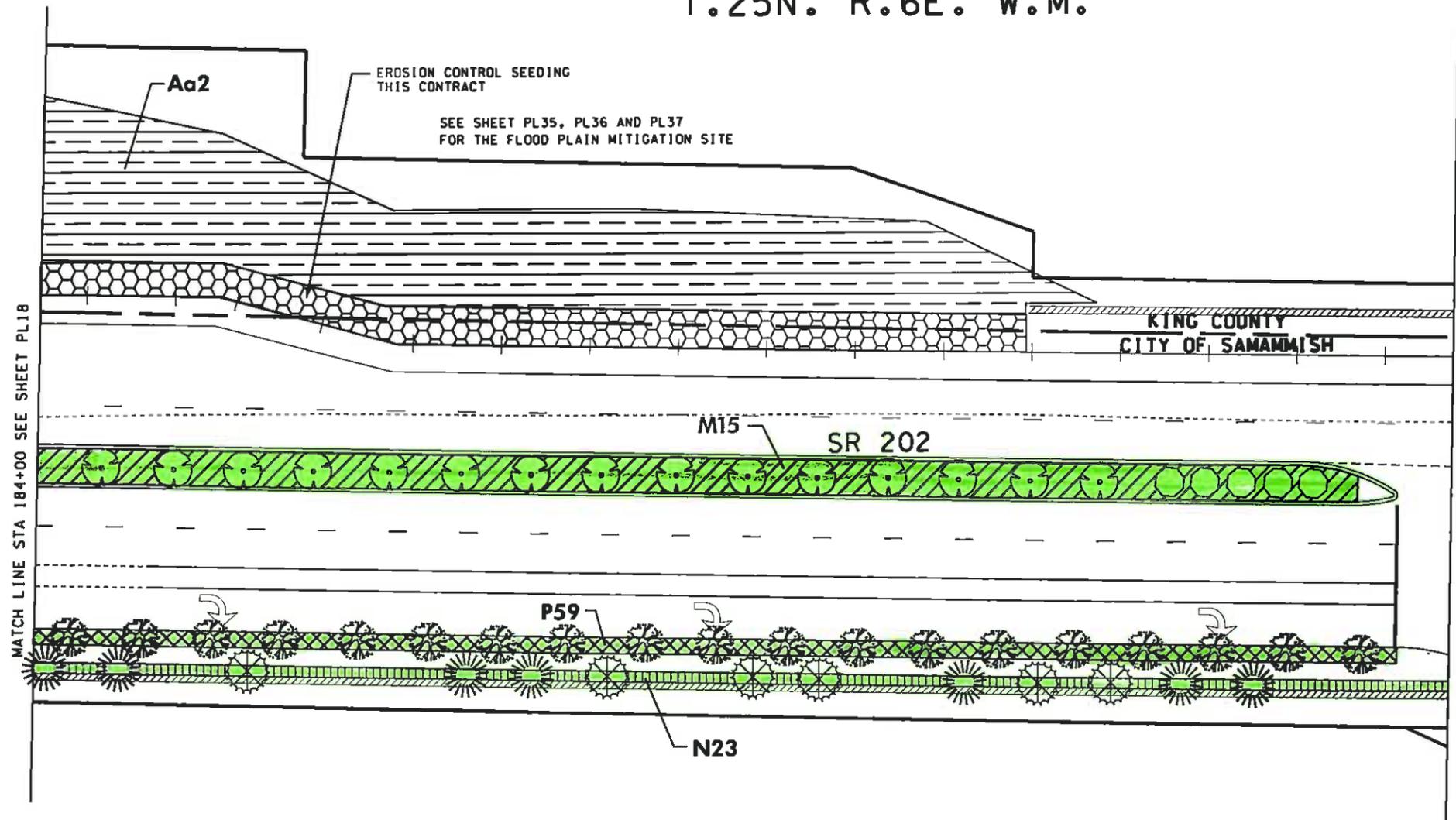
STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT
DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____



FILE NAME	T:\4\2006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn			REGION NO.	STATE	FED. AID PROJ. NO.	PLOT 18
TIME	6:37:02 PM			10	WASH		PL18
DATE	10/2/2008			JOB NUMBER			SHEET
DESIGNED BY	A. SAWICH			04A059			OF
ENTERED BY	K. McLEAN			CONTRACT NO.			SHEETS
CHECKED BY	B. MacLAREN			LOCATION NO.			
PROJ. ENGR.	D. EDWARDS						
REGIONAL ADM.	L. ENG						
	REVISION	DATE	BY				



SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4
ROADSIDE PLANTING PLAN

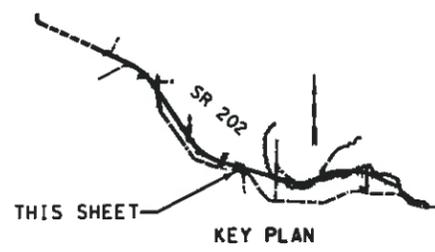


QUANTITY TAB - THIS SHEET ONLY		
SYMBOL	ITEM	QUANTITY
MIX M - 4'O.C.		M15
	COMPACT OREGON GRAPE	130
	WATANABE VIBURNUM *	54
	BARK OR WOOD CHIP MULCH (CY)	35.0
	TOPSOIL TYPE A (CY)	116.0
MIX P - 4'O.C. **		P59
	COMPACT OREGON GRAPE	57
	PRIVET HONEYSUCKLE	57
	BARK OR WOOD CHIP MULCH (CY)	16.0
	TOPSOIL TYPE A (CY)	54.0
MIX N - 3'O.C. ***		N23
	BEACH STRAWBERRY	56
	BOSTON IVY 'VEITCHII'	10
	COMPACT OREGON GRAPE	24
	SOIL AMENDMENT W/ GROUND BARK (CY)	11.0
	FINE COMPOST (CY)	4.0
	BARK OR WOOD CHIP MULCH (CY)	11.0
MIX Aa - 5'O.C.		Aa2
	DOUGLAS FIR	39
	WESTERN HEMLOCK	40
	SNOWBERRY (BARE ROOT)	79
	BALDHIP ROSE	40
	RED ELDERBERRY	78
	CASCARA	79
	WESTERN SERVICEBERRY	40
	SOIL AMENDMENT WITH COMPOST (CY)	79.0
	FINE COMPOST (CY)	26.0
	BARK OR WOOD CHIP MULCH (CY)	79.0
	BURKWOOD OSMANTHUS 10'O.C. (TYP) EXCEPT AS NOTED	5
	AMUR MAPLE 20'O.C. (TYP)	15
	FASTIGIATE HORNBEM	6
	SPRING GROVE WESTERN RED CEDAR	7

- * PLANT WATANABE VIBURNUM IN GROUPS OF 3 IN A STRAIGHT LINE DOWN THE CENTER OF THE MEDIAN BETWEEN AMUR MAPLES.
- ** PLANT COMPACT OREGON GRAPE AND PRIVET HONEYSUCKLE IN GROUPS OF 3, 5, 7 OR 9 PLANTS
- *** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK

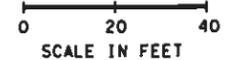
AS-BUILT FOR REFERENCE ONLY

- NOTES:
- SHRUBS WITHIN PLANTING MIXES OCCUR THROUGHOUT ENTIRE PLANTING AREA, INCLUDING UNDER TREES AND TREE-LIKE SHRUBS.
 - SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.



LEGEND

- WALL
- RIGHT OF WAY
- LIMITED ACCESS
- GUARDRAIL
- CITY OF REDMOND
- CITY OF SAMMAMISH
- KING COUNTY
- ADJACENT PROPERTY OWNER



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

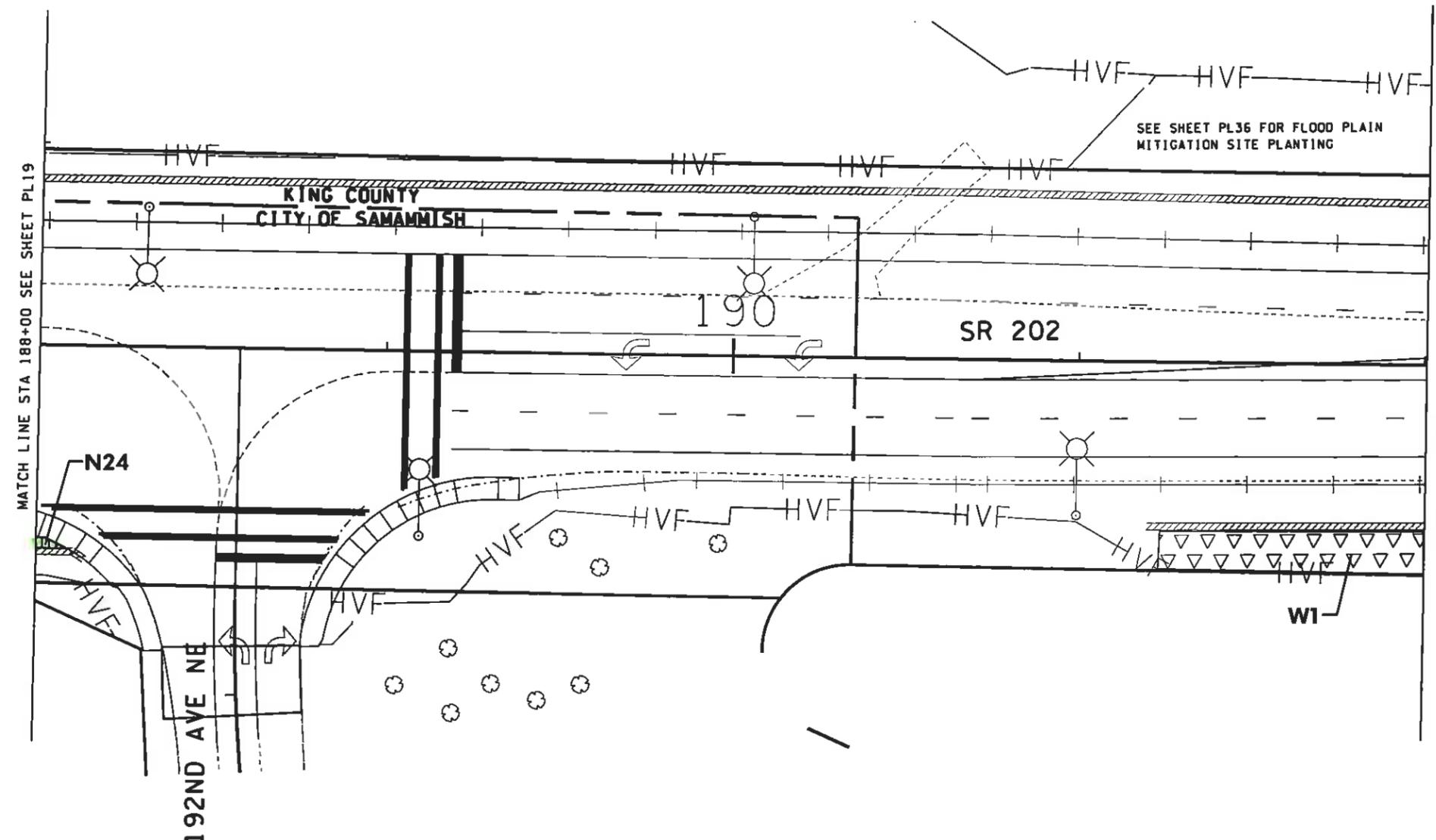
DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME	T:\412006\XL3278 - SR 202 SAHALEE PLANT EST\XL3278\CAD\PS&ESheets\For Landscape-municipalities.dgn			REGION NO.	STATE	FED. AID PROJ. NO.	PLOT 19
TIME	5:52:07 PM			10	WASH		
DATE	10/2/2008			JOB NUMBER			PL19
DESIGNED BY	A. SAWICH			04A059			
ENTERED BY	K. McLEAN			CONTRACT NO.		LOCATION NO.	SHEET OF SHEETS
CHECKED BY	B. MacLAREN						
PROJ. ENGR.	D. EDWARDS						ROADSIDE PLANTING PLAN
REGIONAL ADM.	L. ENG						
REVISION		DATE	BY				



SR 202
SR 520 TO SAHALEE WAY STAGE 2
PLANT ESTABLISHMENT YEARS 2-4

P.E. STAMP BOX DATE



SEE SHEET PL36 FOR FLOOD PLAIN MITIGATION SITE PLANTING



QUANTITY TAB - THIS SHEET ONLY		
SYMBOL	ITEM	QUANTITY
MIX 'N' - 3'O.C. ***		N24
[Symbol]	BEACH STRAWBERRY	3
[Symbol]	BOSTON IVY 'VEITCHII'	1
	SOIL AMENDMENT WITH GROUND BARK (CY)	0.5
	FINE COMPOST (CY)	0.5
	BARK OR WOOD CHIP MULCH (CY)	0.5
MIX W - 5'O.C.		W1
[Symbol]	OREGON ASH	0
[Symbol]	PACIFIC WILLOW	0
[Symbol]	SITKA SPRUCE	0
[Symbol]	WESTERN RED CEDAR	0
[Symbol]	BLACK TWINBERRY	0
[Symbol]	CASCARA	9
[Symbol]	PACIFIC NINEBARK	0
[Symbol]	PEAFRUIT ROSE	5
[Symbol]	RED-OSIER DOGWOOD	6
[Symbol]	SALMONBERRY	3
[Symbol]	SCOULER'S WILLOW	9
[Symbol]	SITKA WILLOW (L.S.)	0
	SOIL AMENDMENT WITH FINE COMPOST(CY)	4.0
	FINE COMPOST (CY)	1.5
	BARK OR WOOD CHIP MULCH (CY)	4.0

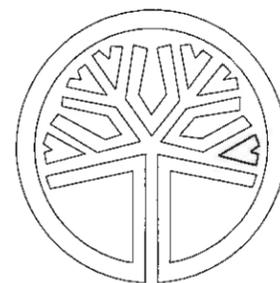
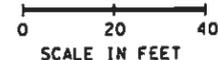
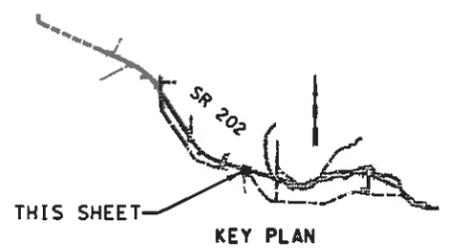
*** SETBACK DISTANCE 6" MIN. BACK OF SIDEWALK

- NOTE:
- SPACE BOSTON IVY EVENLY ALONG ENTIRE PLANTING AREA.
 - L.S. MEANS LIVE STAKES.

LEGEND

- [Symbol] WALL
- [Symbol] RIGHT OF WAY
- [Symbol] LIMITED ACCESS
- [Symbol] GUARDRAIL
- [Symbol] CITY OF REDMOND
- [Symbol] CITY OF SAMMAMISH
- [Symbol] KING COUNTY
- ADJACENT PROPERTY OWNERS

AS-BUILT
FOR REFERENCE ONLY



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

DAVID S. PETERSON
CERTIFICATE NO. 476
DATE: _____

FILE NAME *****DESIGNFILENAME*****	REGION NO. 10	STATE WASH	FED.AID PROJ.NO.	Washington State Department of Transportation	SR 202 SR 520 TO SAHALEE WAY STAGE 2 PLANT ESTABLISHMENT YEARS 2-4	PLOT20 PL20						
TIME *TIME*	JOB NUMBER	CONTRACT NO.	LOCATION NO.				SHEET OF SHEETS					
DATE ****DATE***	DESIGNED BY A. SAWICH	ENTERED BY K. McLEAN	CHECKED BY B. MacLAREN	PROJ. ENGR. D. EDWARDS	REGIONAL ADM. L. ENG	REVISION	DATE	BY	P.E. STAMP BOX	DATE	P.E. STAMP BOX	ROADSIDE PLANTING PLAN

**EXHIBIT B:
ANNUAL MAINTENANCE SCHEDULE
State Route 202 - City of Sammamish Landscaping and Irrigation**

FREQUENCY BY MONTH														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Times	
TURF														
Mowing - irrigated areas					Not Included									0
Mowing - non irrigated areas					Not Included									0
Weedeating					Not Included									0
Edging					Not Included									0
Fertilizer - irrigated areas					Not Included									0
Fertilizer - non irrigated areas					Not Included									0
Herbicide					Not Included									0
TREES, SHRUBS & GROUND COVER BEDS														
Weeding			1	1	1	1	1	1	1	1				8
Groundcover Trimming				1				1						2
Pruning of Shrubs				1					1					2
Pruning Trees					As Needed									0
Tree Sucker Removal					As Needed									0
Fertilization				1										1
Pre-emergent Herbicide			1						1					2
HARD SURFACES														
Sweeping/Blowing		1		1		1		1		1	1	1		7
Weeds			1	1	1	1	1	1	1	1				8
IRRIGATION														
Spring Activation				1										0
Maintenance				1	1	2	2	2	1					9
Repairs					As Needed									0
Winterization										1				1
OTHER														
Leaf Removal										1	1	1		3
Litter		1	1	1	1	1	1	1	1	1	1	1		11
Brush Control					As Needed									0
Windfall Debris					As Needed									0
Manual Watering					Not Included									0



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 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: On-Call consultant contract for survey work.

Action Required: Authorize the City Manager to execute a consultant services contract with PACE Engineering, Inc. for on-call survey work for city projects.

Exhibits: 1. Contract

Budget: \$100,000 in the adopted 2011-2012 budget in various project line items.

Summary Statement:

The Public Works Department desires to enter into a consultant services contract with PACE Engineers, Inc. for on-call survey work to be utilized by multiple departments for various city projects. The contract will be in effect through December 31, 2012, and will be in the amount not to exceed \$100,000.

Background:

The City does not have the ability to perform survey work in house. In the past we have accomplished this work through the use of contracts. Both the parks department and the public works department have a number of items in our work plans for the 2011/2012 budget that require survey support. This contract will support various parks and public works projects. This may include work on the Community Center, Sammamish Landing, Beaver Lake Park Community Garden, Evans Pond and NE Sammamish Park Stair repair, Recreation center BLA, Pigott Property wetland flag survey, 244th Avenue NE Non-Motorized project and Inglewood Hill Road Non-Motorized project and other items as needed.

Financial Impact:

The total contract amount is not to exceed \$100,000. This amount will be covered within the existing Council approved 2011-2012 budget amounts for the various city projects requiring survey services. As it is an on-call consultant agreement, there is no guarantee that the full contract amount will be needed or expended. Work tasks under this agreement will be assigned to the consultant on an as needed basis.

Recommended Motion:

Authorize the City Manager to execute a consultant services contract in the amount of \$100,000 with PACE Engineering, Inc. for on-call survey services.

**CITY OF SAMMAMISH
AGREEMENT FOR SERVICES**

Consultant: PACE Engineers, Inc.

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

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

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

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

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

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

The City shall pay Consultant:

[Check applicable method of payment]

According to the rates set forth in Exhibit "D"

A sum not to exceed \$100,000.

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, 2012, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

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

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

6. **Indemnification.** The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent acts, errors or omissions of the Consultant, in performance of this Agreement, except for injuries and damage caused by the sole negligence of the City.

Exhibit 1

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:

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

Exhibit 1

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.

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.

Exhibit 1

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 PACE Engineers, Inc.
Contact Name David Fulton
Street Address 11255 Kirkland Way, Suite 300
City, State Zip Kirkland, WA 98033-6715
Phone Number 425.827.2014
Email davidf@paceengrs.com

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

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: David R. Fulton

Title: City Manager

Title: Senior Principal Surveyor

Date: _____

Date: July 12, 2011

Attest/Authenticated:

Approved As To Form:

City Clerk

City Attorney

EXHIBIT A
SCOPE OF SERVICES

ON-CALL SURVEYING

PACE ENGINEERS, INC.

General Scope of Work

The work under this AGREEMENT shall consist of performing services related to PACE Engineers, Inc. as herein defined and necessary to accomplish individual tasks (“Task Orders”) issued by the City of Sammamish. The CONSULTANT shall furnish all services and labor necessary to accomplish these tasks, and provide all materials, supplies, equipment, and incidentals, except as designated elsewhere in the AGREEMENT, necessary to prepare and deliver to the CITY the studies, plans, specifications, estimated, and other deliverable item(s) requested by the CITY.

The CITY is not obligated to assign any specific number of tasks to the CONSULTANT, and the CITY’S and CONSULTANT’S obligations hereunder are limited to the tasks assigned in writing. The CITY may require the CONSULTANT to perform all work on a project, or act as part of a team by performing only a portion of the project work. Task assignments may include, but are not limited to the following types of work:

- Large and small-scale topographic, and hydrographic mapping, private boundary and public right of way determination, right of way plan preparations, imaging, geodetic surveying services, and construction surveying.
- Review services may include; Short plats, long plats, binding site plans, planned unit developments, and boundary line adjustments.
- Other related work requested by the CITY

It is anticipated that the task assignments may vary in scope, complexity and location. Specific scopes of work will be developed as individual task assignments are requested.

Authorization of Work

Work requested by the CITY shall be issued in writing. The request by the CITY should include the following information, which may be furnished in coordination with the CONSULTANT:

1. Task Order title (project name)
2. Technical approach to the task (if complex enough to require this)
3. Specific deliverables
4. Schedule with milestones and deliverables
5. Cost/hour estimate
6. Due date of work

All of the above items may be brief, but will be sufficiently detailed to understand the work being authorized and the amount it will cost..

Exhibit 1

The CITY will review and approve the CONSULTANT'S submittal for any work requested, or at the CITY'S option, negotiate various elements of the work requested prior to authorizing work to begin and issuing a Notice to Proceed. If, after work has begun, the CONSULTANT cannot meet the agreed schedule or cost, the CONSULTANT shall immediately notify the CITY. Authorization of additional time or cost for approved work will be at the sole option of the CITY and will be made in writing. New budgets for any new requests or extensions of previous work will be approved in writing by the CITY prior to beginning new work.

Work may begin when the Notice to Proceed is sent to the CONSULTANT by the CITY, except that emergency actions requiring a 24-hour response can be handled by an oral authorization. Such oral authorization shall be followed up with a written confirmation within 24 hours with the information listed above included.

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	

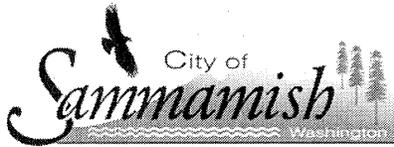
Authorization to Consultant: \$
Account Number:
Date:

Approved for Payment by: _____ Date: _____

Finance Dept.

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:

- Corporation Partnership Government Consultant
 Individual/Proprietor Other (explain)

TIN No.: 91-1553757

Social Security No.: _____

Print Name: Kent Vosmer

Title: Controller

Business Name: PACE Engineers, Inc.

Business Address: 11255 Kirkland Way, Suite 300, Kirkland WA 98033

Business Phone: 425 827 2014

Date 7/12/11

Kent Vosmer
Authorized Signature (Required)



**2011 DISTRICT
HOURLY RATE SCHEDULE**

<u>DESCRIPTION</u>	<u>HOURLY RATE</u>
1. Office Tech I, Expediter I	\$ 45.00
2. Office Tech II, Expediter II	\$ 55.00
3. Jr. Instrument Person, Office Tech III, Intern	\$ 65.00
4. Instrument Person, GPS Assistant, Jr. CAD Drafter, Sr. Office Tech	\$ 75.00
5. Jr. Engineer, Designer I, Jr. Planner, Party Chief, CAD Drafter I, GIS Tech, Inspector I, Project Administrator	\$ 85.00
6. Engineer I, Designer II, Planner I, Survey Tech I, CAD Drafter II, GIS Analyst I, Inspector II	\$ 95.00
7. Engineer II, Sr. Designer, Planner II, Sr. Party Chief, Survey Technician II, CAD Drafter III, GIS Analyst II, Inspector III	\$ 105.00
8. Sr. Engineer, Project Designer I, Sr. Planner, Project Surveyor, Sr. CAD Drafter, GIS Analyst III, Sr. Inspector	\$ 115.00
9. Project Engineer, Project Designer II, Project Planner, Sr. Project Surveyor, GIS IV, GIS/CAD Manager	\$ 125.00
10. Sr. Project Engineer, Structural Engineer, Sr. Project Designer, Sr. Project Planner, Survey Project Manager, Robotic/GPS & Operator	\$ 135.00
11. Project Manager, Principal Surveyor	\$ 145.00
12. Sr. Project Manager, Sr. Principal Surveyor, 3D Scanning & Operator	\$ 155.00
13. Principal Engineer, Principal Planner	\$ 165.00
14. Senior Principal	\$ 175.00

REIMBURSABLES

A. Sub-Consultants, Professional and Technical	Cost + 12%
B. Maps, reports, materials, permit fees, express delivery and messenger, pass-thru bills and similar items necessary for work in progress	Cost + 12%
C. Technology expenses associated with computers, software, electronic distance measuring devices, telephone, cell phone, photo copies, standard survey supplies and transportation and standard postage will be invoiced as a Technology Charge	N / A \$2.50 per billable hour
D. Out-of-Town travel per diem and cost of commercial transportation	Cost + 10%
E. Transportation within 30 Mile Radius *	No Charge
Transportation beyond 30 Mile Radius – Automobile	\$.60 per mile
* On job inspection mileage will be billed	\$.60 per mile
F. Special Equipment/Software	
Special Software for Modeling/Analysis	\$ 10/hour
Large Format Blueprints and Reproduction – Bond	\$.50/sq foot
Large Format Blueprints and Reproduction – Mylar	\$ 1.50/sq foot
Color Copies – In-house (8½ x 11)	\$.25/page
G. Expert Witness	Rate x 1.5

Note: ¹All payment is due within 30 days from date of invoice. A monthly service charge of 2% will be added on all accounts older than 45 days.

² The foregoing schedule of charges is incorporated into the agreement for the services provided effective January 1, 2011. After December 31, 2011, invoices will reflect the schedule of charges in effect at that time.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 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: Ordinance to incorporate supplemental amendments into the Town Center Regulations

Action Required: Second Reading, Public Hearing, Adoption

Exhibits: 1. Proposed Ordinance with Attachment A

Budget: N/A

Background:

The City Council adopted development regulations for Town Center on December 7, 2010, and a Transfer of Development Rights (TDR) code on February 8, 2011. During the discussion the City Council determined that the dwelling units within the Town Center D zone (TC-D) should be available for conveyance to other Town Center properties; however this policy discussion was deferred until a later date.

Earlier this year, staff reviewed the adopted code and discussed policy options with Councilmember James. Subsequently, staff identified an amendment to the Town Center regulations that would allow the City to accomplish the City Council's policy goals, without causing some of the policy challenges posed in modifying the TDR program.

The City Council opened the public hearing on July 5, 2011 and received testimony. The City Council also considered several possible amendments to the ordinance:

- A. Retaining the TDR incentive associated with the King County Program and the TC-A zone;
- B. Selling units from the TC-D zone at a 1:1 ratio to the TC-A zone;
- C. Prohibiting the speculative acquisition of dwelling units from the TC-D zone; and,
- D. Clarifying when the market analysis should be performed to establish the sale price of units.

Staff has prepared optional language for the City Council's review during deliberation and will provide the language on July 18.

Financial Impact: N/A

Recommended Motions: Open public hearing and take testimony. Close public hearing and move to adopt the proposed ordinance as amended.

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

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING AMENDMENTS TO THE TOWN CENTER DEVELOPMENT REGULATIONS CODIFIED INTO CHAPTER 25 OF TITLE 21B AND ADOPTING AMENDMENTS TO THE TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS CODIFIED INTO CHAPTER 80 OF TITLE 21A OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City Council adopted the Town Center Plan on June 9, 2008, which established the policy basis for the development of the Transfer of Development Rights regulations and program; and

WHEREAS, the City Council adopted the Town Center Development Regulations on December 7, 2010 to authorize development within the Town Center consistent with the adopted Town Center Plan; and

WHEREAS, the City Council adopted the Transfer of Development Rights regulations and program on February 8, 2011 to authorize development consistent with the policy direction of the adopted Town Center Plan, subject to specific regulatory provisions; and

WHEREAS, the City Council determined that the dwelling units within the Town Center D zone (TC-D) should be available for conveyance to other Town Center properties, and deferred action to a later date; and

WHEREAS, an Addendum to the State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed amendments was issued on July 1, 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 June 28, 2011 and was granted expedited review on July 14, 2011; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities at a public hearings before the City Council in July of 2011; and

WHEREAS, the City Council considered the proposed amendments to the Town Center Development regulations at a City Council public hearing on July 5, 2011, which was continued on July 18, 2011.

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

Section 1. Adoption of an amendment to the Town Center development and Transfer of Development Rights regulations. The code amendment Sammamish Municipal Code regulations as set forth in Attachment “A” to this ordinance is hereby adopted.

Section 2. Codification of the regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the amendment to into Titles 21A and 21B 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 18TH DAY OF JULY 2011.

CITY OF SAMMAMISH

Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Exhibit 1

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:

Exhibit 1

SMC 21A.80.090 Receiving Site Incentives (*Modify TDR Incentive Table*)

SMC 21B.25.040 Provisions to Obtain Additional (Bonus) Residential Density or Commercial Development Capacity (*Modify subsection b*)

“Plain Text” is existing code language

“~~Strikethrough Text~~” is existing language that will be deleted

“Underline Text” is code language that will be added

Exhibit 1

21A.80.090 Receiving Site Incentives

...

(2) Receiving Site Incentives.

- (a) Town Center. The following table outlines TDR-based incentives for eligible receiving sites with the purchase of a development right. (For example, a sending site in the R-1 zone that generates one TDR will allow for the creation of four dwelling units at a receiving in the TC-C zone of the Town Center. Alternatively, the same site in the R-1 zone that generates one TDR will allow 7,716 square feet of additional commercial development in the Town Center):

Table 21A.80.090

Receiving Site Incentive Table

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

[Note: Dwelling Units may be transferred from the TC-D zone into the TC-A zones, subject to the provisions of SMC 21B.25.040\(2\)\(d\).](#)

- (b) [Placeholder for future receiving sites].

...

21B.25.040

Provisions to Obtain Additional (Bonus) Residential Density or Commercial Development Capacity

(1) Bonus Residential Dwelling Units. SMC 21B.25.030 identifies the “Maximum Density” and “Allocated Density” for each Town Center zone. Projects may obtain additional density by complying with the affordable housing provisions set forth in SMC Chapter 21B.75, by the incorporation of site amenities subject to TC-D zone residential dwelling unit transfers, and/or through the City’s Transfer of Development Rights (TDR) program. Bonus provisions vary by zone. Specifically:

(a) TC-A zones: Applicants may select from the following options for obtaining additional dwelling units, subject to the provisions below:

(i) Additional dwelling units are awarded from the Town Center’s available affordable housing bonus pool subject to compliance with affordable housing provisions set forth in SMC Chapter 21B.75. Within each quadrant, the bonus pool units shall be distributed on a first come, first serve basis, up to the maximum number of bonus pool units, provided the development does not exceed the density limit for the zone.

(ii) Additional dwelling units may also be awarded by the City from its TC-D residential density allocation pursuant to design criteria of 21B.25.040(2)(b).

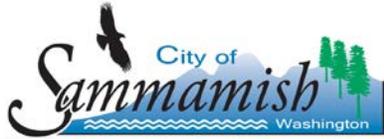
(iii) Once the affordable housing bonus pool is exhausted, developments may obtain additional units through the City’s TDR program or through the provisions of 21B.25.040(2)(d).

...

(2) Bonus Commercial and Residential Development Capacity. SMC 21B.25.030 and Figure 21B.25.040c below specify commercial floor area allocations by zones and sub-zones with an additional 120,000 square feet of commercial floor area available through bonus incentives. Subsections (a) and (b) below provide the distribution and criteria for allocating bonus commercial floor area, respectively. Subsection (b) also includes provisions for allocating bonus residential dwelling units. Subsection (c) below provides for the opportunity for additional commercial or residential development capacity through the City’s TDR program. Subsection (d) below provides an option for the City to sell units from its TC-D residential density allocation to other properties within the Town Center.

...

(d) The City is authorized to sell dwelling units from its TC-D residential density allocation to other properties zoned TC-A within the Town Center. The price of such units shall be based upon a market analysis and the proceeds shall be used for public benefits within the Town Center. Each unit transferred from the TC-D zone into the TC-A zone shall be worth two dwelling units for development in the TC-A zone. For example, if 10 dwelling units are purchased from the TC-D zone, they may be used to develop 20 dwelling units in the TC-A zone.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 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: Shoreline Master Program Update, Second Reading

Action Required: Re-open Public Hearing and Receive Testimony,
Close Public Hearing, Deliberate and Adopt SMP Amendments

Exhibits:

1. Staff memorandum
2. Adopting ordinance with Attachment A - REVISED
3. Illustrations – Updated with new pictures
4. Supplementary information

Budget: N/A

Summary Statement:

The public hearing is to be re-opened on July 18th to allow continued public comment, and then closed so that deliberations and adoption can proceed. Once the City Council has deliberated and adopted amendments to the SMP, a package of documentation will be transmitted to Ecology for review and approval. The updated SMP will be effective 14 days after the Department of Ecology's written notice of final action, pursuant to recent state legislation (SSB 5192).

Background:

An updated Shoreline Master Program (SMP) was adopted by the City Council on October 6, 2009 and submitted to the Department of Ecology for review and approval in early 2010. On May 5, 2011, the Department of Ecology conditionally approved the City's SMP, subject to required and recommended changes. The City has the option to accept the Ecology changes or to propose alternatives, and alternatives have been developed for consideration in the public hearing process.

Financial Impact:

N/A

Recommended Motion:

Re-open the Public Hearing, take testimony and close. Conduct deliberations and take action to adopt SMP amendments.



TO: Ben Yazici, City Manager

July 12, 2011

FM: Kamuron Gurol, Community Development Director

RE: Shoreline Master Program

The City Council opened the public hearing on June 20, 2011 and will continue to take public testimony on July 18, 2011. The Shoreline Master Program (SMP) amendments under consideration are in response to the May 5, 2011 letter from the state Department of Ecology conditionally approving the adopted SMP.

Based on Council direction and public input, staff developed alternatives for setbacks, mitigation sequencing, vegetation enhancement areas, docks, partial exemptions/non-conforming uses and several smaller 'housekeeping' items. Following Council action, staff will package the amendments and send to Ecology for review and approval.

July 18 City Council packet

Along with the agenda bill and Exhibit 1 (this new staff memo), the July 18th packet contains additional exhibits for the Council's review. Here's a brief description of each one:

Exhibit 2 - Adopting ordinance with Attachment A - REVISED: The adopting ordinance is unchanged from the earlier version. Attachment A has been revised to include alternative language developed by staff based on Council direction and public input. The alternative language has also been shared with Ecology staff, which has provided staff-level feedback on the acceptability of each alternative.

Exhibit 3 – Additional illustrations: New illustrations have been prepared for the Vegetation Enhancement Area and dock standards on Pine and Beaver Lakes and for setback reductions on Lake Sammamish.

Exhibit 4 – Supplementary material: Staff has compiled material and re-reviewed the scientific literature to respond to public and Council questions on habitat functions and values on Pine and Beaver Lakes. Also, staff has performed additional analysis on lot depth and area for Lake Sammamish in response to Ecology questions. This material is intended to add to the Council's record and basis for decisions.

Staff hopes that this material is helpful to you and the City Council on this important topic. Please let me know if you need more information or have questions.

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. 02011 - ____

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING REVISIONS TO THE SAMMAMISH SHORELINE MASTER PROGRAM ADOPTED BY ORDINANCE 2009-265 AND REPLACING THE KING COUNTY SHORELINE MASTER PROGRAM ADOPTED BY KING COUNTY ORDINANCE 3688; AMENDING THE CITY OF SAMMAMISH COMPREHENSIVE PLAN; ADOPTING SHORELINE MAPS; AND CODIFYING THE SHORELINE MASTER PROGRAM INTO TITLE 25 OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, after an extensive public process starting in 2006 and culminating in 2009, the City Council adopted an updated Shoreline Master Program by Ordinance 2009-265 on October 6, 2009; and

WHEREAS, the 2009 Shoreline Master Program was submitted to the Washington State Department of Ecology for review and approval pursuant to state law and regulation; and

WHEREAS, after their own public process, on May 5, 2011 the Department of Ecology conditionally approved the City's adopted 2009 SMP subject to a list of required and recommended changes; and

WHEREAS, the City Council has reviewed public comments received by the City and by Ecology, the Cumulative Impact Analysis, and a variety of additional documentation submitted as a part of the City Council's review process; and

WHEREAS, the City Council has also reviewed additional documentation included in the Council record, such as information in the June 20, 2011 Council packet including the Staff Summary of Rationale for the 20 foot Setback, the Response to Ecology: Summary of Memorandum on Desbonnet, et al., ESA/Adolfson Review of Overwater Structures Standards for Pine and Beaver Lakes, and material in the July 18, 2011 Council packet such as the Supplementary Information document, and the City Council adopts the findings and conclusions therein; and

WHEREAS, pursuant to WAC 173-26-120 (7)(b)(i) the City Council finds acceptable and adopts most of the required and recommended Ecology changes to the Shoreline Master Program, as set forth in Attachment A-REVISED to this ordinance; and

WHEREAS, pursuant to WAC 173-26-120 (7)(b)(ii) the City Council has developed alternative language for selected changes to the Shoreline Master Program, also as set forth in Attachment A-REVISED to this ordinance; and

Exhibit 2

WHEREAS, for certain issues the City of Sammamish is choosing to take action to adopt a revised Shoreline Master Program even though the City may not agree with the state Department of Ecology's required or recommended changes and no alternative language that is acceptable to the City and to Ecology has been developed, and

WHEREAS, the City Council has provided opportunities for public comments and suggested amendments, and the City Council has considered such input at the public hearing sessions on June 20, 2011 and July 18, 2011.

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

Section 1. Adoption of revisions to the Shoreline Master Program. The revisions to policies and regulations as set forth in Attachment A-REVISED to this ordinance are hereby adopted as revisions to the Sammamish Master Plan adopted by Ordinance 2009-265.

Section 2. Repeal of Title 25 of the Sammamish Municipal Code. Title 25 of the Sammamish Municipal Code, which contains portions of the King County Shoreline Master Program adopted by King County Ordinance 3688, is hereby repealed.

Section 3. Codification of the Shoreline Master Program. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the Sammamish Shoreline Master Program within Title 25 of the Sammamish Municipal Code, and to create a user guide for ease of use and reference.

Section 4 Interpretation. The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the City 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 be transmitted to the Washington State Department of Ecology for review and approval. This ordinance shall become effective 14 days after Ecology's written notice of final action.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 18th DAY OF JULY, 2011.**

CITY OF SAMMAMISH

Mayor Don Gerend

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:
Passed by the City Council:
Date of Publication:
Effective Date:

Shoreline Master Program: Draft #2 July 18, 2011

Included

- Department of Ecology Required Changes Attachment B.....2
- Department of Ecology Recommended Changes Attachment C.....20
- Additional Department of Ecology or City Staff Proposed Changes.....24
- 25.06.020(10) Table I – Shoreline Setback Reductions Proposed Alternative.....27
- 25.07.050 Private Docks, Floats, Mooring Buoys and Watercraft Lift Regulations Proposed Alternative... 28
- 25.08.100 Existing Development Proposed Alternative31
- References.....33

Changes

- Underline indicates additions; ~~strikethrough~~ indicates deletions
- **Bold** within underlined DEPARTMENT OF ECOLOGY additions indicate **City insertions**
- *Italic* indicates staff comments
- **Highlighting** indicates changes from Attachment A, June 20, 2011

Department of Ecology Required Changes Attachment B

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
1	Governing Principles 25.01.055(6) (b) Page 6.	Mitigation Sequencing	(b) By including policies and regulations that require <u>mitigation sequencing to avoid, then minimize, and then apply</u> mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions in a manner that is consistent with RCW 90.58 and WAC 173-26-201(2)(e)(i).	(b) By including policies and regulations that require <u>mitigation sequencing to avoid, then minimize, and then apply</u> mitigation of adverse impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations in a manner that ensures no net loss of shoreline ecological functions in a manner that is consistent with RCW 90.58 and WAC 173-26-201(2)(e)(i).
2	Relationship to Plans, Policies & Regulations 25.01.060 [new] (5) Page 7.	SMP reference to other municipal code	(5) <u>The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 15.05 (Surface Water Management), SMC 21.10.120 (Historic Resources) and sections of the City's Critical Areas Ordinance as described within this program 25.01.070.</u>	(5) <u>The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 15.05 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City's Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009).</u>
3	Critical Areas Regulations 25.01.070 Pages 7.	Critical Areas Integration	The Provisions of the Sammamish Critical Areas Ordinance codified in SMC 21A.50 exclusive of SMC 21A.50.050 (Complete exemptions), SMC 21A.50.060 (Partial Exemptions), SMC 21A.50.070 (Exemptions), and SMC 21A.50.400 (Sunset provisions) are considered part of this SMP. as amended by Ordinance 02009-264 is hereby adopted as a part of this program.	The Provisions of the Sammamish Critical Areas Ordinance codified in SMC 21A.50 <u>exclusive of SMC 21A.50.050 (Complete exemptions), SMC 21A.50.060 (Partial Exemptions), SMC 21A.50.070 (Exemptions), and SMC 21A.50.400 (Sunset provisions) are considered part of this SMP. as amended by Ordinance 02009-264 is hereby adopted as a part of this program.</u>
4	Critical Areas Regulations City's Critical Areas Ordinance (Referenced) section 25A.50.310 (6)	Wetlands – Mitigation Requirements Mitigation Ratios	(a) Acreage Replacement Ratios. The following ratios shall apply to wetland creation or restoration that is in-kind, on-site, the same category, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered. Category I 4 6 -to-1 Category II 2 3 -to-1 Category III 1.5 2 -to-1 Category IV 1.5-to-1	<i>Acceptable</i> <i>(BAS: Wetlands in Washington State—</i> <i>Volume 2: Guidance for Protecting and Managing Wetlands, Table 9)</i>
5	Definitions 25.02.010 [new] (1) Page 8.	Accessory Dwelling Unit Definition	(1) <u>Accessory Dwelling Unit: Accessory dwelling units are separate living quarters contained within, or detached from, a single-family dwelling on a single lot.</u>	<i>Acceptable</i>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
6	Definitions 25.02.010 [new] (2) Page 8.	Accessory Use Definition	(2) <u>Accessory Use. An accessory use is a use associated with the principal use on a shoreline property that is subordinate to the principal use and minor in nature. In order to be classified as an accessory use, a use must commonly occur in the immediate vicinity and in the same shoreline environment. Accessory use includes normal appurtenances.</u>	Acceptable
7	25.02.010 (35) (c). Page 11.	Feasible Definition	(35) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short-and long-term time frames (WAC 173-26-030). See reasonable alternative.	Acceptable
8	25.02.010 [new] (41) Page 12.	Geotechnical Report or Geotechnical Analysis Definition	(41) <u>Geotechnical Report or Geotechnical Analysis. Geotechnical Report or Geotechnical Analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.</u>	Acceptable
9	25.02.010 (54) Page 13.	Normal Appurtenance Definition	(54) Normal appurtenance. Normal appurtenance means a structure, site improvement, or use that is necessarily connected to the use and enjoyment of a principal use and is located landward of the OHWM. Normal appurtenances include, but are not limited to, garages, decks, walkways, utilities, fences, septic tanks and drainfields.	(54) Normal appurtenance. Normal appurtenance means a structure, site improvement, or use that is necessarily connected to the use and enjoyment of a principal use and is located landward of the OHWM. Normal appurtenances include <u>a garage, deck, driveway, utilities, fences, septic tank and drainfield, and grading which does not exceed two hundred and fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. As authorized in WAC 173-27-040(2)(g) an accessory dwelling unit is considered a normal appurtenance.</u> , but are not limited to, decks, walkways, utilities, fences, septic tanks and drainfields. WAC 173-27-040(2)(g)
10	25.02.010 [new] (55) Page 13.	No Net Loss Definition	(55) <u>No Net Loss. No Net Loss means the maintenance of the aggregate total of the City's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or</u>	(55) No Net Loss. The concept of no net loss as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
			<p><u>processes. Each project shall be evaluated based on its ability to achieve the no net loss standard.</u></p>	<p>necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions. <u>No Net Loss means the maintenance of the aggregate total of the City's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to achieve the no net loss standard. WAC 173-26-201(2)(c).</u></p>
11	25.02.010 (66) Page 14.	Reasonable Alternative Definition	<p>(66) Reasonable alternative. Reasonable alternative means an action or proposal that is capable of being carried out, taking into consideration the overall project purposes, needs and objectives. In determining what is a "reasonable alternative" to a proposed development, alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal.</p>	<p>Acceptable</p>
12	Shoreline Use Goals 25.03.050 (1) Page 21.	Shoreline Use Preference	<p>Give first preference to <u>water-dependent use</u> single family residential uses and water-dependent uses including public recreational uses that provide public access to shorelines. Secondary p Preference should <u>also</u> be given to water-related and water-enjoyment uses.</p>	<p>Acceptable WAC 173-26-201(2)(d)</p>
13	Transportation Goals 25.03.070 [new] <u>(4)</u>	Transportation Mitigation Sequencing	<p><u>(4) Limit transportation infrastructure in shoreline jurisdiction to the minimum necessary to accomplish its purpose</u></p>	<p>Acceptable</p>
14	General Policies 25.04.010 (2) (c) Page 24.	Critical Areas Policy No Net Loss Definition	<p>(c) New shoreline uses and developments should be designed and conducted in accordance with the regulations of this Program to <u>avoid</u>, minimize <u>and mitigate</u> damage to the ecology and environment. These regulations are designed to protect shoreline ecological functions and processes. Shoreline ecological functions that should be protected include, but are not limited to, Fish and wildlife habitat, conservation and recovery of threatened or endangered species, food chain support and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; organic matter input; and nutrient and pathogen removal.</p>	<p>Acceptable</p>

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15	25.04.010 (6) (a) i.- [new] i-iv . Page 25.	Shoreline Use Policies	The following uses/developments should be given preference consistent with the priority listed below for locating within the shoreline jurisdiction when they are consistent with City zoning regulations and located, designed, and maintained in a manner that is consistent with this Program: i. Single-family residences, and i. Water-dependent and water-related use/development; and ii. Public uses and developments that provide physical and/or visual access to the shoreline for substantial numbers of people, and iii. Single-family residences developed consistent with the policies of 25.04.030 (1).	<i>Acceptable</i> <i>WAC 173-26-201(2)(d)</i>
16	25.04.030 (1) Page 29.	Residential Use Policies	(1) Single-family residences and their normal appurtenant structures are a preferred shoreline use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment . New residential development in the shoreline jurisdiction should be located and designed to minimize affects on shoreline process and functions. Residential development should not be allowed to result in a net loss of shoreline ecological functions.	<i>Acceptable</i> <i>RCW 90.58.020</i>
17	25.04.060 [new] (6) Page 31.	Utility Use Policies	(6) When new utilities are to be located within shoreline jurisdiction, they should be installed in such a manner to achieve no net loss of ecological function.	<i>Acceptable</i>
18	General Regulations 25.06.010 (2) Page 35.	Archaeological, Historical & Cultural Resource Regulations	Whenever historic, cultural or archaeological sites or artifacts are inadvertently discovered during shoreline development, work on that portion of the development site shall be stopped immediately, the site secured and the discovery reported as soon as possible to the Director. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation, and the Director shall notify the historic preservation officer, all affected tribes and shall require a site investigation and archaeological study to determine the significance of the discovery.	<i>Acceptable</i>

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19	25.06.020 [new] a.- f. Page 35.	Environmental Protection & Conservation Regulations	<p><u>All development projects shall follow mitigation sequencing in the following order:</u></p> <p><u>a. Avoiding the impact altogether by not taking a certain action or parts of an action;</u></p> <p><u>b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.</u></p> <p><u>c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment,</u></p> <p><u>d. Reducing or eliminating the impact over time by preservation and maintenance operations.</u></p> <p><u>e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and</u></p> <p><u>f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.</u></p>	<p>All development projects shall follow mitigation sequencing in the include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations. Where required, mitigation measures shall be applied in the following order:</p> <p>a. <u>Avoiding the impact altogether by not taking a certain action or parts of an action;</u></p> <p>b. <u>Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.</u></p> <p>c. <u>Rectifying the impact by repairing, rehabilitating, or restoring the affected environment,</u></p> <p>d. <u>Reducing or eliminating the impact over time by preservation and maintenance operations,</u></p> <p>e. <u>Compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and</u></p> <p>f. <u>Monitoring the impact and the compensation projects and taking appropriate corrective measures.</u></p>
20	25.06.020 [new] (2) Page 36.	Aquatic bed Wetlands	<p><u>(2) Wetlands located entirely waterward of the ordinary high water mark of a lake shall be regulated by the development standards provided for in the Program, including SMC 25.06.020. Where a wetland area extends landward of the shoreline's OHWM boundary, additional wetland buffer protections pursuant to SMC 21A.50.290 may apply.</u></p>	<p><u>(2) Wetlands. Wetlands located entirely waterward of the ordinary high water mark of a lake shall be regulated by the development standards provided for in the Program, including SMC 25.06.020. Where a wetland area extends landward of the shoreline's OHWM boundary, additional wetland buffer protections pursuant to SMC 21A.50.290 may apply.</u></p>
21	25.06.020 (5) Page 36.	Mitigation Regulation	<p>Mitigation. Property owners proposing new shoreline use or development shall <u>follow mitigation sequencing principles described in 25.06.020 in addition to other requirements from</u> mitigate adverse environmental impacts in accordance with this Program and other applicable regulations whether or not the use/development requires or is exempt from a shoreline substantial development permit. Mitigation measures are listed in SMC 25.06.020(10) in the table showing shoreline setback reductions.</p>	<p>Mitigation. Property owners proposing new shoreline use or development shall include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations. Where required, mitigation measures shall follow mitigation sequencing principles described in 25.06.020 of in addition to other requirements from mitigate adverse environmental impacts in accordance with this Program and other applicable regulations whether or not the use/development requires or is exempt from a shoreline substantial development permit. Shoreline setback reductions Mitigation measures are listed in SMC 25.06.020(10) in the table showing shoreline setback reductions.</p>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
22	25.06.020 (7) a, e, f. Page 36.	Shoreline Setback Regulations	<p>Shoreline Setback. A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet (or as reduced by SMC 25.06.020(10)) landward from the OHWM. The following regulations shall apply:</p> <p>(a) Accessory uses and structures, including uncovered decks less than eighteen (18) inches above ground and impervious ground surfaces, are allowed as specified in this Program;</p> <p>(b) Non-water dependent shoreline uses and developments, including residential developments, shall be located landward of the shoreline setback unless otherwise specified by this Program;</p> <p>(c) Docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;</p> <p>(d) Public access structures, picnic areas, boat launches, docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;</p> <p>(e) Transportation facilities shall be allowed within the shoreline setback as specified in this Program;</p> <p>(f) Utilities shall be allowed within the shoreline setback as specified in this Program.</p>	<p>Shoreline Setback. A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet (or as reduced by SMC 25.06.020(10)) landward from the OHWM. The following regulations shall apply:</p> <p>(a) Non-water dependent shoreline uses and developments, including residential developments, shall be located landward of the shoreline setback unless otherwise specified by this Program;</p> <p>(b) <u>Two hundred (200) square feet maximum of residential accessory structure is uses and structures, including uncovered decks less than eighteen (18) inches above ground and impervious ground surfaces, are allowed as specified in 25.07.080 and 25.06.020 (9) (d) of this Program;</u></p> <p>(c) Docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;</p> <p>(d) Public access structures, picnic areas, boat launches, docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;</p> <p>(e) Transportation facilities shall be allowed within the shoreline setback as specified in this Program;</p> <p>(f) Utilities shall be allowed within the shoreline setback as specified in this Program.</p>
23	25.06.020 (8). Page 37-38.	Shoreline Setback Regulations Partial Exemption	<p>Partial Exemptions. The following developments, activities and uses are exempt from the review process of the Program provided such exempt activities are otherwise consistent with the purpose of the Program and other applicable regulations and state law. The Director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the Program. (Also see Figure 1.)</p> <p>a. Structural modification of, addition to or replacement of existing legally created structures, except single detached residences, in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback requirements if:</p> <p>i. The modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described shoreline setback or building setback area.</p> <p>b. Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before the effective date of the Program, that do not meet the applicable shoreline setback or building setback, if:</p> <p>i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area by</p>	<p><i>See 25.08.100 for proposed alternative.</i></p>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
			<p>more than 200 square feet over that existing before the effective date of the Program; and,</p> <p>ii. No portion of the modification, addition or replacement is located closer to the OHWM. This exemption may only be used once.</p> <p>c. Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback, if:</p> <p>i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area by more than 1,000 square feet over that existing before the effective date of the Shoreline Master program; and</p> <p>ii. The footprint expansion extends landward (to the rear) from the existing structure footprint and maintains the same interior lot line setback distances up to the shoreline setback line (known as the "shadow" of the existing structure).</p> <p>d. Select Vegetation Removal Activities. The removal of the following invasive vegetation is allowed with hand labor and/or light equipment; provided, that the appropriate erosion control measures are used and the area is replanted with native vegetation according to a restoration or enhancement plan that has been approved by the City of Sammamish:</p> <p>i. Noxious weeds as identified by Washington State or King County noxious weed lists;</p> <p>ii. Himalayan blackberry (Rubus discolor, R. procerus);</p> <p>iii. Evergreen blackberry (R. laciniatus);</p> <p>iv. Ivy (Hedera spp.); and</p> <p>v. Holly (Ilex spp.), laurel, Japanese knotweed (Polygonum cuspidatum), or any other species on the King County noxious weed list.</p> <p>e. Conservation, Preservation, Restoration and/or Enhancement.</p> <p>i. Conservation and preservation of soil, water, vegetation, fish and other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing shoreline setback or vegetation enhancement area; and</p> <p>f. Restoration and enhancement of shoreline setback or vegetation enhancement area; provided, that actions do not alter the location, dimensions or size of the shoreline setback or vegetation enhancement area; that actions improve and do not reduce the existing quality or functions of the shoreline setback or vegetation</p>	

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
			<p>enhancement area; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish</p>	
24	Figure 1 (Graphic) Page 39.	Partial Exemption and Vegetation Enhancement Area (VEA)	<p>Note: the referenced graphic on page 41 is to be removed from the SMP.</p>	<p>Acceptable <i>Note: Illustrations of the code will be included in the User Guide</i></p>
25	25.06.020 (9) (a) [new] i. – iv. Page 40.	Shoreline Setback VEA	<p>Property owners shall be required to establish and maintain the vegetation enhancement area:</p> <p>i. The VEA shall be vegetated pursuant to the standards contained in this section as part of any new development or (exterior) redevelopment project that displaces or effects applicable shoreline setbacks or buffers. For developments or additions of less than 500 square feet, the Director may reduce the landscaping requirements upon a finding that such reduction is necessary to make the landscaping requirement proportional to the scope of the development or redevelopment; or</p> <p>ii. As required by SMC 25.06.020(10), if they propose to construct or expand the footprint of a residential structure that is located entirely or partially in the shoreline setback or reduced shoreline setback such that the expanded footprint within the shoreline setback will increase by more than two hundred (200) square feet of footprint including when using the partial exemption of SMC 25.06.020(8); or</p> <p>iii. If they propose to construct or expand an existing bulkhead or other stabilization structure by more than ten percent (10%).</p> <p>iv. Excluded from this requirement are changes to a structure that do not expand the footprint. Also excluded from this requirement is rebuilding in the same footprint plus up to two hundred (200) square feet of additional footprint area within the shoreline setback providing the additional footprint area is not closer to the lake.</p>	<p>Property owners shall be required to establish and maintain the vegetation enhancement area:</p> <p>i. The VEA shall be vegetated pursuant to the standards contained in this section as part of any new development or (exterior) redevelopment project that displaces or effects applicable shoreline setbacks or buffers. For developments or additions of less than 500 square feet, the Director may reduce landscaping requirements shall be upon a finding that such reduction is necessary to make the landscaping requirement proportional to the scope-area of disturbance or redevelopment; or</p> <p>ii. As required by SMC 25.06.020(10), if they propose to construct or expand the footprint of a residential structure that is located entirely or partially in the shoreline setback or reduced shoreline setback such that the expanded footprint within the shoreline setback will increase by more than two hundred (200) square feet of footprint including when using the partial exemption of SMC 25.06.020(8); or</p> <p>iii-ii. If they propose to construct or expand an existing bulkhead or other stabilization structure by more than ten percent (10%).</p> <p>iv-iii. Excluded from this requirement are changes to a structure that do not expand the footprint. Also excluded from this requirement is rebuilding in the same footprint plus up to two hundred (200) square feet of additional footprint area within the shoreline setback providing the additional footprint area is not closer to the lake.</p>
26	25.06.020 (9)(b) Page 40.	Shoreline Setback VEA	<p>(b) The vegetation enhancement area, excluding the active use area, shall be planted or maintained with at least seventy-five percent (75%) by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty-five percent (25%) by area of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings. The VEA planting plan shall include one tree for every 500 square feet, one shrub for every 25 square feet, and 100 percent ground cover within the VEA.</p>	<p>Acceptable</p>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
27	25.06.020 (9)(d) Page 40.	Shoreline Setback VEA	(a) Structures, decks and paved areas within the vegetation enhancement area may only be located within the <u>limits of the</u> active use area except as otherwise allowed by <u>specified within</u> this Program.	<i>Acceptable</i>
28	25.06.020 (10) Page 40.	Lake Sammamish reduced Setback	Lake Sammamish Reduced Shoreline Setback. The Lake Sammamish shoreline setback may be reduced in <u>the Shoreline Residential Environment in</u> accordance with <u>mitigation sequencing principles (section 25.06.020)</u> this Program and as shown in the Table 1 below.	Lake Sammamish Reduced Shoreline Setback. The Lake Sammamish shoreline setback may be reduced in <u>the Shoreline Residential Environment or for public uses and public</u> development in the <u>Urban Conservancy Environment in</u> accordance with <u>mitigation sequencing principles (section 25.06.020)</u> this Program and <u>setback reductions</u> as shown in the Table 1 below.

(Continued next page)

Section 25.06.020 (10) **Table 1 - Shoreline Setback Reductions** (Page 41).

ITEM		SMP PROVISION	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
29	Reduction Priority	Setback Reduction (feet)	<p>Reduction Criteria</p> <p>Reductions may be cumulative, but in no case shall the resulting shoreline setback be less than twenty fifteen (2015) feet*.</p> <p>Reductions must be utilized in order of highest priority with Reduction Priority No. 1 being the highest priority.</p> <p>Planting in accordance with VEA requirements.</p>	See Revised 25.06.020(10) Table 1 – Shoreline Setback Reductions for proposed alternative.
	1	15 feet	For removal of an existing bulkhead located at, below, or within five feet landward of the lake's OHWM and subsequent restoration of the shoreline to a natural or seminatural state, including the restoration of topography, soil composition, and vegetation; or,	
30			For restoration of the shoreline to a natural or seminatural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or,	
31			For preservation of the existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present.	
32	2	10 feet	For establishment of a 15-foot vegetation enhancement area along the shoreline.	
33	3	5-10 feet	For establishment of at least a 5 foot width of native vegetation along the entire waterward side of <u>the OHWM or</u> a modified bulkhead, including the use of small gravel or rock fill, as part of an Army Corps of Engineer approved plan and in compliance with all WDFW and other appropriate agency regulations.	
34	4	5-10 feet	Reduction of 5 feet for impervious surface coverage 10 percent less than the city standard and 10 feet for impervious surface coverage 20 percent less than the city standard as allowed by SMC 25.07.080(2)(b) or (c).	
	5	5 feet	For limiting lawn area to no greater than 20 percent of the shoreline jurisdiction area.	
	6	1-10 feet	For every 50 square feet of native planting area added landward of and adjacent to the VEA, 1 foot reduction (up to 10 feet maximum reduction).	
35	7	5 feet	For preservation of existing native vegetation or restoration of native vegetation, as necessary, in a minimum 5-foot wide nearshore area below the lake's OHWM.	
	8	5 feet	For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides to protect lake water quality.	

* Plus the five (5) foot building setback (SMC 25.06.020)

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
36	General Regulations 25.06.020(10) a. Page 42.	Lake Sammamish reduced Shoreline Setback	<p>(a) — The partial exemption(s) of SMC 25.06.020(8)(b) and (c) may be utilized for modifications, replacements and additions that do not expand the footprint by more than one thousand (1,000) square feet within the shoreline setback in lieu of the reductions authorized in Table 1, with establishment and maintenance of the 15 foot vegetation enhancement area. Establishment of the vegetation enhancement area is encouraged but not required for expansions of two hundred (200) square feet or less.</p>	<p>Acceptable See 25.08.100(1) (a) for proposed alternative.</p>
37	25.06.020(12) Page 42.	Pine & Beaver Lakes Vegetation Enhancement Area (VEA)	<p>(12) Pine and Beaver Lakes Vegetation Enhancement Area. A vegetation enhancement area immediately landward of the OHWM is encouraged <u>required, as compensatory mitigation for any new or expanded development that is proposed within applicable shoreline setback or buffer areas. For developments or additions with a total addition of less than 500 square feet, the Director may reduce the landscaping requirement upon a finding that such reduction is necessary to make the landscaping requirement proportional to the scope of the development or redevelopment.</u></p>	<p>(12) Pine and Beaver Lakes Vegetation Enhancement Area. A vegetation enhancement area immediately landward of the OHWM is encouraged <u>required, as compensatory mitigation for any new or expanded development that is proposed within applicable shoreline setback or buffer areas. For developments or additions of less than 500 square feet the with a total addition of less than 500 square feet, the Director may reduce the landscaping requirement upon a finding that such reduction is necessary to make the landscaping requirement shall be proportional to the area of disturbance scope of the development or redevelopment.</u></p> <p><u>(a) The vegetation enhancement area when required, excluding the active use area, shall be planted or maintained with at least seventy-five percent (75%) by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty five percent (25%) by area of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings. The VEA planting plan shall include one tree for every five hundred (500) square feet, one shrub for every twenty-five (25) square feet, and one hundred percent (100%) ground cover within the VEA.</u></p> <p><u>(b) An area of up to twenty-five percent (25%) of the vegetation enhancement area may be used as an active use area consistent with the requirements of this Program provided that the active use area is located to avoid areas of greater sensitivity and habitat value. If this 25% limitation would not allow a corridor extending back from the lake measuring at least fifteen (15) feet parallel to the lake, a fifteen (15) foot wide corridor may be used.</u></p>
38	Shoreline Public Access Regulations 25.06.030(2) Page 42.	Public Access Residential Sub-division	<p>(2) New public access is not required for new single-family residential subdivisions <u>of 9 lots or residential units or less.</u></p>	<p>Acceptable</p>

Section 25.07.010 Summary of Uses, Approval Criteria, and Process (Pages 44 – 45).

Table 2: Permitted Uses [Note: Only Uses added or changed are included, this table does not include all section from Table 2 on pages 44 – 45 of the SMP]

ITEM	SMP PROVISION Use (SMP Section)	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B				CITY ACCEPTANCE OR ALTERNATIVE			
		Lake Sammamish SR	Lake Sammamish UC	Pine and Beaver Lakes SR	Pine and Beaver Lakes UC				
P = Permitted; C = Conditional Use; X= Prohibited									
39	Fill and excavation and grading landward of the OHWM (25.07.030)	P	P	P	P	Acceptable			
40	Fill waterward of the OHWM, except for ecological restoration (25.07.030)	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u> <u>C</u>
41	Fill waterward of the OHWM for ecological restoration (25.07.030)	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u> <u>P</u>
42	Public recreational use and structures	P	P	P	P	Acceptable			
43	Agriculture	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>C</u>	<u>X</u> <u>C</u>
						<i>Also see Items AA and BB – Additional Changes for proposed alternative.</i>			
44	Aquaculture	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	Acceptable			
45	Boating Facilities	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>P</u>	<u>X</u> <u>P</u>	<u>X</u> <u>P</u>	<u>X</u> <u>P</u>
						<i>Also see Item CC and DD – Additional Changes for proposed alternative.</i>			
46	Water Oriented Commercial Development	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>	Acceptable			
47	Non-Water Oriented Commercial Development	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	Acceptable			
48	Forrest Practices	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Forrest Practices Forest Practices			
49	Water Dependent Industry	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	Acceptable			
50	Non-Water Dependent Industry	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	Acceptable			
51	Mining	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	Acceptable			
New	Marina					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Section 25.07.010 Summary of Uses, Approval Criteria, and Process (Pages 46 - 47).

Table 3: Dimensional Standards [Note: Only Uses added or changed are included, this table does not include all section from Table 2 on pages 46 - 47 of the SMP]

ITEM	SMP PROVISION	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B				CITY ACCEPTANCE OR ALTERNATIVE			
		Lake Sammamish SR	Lake Sammamish UC	Pine and Beaver Lakes SR	Pine and Beaver Lakes UC				
Docks: Private Residential (SMC 25.07.050)									
52	Maximum Area Single owner	480600 square feet	480600 square feet	480600 square feet	480600 square feet	Acceptable Also see Item 25.07.050			
53	Maximum Area 2 - 9 owners	700800 square feet	700800 square feet	700800 square feet	700800 square feet	Acceptable Also see Item 25.07.050			
54	Dock Width	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM Up to 50% of lot width	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM Up to 50% of lot width	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM Up to 50% of lot width	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM Up to 50% of lot width	Pine and Beaver Lakes SR and UC: Up to 50% of lot width 4 to 6 feet within 10 30 feet of OHWM. Total of the platform area and walkway area are not to exceed 480 square feet. Also see 25.07.050(3). Also see 25.07.050			
Setbacks (SMC 25.06.020)									
55	Vegetation Enhancement Area (VEA)	15 feet	15 feet	15 feet Encouraged	15 feet Encouraged	15 feet	15 feet	15 feet as specified in the Program	15 feet as specified in the Program
56	Active Use Area	25% of VEA	25% of VEA	25% of VEA No limit	25% of VEA No limit	25% of VEA No limit Also see 25.06.020(10) Table 1: Shoreline Setback Reductions			

Section 25.07.020 Shoreline Modification Regulations (Pages 57 – 70).

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
57	Shoreline Modification Regulations 25.07.020(1) (a, b and, f). Page 48.	Dredging Regulations	(a) Dredging shall be the minimum necessary to accomplish its purpose. (b) Projects shall be designed to minimize or eliminate the need for future dredging, (c) Construction of a public dock for public water-dependent recreational use, provided that the dredging is limited to the minimum needed to accommodate the public dock and then only when there is no feasible alternative.	Acceptable
58	25.07.030(5) Page 49.	Filling and Excavation Regulations	(5) Fill shall not be used to alter the OHWM, except as part of an approved restoration project. Filling waterward of the OHWM shall only be allowed when necessary to support one or more of the following:	Acceptable
59	25.07.030(5)(f) Page 49.	Filling and Excavation Regulations	(f) Expansion or alteration of public transportation facilities of statewide significance currently located in the shoreline on the date of adoption of this SMP where there is no feasible reasonable alternative;	Acceptable
60	25.07.030(5) Page 49.	Filling and Excavation Regulations	(h) Fill waterward of the OHWM for any other purpose than ecological restoration shall require a Shoreline Conditional Use Permit.	Acceptable

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
61	25.07.050 (1) (a), (b) revised new] (i) , (j) , (k) , (l) Page 50.	Private Docks, Floats – Development Standards	<p>(a) No new dock or float shall be wider than fifty percent (50%) of the lot width at the waterfront edge. Pier or docks shall be no wider than 4-feet, except an additional 2-foot of width can be allowed without a variance, for a property owner with a condition that qualifies for state disabled accommodations. The City can also allow without a variance, up to 2-feet of additional pier or dock width limited to areas more than 30-feet waterward of the OHWM, if approved by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and wildlife. Otherwise piers and docks shall not exceed 4-feet in width. The area of the float shall be counted as part of the overall pier/dock area.</p> <p>(d) No new float shall cover more than one hundred fifty (150) square feet of the lake. The area of the float shall be counted as part of the overall pier/dock area.</p> <p>(j) Pier, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmission through the decking material. If float tubs for docks preclude use of fully grated decking materials, then a minimum of 2 feet of grating must be installed down the center of the entire float.</p> <p>(i) Except for Pine and Beaver Lakes, ells, fingers and deck platforms can be no closer than 30 feet waterward of the ordinary high water mark.</p> <p>(k) Pilings or moorage piles shall not be treated with pentachlorochlorophenol, creosote, chromate copper arsenate (CCA) or comparable toxic compounds.</p> <p>(l) Except for Pine and Beaver Lakes, the first set of pilings for a pier or dock shall be located no closer than 18 feet from the ordinary high water mark.</p>	<p>Acceptable</p> <p>Also see 25.07.050(1)(j-k).</p>
62	25.07.050 (1) (i) Page 51	Private Docks, Floats – Repair and Replacement	<p>(i) Existing legally established private docks and floats may be repaired and maintained repaired or replaced consistent with dimensional, decking and design standards for new piers as described in section 25.07.050 of this chapter.</p>	<p>See 25.07.050 for proposed alternative.</p>
63	25.07.050 (2) (d) i. – ii. Page 51.	Private Docks, Floats – Lake Sammamish Development Standards	<p>(d) Maximum overwater area coverage for private docks on Lake Sammamish, excluding canopy coverage shall not exceed:</p> <p>i. Four hundred and eighty (480) Six hundred (600) square feet for private residential docks serving one lot; or</p> <p>ii. Seven (700) Eight hundred (800) square feet for private residential docks serving two (2) to nine (9) lots in a shared use agreement; or</p>	<p>Acceptable</p>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
64	25.07.050 (3) (b) i. Page 52.	Private Docks, Floats – Pine & Beaver Lake Development Standards	(b) Maximum overwater area coverage for private docks on Pine and Beaver Lake <u>shall not exceed</u> : i. <u>Four hundred and eighty (480)</u> Six hundred (600) square feet for private residential docks serving one lot.	<i>Acceptable</i>
65	25.07.060 (1) [new] (b) and (c). Page 52.	Public Docks and Floats Regulations	(b) <u>With the exception of total overwater coverage, public recreational docks shall comply with design standards required for private docks listed in 25.07.050 (1) (a) – (l) of this chapter.</u> (c) <u>Consistent with 25.07.050 (1) (e) above, the width of public recreational piers and docks should be minimized, but can be authorized up to 6-feet in width subject to Army Corps of Engineer or Washington Department of Fish and Wildlife approval;</u> (d) No public recreational dock shall exceed 3,000 square feet in surface area. There is no dock length limit for public recreational docks, <u>however, public piers and docks shall not interfere with navigation.</u>	<i>Acceptable</i>
66	25.07.070 (1) (a). Page 53.	Shoreline Stabilization Regulations	(a) The impacts must be <u>first avoided, then minimized and then</u> mitigated such that there is no net loss of shoreline ecological functions. This is achieved by maintaining the required vegetation enhancement area in a vegetated condition, or planting the shoreline vegetation enhancement area in accordance with this Program; and	(a) The impacts must be <u>first avoided, then minimized and then</u> mitigated <u>through compliance with this program and other applicable regulations</u> such that there is no net loss of shoreline ecological functions. This is achieved by maintaining the required vegetation enhancement area in a vegetated condition, or planting the shoreline vegetation enhancement area in accordance with this Program; and
67	25.07.080 (2) [new] (b). Page 55.	Residential Use Regulations.	(b) <u>Residential structures shall be located to avoid the need for future shoreline stabilization.</u>	<i>Acceptable</i>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
68	25.07.080 (2) (d) [new] iv. Page 55.	Residential Use Regulations.	<p>(d) New accessory structures, excluding accessory dwelling units, may be located waterward of the shoreline setback provided that all of the following criteria are met:</p> <p><u>iv. Potential impacts are managed consistent with Mitigation Sequencing (i.e. Avoid, Minimize, and then Mitigate) including identification of appropriate mitigation to offset any anticipated impacts resulting from the project.</u></p>	<p>(d) New accessory structures, excluding accessory dwelling units, may be located waterward of the shoreline setback provided that all of the following criteria are met:</p> <p><u>iv. Potential impacts are managed consistent with the provisions of this program. Where environmental impacts not otherwise avoided or mitigated by compliance with the program and other applicable regulations are identified, mitigation sequencing (i.e. avoid, minimize, and then mitigate), Mitigation Sequencing (i.e. Avoid, Minimize, and then Mitigate) including identification of appropriate mitigation to offset any anticipated impacts resulting from the project, shall be utilized.</u></p> <p><u>(e) New accessory dwelling units may be located landward of the shoreline setback provided that all of the applicable zoning requirements and provisions of this program are met. following criteria are met:</u></p> <p><u>(i) Only one accessory dwelling unit per primary single detached dwelling unit;</u></p> <p><u>(ii) Only in the same building as the primary dwelling unit when there is more than one primary dwelling on a lot;</u></p> <p><u>(iii) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;</u></p> <p><u>(a) One of the dwelling units shall not exceed a floor area of 1,000 square feet when detached, or except when one of the dwelling units is wholly contained within the existing residence then the floor area shall not exceed 40 percent of the floor area of the existing unit;</u></p> <p><u>(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;</u></p> <p><u>(c) The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in SMC 21A.15.450;</u></p> <p><u>(d) Additions to an existing structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the primary dwelling unit;</u></p> <p><u>(iv) No additional off-street parking space shall be provided when the parcel contains four (4) or more parking spaces;</u></p> <p><u>(v) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and</u></p> <p><u>(vi) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.</u></p>

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
69	25.07.080 (3) (a) and (b). Page 56.	Residential Use Regulations	<p>(6) Lake Sammamish. An existing legally established residential structure may be expanded or reconfigured <u>consistent with the substantive requirements of this program.</u> Expansion/modification shall be subject to the requirements of SMC 25.06.020. Expansion shall be allowed in accordance with SMC 25.06.020(8). The minimum distance between the OHWM and the waterward edge of the footprint of the expansion (not including a maximum of eighteen (18) inches of overhanging eaves) shall be at least twenty (20) feet in accordance with SMC 25.06.020.</p> <p>(7) Pine and Beaver Lakes. An existing legally established residential structure may be expanded or reconfigured <u>consistent with the substantive requirements of this program.</u> Expansion into the shoreline setback shall occur only as allowed in SMC 25.06.020(8). Expansion/modification shall be subject to the requirements of SMC 25.06.020.</p>	Acceptable
70	25.07.080 (5). Page 56.	Residential Use Regulations - Fences	<p>(5) Fences. No portion of any fences within shoreline jurisdiction shall exceed six (6) feet in height, as measured from the existing ground elevation along the proposed fence alignment, and shall not be located within wetlands, streams, or SMC 21A.50 buffers. <u>To the extent feasible, Fences should be located outside of the shoreline setback upland of the OHWM, in an effort to minimize disruption of wildlife migration along shoreline areas.</u></p>	<p>(5) Fences. No portion of any fences within shoreline jurisdiction shall exceed six (6) feet in height, as measured from the existing ground elevation along the proposed fence alignment, and shall not be located within wetlands, streams, or SMC 21A.50 buffers. <u>To the extent feasible, fences extend feasible, Fences Fences</u> should be located outside of the shoreline setback upland of the OHWM, in an effort to minimize disruption of wildlife migration along shoreline areas. <u>Fences may be located within the shoreline setback upland of the OHWM when needed to serve their primary function. When located within the shoreline setback the fence height shall not exceed forty-two (42) inches, and non-solid materials shall be utilized.</u></p>
71	25.07.110 (8) (a). Page 59.	Utilities Regulations	(a) No reasonable-feasible alternative exists; and	Acceptable
72	25.07.110 [new] (10). Page 59.	Utilities Regulations	<u>(10) Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water oriented, shall not be allowed in shoreline areas, unless it can be demonstrated that no other feasible option is available.</u>	Acceptable
74	25.08.100(1) (a) Page 63.	Non-conforming Use and Development Standards	(a) Reconstruction, replacement, or expansion of the exterior footprint of an existing, legally established non-conforming structure is allowed provided that the addition or reconstruction does not increase the degree of non-conformity except as allowed in SMC 25.06.020.	See 25.08.100(2)(a) for proposed alternative.
75	25.08.100(1)(c)i Page 63.	Non-conforming Use and	i. The maintenance/reconstruction/repair does not increase the extent of non-conformity by encroaching upon or extending into the building setback area or shoreline setback or other area where new construction or use would not be allowed	See 25.08.100(2)(c)(i) for proposed alternative.

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY REQUIRED CHANGES ATTACHMENT B	CITY ACCEPTANCE OR ALTERNATIVE
		Development Standards	except as specifically allowed in SMC 25.07.080.	
76	25.08.100(1) (d). Page 64.	Non-conforming Structures	(d) Existing legally established structures that are non-conforming as to SMC 21A.50 buffer requirements for wetlands, streams, ponds or landslide hazard areas and their building setbacks may be modified, expanded, and/or replaced according to SMC 21A.50.060, sections (1)(a) and (1)(b). Structure non-conformity for any reason other than SMC 21A.50 buffer requirements for wetlands, streams, ponds or landslide hazard areas and their building setbacks must comply with the regulations of this section.	See 25.08.100(1) (a) for proposed alternative.
77	25.08.100(2) (a). Page 64.	Non-conforming Lots	(a) An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was legally established prior to the effective date of this Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations. Such development shall conform to all <u>subject to conformance to</u> other <u>applicable</u> requirements of this program.	Acceptable

Department of Ecology Recommended Changes Attachment C

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES ATTACHMENT C	CITY ACCEPTANCE OR ALTERNATIVE
A	25.06.020 (2) Page 42.	Aquatic Weed Control	(2) Aquatic Weed Control and Noxious Weed Control. Aquatic weed control and noxious weed control may occur when the health and sustainability of native plant communities and associated habitats are threatened or when a water dependent use is restricted by their presence. <u>Control with hand labor and/or light equipment is allowed provided that the appropriate erosion control measures are used and the area is replanted with native vegetation.</u> Control shall occur in conformance with applicable local, state and/or federal regulations.	Acceptable
B	25.06.020 [new] (14). Page 42.	Allowances for Critical Areas	<u>(14) Allowed Activities within Critical Areas within Shoreline Jurisdiction: The following activities are allowed subject only to compliance with best management practices and procedural requirements of this program:</u> (a) <u>Emergencies</u> (b) <u>Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices, as follows:</u>	Acceptable

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES ATTACHMENT C	CITY ACCEPTANCE OR ALTERNATIVE
C	25.07.050 (1) (m, n, i. – iii.) Page 50	Private Docks, Floats – Repair and Replacement	<p>(m) Existing legally established private docks and floats may be Repaired or Replaced consistent with the following standards provided within this chapter and listed below.</p> <p>(n) Repair or Replacement of an existing Residential Pier or Dock shall be administered as follows:</p> <ul style="list-style-type: none"> i. Repair proposals which replace 75 percent or greater of the existing pier-support piles are considered replacement piers and must comply with requirements for Replacement Piers (below), and; ii. On Lake Sammamish, repair proposals which replace between 25 and 75 percent of the existing pier-support piles must achieve the minimum 18-foot spacing to the extent allowed by site-specific engineering or design considerations and shall install deck grating on all areas of replaced decking, and; iii. All proposed replacement piles shall be the minimum size allowed by site-specific engineering or design considerations. 	See 25.07.050 for proposed alternative.
D	25.07.050 (1) [new] (o). i. ii. Pages 51.	Private Docks, Floats – Replacement	<p>(o) A Replacement of an existing private Pier or Dock shall be consistent with the following requirements:</p> <ul style="list-style-type: none"> i. A proposal to replace the entire pier or dock, or 75% or more of the pier-support piles, must meet the dimensional, decking, and design standards for new piers as described above in 25.07.050(1) (a) - (l), except the City may administratively approve an alternative design as provided in 25.07.050(1) (p) below, and; ii. As mitigation for pier/dock replacement, existing skirting shall be removed and may not be replaced. 	See 25.07.050 for proposed alternative.
E	25.07.050 (1) [new] (p). i. – iv. Pages 51.	Private Docks, Floats – Replacement Alternative Design	<p>(p) Alternative Design: The City shall approve the following modifications to a pier replacement proposal that deviates from the dimensional standards required by this chapter subject to approval by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and wildlife. In addition, the following requirements and all other applicable provisions in this chapter shall be met:</p> <ul style="list-style-type: none"> i. State and Federal Agency Approval: U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved the proposal, and; ii. Materials: use of graded decking consistent with this chapter, and; iii. Maximum Area: No larger than existing pier, and; iv. Minimum Water Depth: No shallower than authorized through state and federal approval. 	See 25.07.050 for proposed alternative.

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES ATTACHMENT C	CITY ACCEPTANCE OR ALTERNATIVE
F	25.07.080 (6) (c). Page 56.	Residential Use Regulations - Subdivision	(c)All new subdivisions shall be allowed one additional shared use dock. <u>A pier or dock existing prior to subdivision application</u> . An existing dock may remain for either shared use or use by one lot in the subdivision.	(c) All new subdivisions shall be allowed one additional shared use dock. <u>A pier or dock existing prior to subdivision application</u> . An existing dock may remain for either shared use or use by one lot in the subdivision.
G	25.07.080 [new] (7). Page 56.	Residential Use – Accessory Dwelling Unit	<u>(7) Accessory Dwelling Unit (ADU). Only one accessory dwelling is allowed per primary single detached dwelling unit. An ADU is only allowed in the same building as the primary dwelling unit when the lot is less than 10,000 square feet in area or when there is more than one primary dwelling on a lot. One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic. A detached ADU shall be located outside of all critical area buffers and/or shoreline setback areas and shall not be subject to any shoreline setback reductions or variances.</u>	Acceptable Also see Item 68.
H	25.07.080 [new] (8). Page 56. 25.07.110 [new] (11). Page 65.	Residential Use – Accessory Utilities	<u>Accessory Utilities. For single family residences accessory utilities include electrical, gas, water, cable, telephone, and public sewer connections to the primary utilities, and also installation of septic tank and drainfields.</u>	Acceptable
I	25.08.100(1) [New] (h). Page 64.	Non Conforming - Allowances	<u>(h) Allowances. The following developments, activities and uses are allowed provided such activities are otherwise consistent with this Program and other applicable regulations and law. The Director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the Program.</u> <u>(i) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences, in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback requirements if:</u> <u>(a) The modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described shoreline setback or building setback area.</u> <u>(ii) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the Program, that do not meet the applicable shoreline setback or building setback, if:</u> <u>(a) The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area over that existing before the effective date of</u>	See 25.08.100(2) (g) for proposed alternative.

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES ATTACHMENT C	CITY ACCEPTANCE OR ALTERNATIVE
			<p><u>the Program; and,</u></p> <p><u>(b) No portion of the modification, addition or replacement is located closer to the OHWM. This allowance may only be used once.</u></p> <p><u>(iii) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback, if:</u></p> <p><u>(a) The modification, addition, replacement or related activity does not increase the existing total footprint of the residence over that existing before the effective date of the Shoreline Master program ; and</u></p> <p><u>(b) The footprint expansion extends landward (to the rear) from the existing structure footprint and maintains the same interior lot line setback distances up to the shoreline setback line (known as the “shadow” of the existing structure).</u></p>	
J	25.08.100(1) [New] <u>(i), (ii), and (iii).</u> Page 64.	Allowed Activities within Critical Areas	<p><u>(i) Allowed Activities in Critical Areas. The following developments, activities and uses are allowed provided such activities are otherwise consistent with this Program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.</u></p> <p><u>(a) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, critical area or buffer.</u></p> <p><u>(b) Structural modification of, or replacement of legally created single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the above-described buffer or building setback area by more than existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the critical area.</u></p> <p><u>(c) Maintenance or repair of structures that do not meet the development standards of this chapter for landslide or seismic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair.</u></p> <p><u>(d) Conservation, Preservation, Restoration and/or Enhancement.</u></p> <p><u>(i) Conservation and preservation of soil, water, vegetation, fish and other wildlife</u></p>	See 25.08.100(1) (a) for proposed alternative.

ITEM	SMP PROVISION	TOPIC	DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES ATTACHMENT C	CITY ACCEPTANCE OR ALTERNATIVE
			<p><u>that does not entail alteration of the location, size, dimensions or functions of an existing critical area or buffer; and</u></p> <p><u>(ii) Restoration and enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area or buffer; that actions improve and do not reduce the existing quality or functions of the critical areas or buffers; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.</u></p> <p><u>(ii) Existing and ongoing agriculture and grazing of livestock is allowed subject to any limitations established by law, if the agriculture or grazing activity was in existence before November 27, 1990.</u></p>	

Additional Department of Ecology or City Staff Proposed Changes

ITEM	SMP PROVISION	TOPIC	ADDITIONAL CHANGES: STAFF/ECOLOGY COMMENTS	CITY PROPOSAL/CORRECTION
AA	25.04.020(1) & 25.04.020(2)	Boating Facilities Policies		<p>25.04.020(1) <u>Boating Facilities, Docks, Floats Mooring Buoys, and Boats/Watercraft Lift Policies</u></p> <p><u>(d) Private beach clubs, associations of five (5) or more residences with existing facilities, and jointly owned waterfront parcels may have docks, mooring buoys, and floats consistent with the Policies in this section</u></p> <p>25.04.020(2) <u>Docks, Floats, Mooring Buoys, and Boat Watercraft Lift Policies (includes Boating Facilities)</u></p>
BB	25.07.040 new (5,6) Page 50	Boating Facilities Regulations		<p>25.07.040 <u>Boating Facilities</u> and Boat Launches - Ramps and Rails Regulations</p> <p><u>(5) Private beach clubs, associations of five (5) or more residences with existing facilities, and jointly owned waterfront parcels may have docks, piers, mooring buoys, and floats consistent with the regulations in 25.07. 050.</u></p> <p><u>(6) Structures accessory to the docks, mooring buoys, and floats may be constructed on the upland parcels with a shoreline substantial development permit issued consistent with this Program, specifically 25.06.020 and 25.07.080 (d).</u></p>
CC	25.04.070 (new)	Agricultural Use Policies		<p><u>25.04.070 Agricultural Use Policies</u></p> <p><u>(1) New agricultural operations should be discouraged.</u></p> <p><u>(2) Existing agricultural operations may continue consistent with the goals, policies and regulations of this Program.</u></p>

ITEM	SMP PROVISION	TOPIC	ADDITIONAL CHANGES: STAFF/ECOLOGY COMMENTS	CITY PROPOSAL/CORRECTION
DD	25.07.120	Agricultural Use Regulations		<p><u>25.07.120 Agricultural Use Regulations</u></p> <p>(1) <u>New agricultural operations are not permitted within the shoreline jurisdiction; this applies to all three lakes.</u></p> <p>(2) <u>Existing agricultural operations on all three lakes may be continued. Expansion or modification of existing agricultural operations or facilities may be permitted as a shoreline conditional use.</u></p>
EE	25.07.110 (8)(b)	Utilities Regulations	STAFF: <i>The proposed language is consistent with the current SMP</i>	(b) The functions for the lake and related VEA buffer are not adversely affected or are appropriately mitigated.
FF	21A.50.352	Fish and Wildlife Habitat Conservation Areas – Development Standards	STAFF: <i>The Department of Ecology suggested a change to the CAO in order to ensure consistency between the code sections</i>	<p>21A.50.352 Fish and Wildlife Habitat Conservation Areas – Development Standards</p> <p>(3) General Requirements. <u>Habitat conservation areas that are lakes shall be governed by the requirements of the Sammamish Shoreline Master program.</u></p> <p><u>Other habitat conservation areas are subject to the following provisions:...</u></p>
GG		Text on shoreline designation map	STAFF: <i>Map text inadvertently reverted from that approved by the Council in the Ecology submittal file. Ecology noticed the mistake and has requested the correct language be used.</i>	<p><i>This map depicts the approximate location and extent of areas subject to the SMP and official shoreline designations pursuant to SMC Title 25. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands. On Lake Sammamish, the minimum ordinary high water mark elevation is set at 28.18 NGVD29. On Pine and Beaver Lakes, the elevation of the ordinary high water mark is determined through site-specific evaluation. The map does not display the 100-yr floodplain around the three jurisdictional lakes. The floodplain around Lake Sammamish is at a standard elevation of 33 feet NGVD29.</i></p> <p><i>Shoreline environment designations depicted in this map, as established in SMC 25.07.020(1), shall apply to the land and water areas subject to shoreline jurisdiction as defined in the Programs SMC 25.02.080 and RCW 90.58. Uses and developments that occur waterward of the OHWM shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the adjacent primary use. ...The definition of ‘associated wetland’ is included in the Program SMC 25.02.</i></p>
HH		Formatting		Staff: <i>Request authority to correct minor non-substantive errors such as spelling or formatting edits</i>
II	25.04.030	Residential Use Policies- ADU		(1) Single family residences and their normal appurtenant structures, <u>including accessory dwelling units,</u> are a preferred shoreline use. New residential development in the shoreline jurisdiction should be located and designed to minimize adverse effects on shoreline process and functions. Residential development should not be allowed to result in a net loss of shoreline ecological functions.

ITEM	SMP PROVISION	TOPIC	ADDITIONAL CHANGES: STAFF/ECOLOGY COMMENTS	CITY PROPOSAL/CORRECTION
JJ	25.04.030	Residential Use Policies- Live Aboard		(4) Dwelling units should not occur over water.
KK	25.07.080(2)	Residential Regulations		(a) New residential development and normal appurtenances shall be located landward of the shoreline setback, or if applicable the reduced shoreline setback, or as otherwise allowed, in accordance with this Program. Houseboats, live-aboards, or other dwelling units are prohibited overwater.
LL	25.02.010	Definitions		Boating Facilities: Boating facilities means docks, floats, buoys and accessory structures which are associated with a private non-commercial recreational beach jointly owned by upland property owners serving five or more residences. Boating facilities excludes facilities serving four or fewer single-family residences. <i>Note: see also # AA and BB above</i>
MM	25.06.020 (10)	Lk Samm setback reductions		<i>(a) Note: previous (b) changed to (a) due to deletion of 25.06.020(10) – see Item 36.</i> <i>(b) (new) When setback reductions of Table 1 of this section are utilized such that the resulting setback is 20 feet, and the residence directly abuts the vegetated area, house access and maintenance activities may occur as needed. However damage, disruption, or removal of required vegetation shall be restored immediately upon completion of the maintenance activities.</i>
NN	25.02.010	Definitions		Marina: Marina means a facility offering dockage and other service for small water craft but excluding boating facilities as defined in this program, facilities serving four or fewer single family residences, and accessory uses to public lands.

25.06.020(10) Table I – Shoreline Setback Reductions

REVISED Alternative

SMP PROVISION		CITY ACCEPTANCE OR ALTERNATIVE	
Reduction	Setback Reduction (feet)	<p style="text-align: center;">Reduction Criteria</p> <ul style="list-style-type: none"> • Reductions from the 50 foot standard setback may be cumulative, but in no case shall the resulting shoreline setback be less than twenty feet from OHWM. Planting shall be installed and maintained in accordance with VEA requirements. • Reductions must be utilized in the following priority order: Reduction 1, Reduction 2 or 3 if a bulkhead is present, Reduction 4, and Reduction 5. After Reductions 1-5, then Reductions 6, 7, and 8 may be utilized in any order. • Significant trees within the 50 foot setback area shall be retained, with the exception that the minimum necessary significant tree removal may occur for allowed development in order to utilize setback reductions. Removed significant trees shall be replanted at a 2:1 ratio. 	
	1	15 feet	For establishment of a 15 foot vegetation enhancement area landward and immediately adjacent to the OHWM and planting of 250 square feet of additional native vegetation planting area added landward and adjacent to the VEA.
	2	15 feet	For removal of an existing bulkhead located at, below, or within five feet landward of the lake's OHWM and subsequent restoration of the shoreline to a natural or semi-natural state, including the restoration of topography, soil composition, and vegetation.
	3	10 feet	For creation of a durable inclined fill of gravel/small rock against the waterside of an existing bulkhead and planting, enhancement, or restoration of at least a 5-foot width of native vegetation along the entire inclined fill, as part of an Army Corps of Engineer-approved plan and in compliance with all WDFW and other appropriate agency regulations.
	4	5 feet	For a reduction in the active use area, from the allowed 25 percent of the shoreline setback to 15%, and additional planting in that area.
	5	5 feet	For planting, enhancement, or restoration and subsequent preservation of existing native vegetation, as necessary, in a minimum 5 foot wide near-shore area below the lake's OHWM.
	6	5 feet	For reduction of impervious surface coverage by 10 percent less than the city standard as allowed by SMC 25.07.080(2)(b) or (c).
	7	5 feet	For limiting lawn area to no greater than 20 percent of the shoreline jurisdiction area.
	8	5 feet	For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides to protect lake water quality.

25.07.050 Private Docks, Floats, Mooring Buoys and Watercraft Lift Regulations

Proposed Alternative

25.07.050 Private Docks, Floats, Mooring Buoys and Watercraft Lift Regulations

(1) **All Lakes.** The following regulations shall apply to private docks, floats, mooring buoys and lifts:

~~(a) No new dock or float shall be wider than fifty percent (50%) of the lot width at the waterfront edge. Pier or docks shall be no wider than 4 feet, except an additional 2-foot of width can be allowed without a variance, for a property owner with a condition that qualifies for state disabled accommodations. The City can also allow without a variance, up to 2 feet of additional pier or dock width limited to areas more than 30 feet waterward of the OHWM, if approved by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and wildlife. Otherwise piers and docks shall not exceed 4 feet in width. The area of the float shall be counted as part of the overall pier/dock area. (Staff note: See 25.07.050(2)(e) and 25.07.050(3)(c).)~~

~~(b)~~ (a) No new dock, lift (Lake Sammamish only), mooring buoy, or float shall be located closer than fifteen (15) feet from the side property line extended, except that joint-use docks, lifts and floats may abut or cross property lines for the common use of adjacent property owners when mutually agreed to by the property owners in an agreement recorded with King County.

~~(c)~~ (b) Mooring buoys shall be limited to the number allowed pursuant to Washington State Department of Natural Resources requirements.

~~(d)~~ (c) No new float shall cover more than one hundred fifty (150) square feet of the lake. The area of the float shall be counted as part of the overall pier/dock area.

~~(e)~~ (d) No dwelling unit or building may be constructed on a dock, float or other moorage structure.

~~(f)~~ (e) The use of fill to construct new docks, floats, and/or lifts (lifts allowed on Lake Sammamish only) shall only be allowed pursuant to the requirements of SMC 25.07.030.

~~(g)~~ (f) New private docks, floats and/or lifts (lifts allowed on Lake Sammamish only) shall be designed and constructed using WDFW-approved methods and materials.

~~(h)~~ (g) The top surface of new private docks shall not exceed five (5) feet in height above the OHWM.

~~(i)~~ (h) Pier, Docks, and platform lifts must be fully grated or contain other materials that allow a minimum of forty percent (40%) light transmission through the decking material. If float tubs for docks preclude use of fully grated decking materials, then a minimum of two (2) feet of grating must be installed down the center of the entire float.

~~(k)~~ (i) Pilings or moorage piles shall not be treated with pentachlorochlorophenol, creosote, chromate copper arsenate (CCA) or comparable toxic compounds.

~~(m)~~ (j) Existing legally established private docks and floats may be ~~repaired and maintained~~ repaired or replaced consistent with the following standards provided within this chapter and listed below. ~~dimensional, decking and design standards for new piers/docks as described in section 25.07.050 of this chapter.~~

~~(n)~~ (k) Repair or ~~Replacement~~ replacement of an existing ~~Residential Pier or Dock~~ residential pier or dock shall be administered as follows:

i. Repair proposals which replace seventy-five percent (75%) or greater of the existing dock support piles, **cumulatively over the lifetime of the dock**, are considered replacement docks ~~piers~~ and must comply with requirements for Replacement Docks ~~Piers~~-(below), and;

ii. On Lake Sammamish, repair proposals which replace between twenty-five (25) and seventy-five percent (75%) of the existing dock support piles, **cumulatively over the lifetime of the dock**, must achieve the minimum eighteen (18) foot spacing to the extent allowed by site-specific engineering or design considerations and shall install deck grating on all areas of replaced decking, and;

iii. All proposed replacement piles shall be the minimum size allowed by site-specific engineering or design considerations.

~~(o)~~ (l) A ~~Replacement~~ replacement of an existing private ~~Pier or Dock~~ dock shall be consistent with the following requirements:

i. A proposal to replace the entire pier or dock, or seventy-five percent (75%) or more of the dock support piles, cumulatively over the lifetime of the dock, must meet the dimensional, decking, and design standards for new docks-piers as described above in 25.07.050(1) (a) - (l), except the City may administratively approve an alternative design as provided in 25.07.050(1) (p) below, and;

ii. As mitigation for pier/dock replacement, existing skirting shall be removed and may not be replaced.

(p) (m) Alternative Design: The City shall approve the following modifications to a dock or pier pier replacement proposal that deviates from the dimensional standards required by this chapter subject to approval by other permitting agencies such as the U.S. Army Corps of Engineers, or the Washington State Department of Fish and Wildlife. In addition, the following requirements and all other applicable provisions of the chapter shall be met:

i. State and Federal Agency Approval: U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved the proposal, and;

ii. Materials: use of graded grated decking consistent with this chapter, and;

iii. Maximum Area: No larger than existing dock pier, and;

iv. Minimum Water Depth: No shallower than authorized through state and federal approval.

~~(j) Except for Pine and Beaver Lakes, ells, fingers and deck platforms can be no closer than 30 feet waterward of the ordinary high water mark. (Staff note: See 25.07.050(2)(f).)~~

~~(l) Except for Pine and Beaver Lakes, the first set of pilings for a pier or dock shall be located no closer than 18 feet from the ordinary high water mark. (Staff note: See 25.07.050(2)(g).)~~

(2) **Lake Sammamish.** The following requirements apply to all new private docks, floats, and lifts on Lake Sammamish, including shared/joint-use facilities and beach club facilities.

(a) Each individual residential lot on Lake Sammamish shall be allowed: one (1) residential dock, one (1) float, two (2) boat lifts, and two (2) personal watercraft lifts. In lieu of the two (2) boat lifts and two (2) personal watercraft lifts, four (4) personal watercraft lifts may be permitted.

(b) Contiguous lots using shared/joint-use docks shall be allowed one (1) additional boat lift and one (1) additional personal watercraft lift or two (2) additional personal watercraft lifts in addition to the allowances noted above for an individual lot.

(c) Lots that provide shared/joint-use for more than nine (9) residential homes shall be allowed one (1) additional dock for service of existing legally established launch ramps and rails, provided that the total area of overwater coverage does not exceed the maximum overwater area coverage allowed by this section.

(d) Maximum overwater area coverage for private docks on Lake Sammamish, excluding canopy coverage shall not exceed:

i. Four hundred and eighty (480) Six hundred (600) square feet for private residential docks serving one lot; or

ii. Seven hundred (700) Eight hundred (800) square feet for private residential docks serving two (2) to nine (9) lots in a shared use agreement; or

iii. One thousand (1,000) square feet for private residential docks serving more than nine (9) lots in a joint-use agreement.

~~(e) (e) Pier or Docks shall be no wider than four (4) feet, except an additional two (2) foot of width can be allowed without a variance, for a property owner with a condition that qualifies for state disabled accommodations. The City can also allow without a variance, up to two (2) feet of additional pier or dock width limited to areas more than thirty (30) feet waterward of the OHWM, if approved by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and wildlife. Otherwise piers and docks shall not exceed four (4) feet in width. The area of the float shall be counted as part of the overall pier/dock area.~~

~~(f) (f) Except for Pine and Beaver Lakes, ells, Ells, fingers and deck platforms can be no closer than thirty (30) feet waterward of the ordinary high water mark.~~

~~(g) (g) Except for Pine and Beaver Lakes, the The first set of pilings for a pier or dock shall be located no closer than eighteen (18) feet from the ordinary high water mark.~~

~~(h) (h) Maximum length of private docks. The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no longer than eighty (80) feet or the length needed to reach a depth of eight (8) feet (measured from ordinary high water), whichever is greater. No dock shall be more than one quarter (1/4) the distance to the opposite shoreline.~~

~~(i) (i) No boat lift shall be located closer than five (5) feet from the side property line extended. New boat lifts installed between five (5) and fifteen (15) feet of the side property line extended must be installed perpendicular to the shoreline.~~

~~(g)~~ (j) One boat canopy per residential lot is allowed provided that the canopy is made of translucent material. Canopies may be a maximum of twenty-five (25) feet in length, fifteen (15) feet in width, and ten (10) feet at the highest point over ordinary high water.

(3) **Pine Lake and Beaver Lake.** The following requirements apply to all new private docks and floats on Pine Lake and Beaver Lake, including shared/joint-use facilities and beach club facilities.

(a) Each individual residential lot on Pine and Beaver Lake shall be allowed: one (1) residential dock, and one (1) float.

(b) Maximum overwater coverage area for private docks on Pine and Beaver Lake:

i. Four hundred eighty (480) ~~Six hundred (600)~~ square feet for private residential docks serving one lot.

ii. Seven hundred (700) square feet for private residential docks serving two (2) or more lots in a joint-use agreement.

~~(c) Pier or d~~ Docks shall be no wider than four (4) feet, except:

i. Dock width may be increased from four (4) feet to six (6) feet if the platform area and the total area of the walkway do not exceed four hundred eighty (480) square feet.

ii. The maximum square footage of platforms (ells, Ts, etc.) at the end of the dock is two hundred fifty (250) square feet.

iii. Between OHWM and the platform the walkway shall be no wider than six (6) feet for a minimum distance of ten (10) feet.

~~(e)~~ (d) New boat lifts and canopies are not permitted on Pine and Beaver Lakes. Existing lifts and canopies may be maintained.

~~(d)~~ (e) The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no longer than eighty (80) feet or the length needed to reach a depth of eight (8) feet (measured from ordinary high water), whichever is greater. No dock shall be more than one quarter ($\frac{1}{4}$) the distance to the opposite shoreline.

Staff Notes:

Generally, this means that the platform (ell, T etc.) at the end of the dock is reduced by an amount equal to increase of walkway area (For example: The proposed walkway area is 40 feet long and 6 feet in width =240 square feet). Platforms cannot exceed 250 sf. Given the walkway area is 240 sf, only 240 sf is left for the platform. The platform must be reduced by 10 sf below the maximum allowed).

A quick review of dock lengths on Pine Lake shows that roughly 73% (79 of 108) are between 20 and 60 feet in length. Proposed dock length allowance is 80 feet. A random sampling of platform areas shows they range from 225 sf to over 500 sf. The above proposal would allow the majority of the current docks to be rebuilt in their current configuration and require new docks to have roughly the same allowance as the existing docks.

In the example above the dock length is reduced to 60 feet from the allowed 80 feet. Its configuration would be a 40 walkway of 6 feet in width=240 sf. The platform could only be 240 sf (12 x 20 feet) in order to stay under the allowed 480 square feet and shortened length of 60 feet. This is similar to many of the longer docks on Pine Lake. On Beaver Lake of the 80 docks more than half (44 of 80) are between 20 and 40 feet. 31 are between 40 and 60 feet. There are only 5 docks longer than 60 feet. Long Lake only has 5 and all are 20 feet or less. Generally, all of the docks are shorter on Beaver Lake so the same formula would allow existing and new docks to have roughly the same configuration as the existing docks.

The shorter distance to pilings is consistent with existing pattern and since a large number of docks are 40 feet or less having pilings at 30 feet would only encourage longer docks and would prohibit reconstruction of existing docks.

25.08.100 Existing Development

Proposed Alternative

25.08.100 Non-conforming Use and Development—Alteration or Reconstruction Existing Development

(1) Existing single-family homes, other structures, existing uses, and appurtenances that were legally established prior to the effective date of this SMP are considered to be conforming to the SMP. Additions, expansion or reconstruction must meet the provisions of the SMP.

(i) (a) Allowed Activities in Critical Areas. The following developments, activities and uses are allowed provided such activities are otherwise consistent with this Program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.

(a) (i) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, critical area or buffer.

(b) (ii) Structural modification of, or replacement of legally created single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the above-described buffer or building setback area by more than **1,000 square feet over that** existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the critical area. **Mitigation of impacts to critical areas or buffers disturbed is required and shall be evaluated to assure no net loss of ecological function.**

(c) (iii) Maintenance or repair of structures that do not meet the development standards of this chapter for landslide or seismic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair.

(d) (iv) Conservation, Preservation, Restoration and/or Enhancement.

(i) (iv.i) Conservation and preservation of soil, water, vegetation, fish and other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area or buffer; and

(ii) (iv.ii) Restoration and enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area or buffer; that actions improve and do not reduce the existing quality or functions of the critical areas or buffers; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.

(iii) (iv.iii) Existing and ongoing agriculture and grazing of livestock is allowed subject to any limitations established by law, if the agriculture or grazing activity was in existence before November 27, 1990.

(2) Non-conforming Structures Not Meeting Current Regulations

(a) Reconstruction, replacement, or expansion of the exterior footprint of an existing, legally established ~~non-conforming~~ structure **not meeting current regulations** is allowed provided that the addition or reconstruction does not increase the **non-compliance to current regulations**, ~~degree of non-conformity except as allowed in SMC 25.06.020.~~

(b) Replacement may be allowed in a different ~~non-conforming~~ location **not meeting current regulations** if a determination is made by the City that the new location results in less impact to shoreline functions than replacement in the existing footprint.

(c) Existing structures that were legally established but which are ~~non-conforming~~ **not meeting current regulations** with regard to the setback, area, bulk, height or density standards established by this Program may be maintained, reconstructed, or repaired, provided that:

i. The maintenance/reconstruction/repair does not increase the extent of ~~non-conformity~~ **noncompliance with current regulations** by encroaching upon or extending into the building setback area or shoreline setback or other area where new construction or use would not be allowed, ~~except as specifically allowed in SMC 25.07.080.~~

~~(d) Existing legally established structures that are non-conforming as to SMC 21A.50 buffer requirements for wetlands, streams, ponds, or landslide hazard areas and their building setbacks may be modified, expanded, and/or replaced according to SMC 21A.50.060, sections (1)(a) and (1)(b). Structure non-conformity for any reason other than SMC 21A.50 buffer requirements for wetlands, streams, ponds or landslide hazard areas and their building setbacks must comply with the regulations of this section.~~

~~(e)~~ (d) If a ~~non-conforming~~ structure **not meeting current regulations** is damaged by fire, explosion, or other casualty and/or natural disaster, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred or in accordance with (b) of this section, provided that all of the following criteria are met:

i. The owner(s) submit a complete application within twenty-four (24) months of the date the damage occurred; and

ii. All permits are issued within two years of initial submittal of the complete application, and the restoration is completed within two (2) years of permit issuance. This period may be extended for one additional year by the Director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension; and

iii. If a ~~non-conforming~~ structure **not meeting current regulations** is damaged by fire, explosion, or other casualty and/or natural disaster and these criteria are not met, the City may require the applicant to plant the vegetation enhancement area with native trees and shrubs in accordance with SMC 25.06.020.

~~(f)~~ (e) A ~~non-conforming~~ structure **not meeting current regulations** that is moved outside the existing footprint must be brought into conformance with this Program and RCW 90.58, except as allowed by (b) of this section.

~~(g)~~ ~~(f)~~ If the repair or maintenance of a non-conforming dock **not meeting current regulations** changes the location of the structure or alters any dimension of the structure by more than ten percent (10%), it shall be subject to the regulations for new docks.

(g) Allowances. The following developments, activities and uses are allowed provided such activities are otherwise consistent with this Program and other applicable regulations and law. The Director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the Program.

(i) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences, in existence before the effective date of the Program, which do not meet the current applicable shoreline setback or building setback requirements if:

(a) The modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described shoreline setback or building setback area.

(ii) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the Program, that do not meet the current applicable shoreline setback or building setback, if:

(a) The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area more than 200 feet over that existing before the effective date of the Program; and,

(b) No portion of the modification, addition or replacement is located closer to the OHWM. This allowance may only be used once.

(c) Mitigation proportional to the setback area impacted is required through planting of the VEA in accordance with the standards of this program.

(iii) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the Program, which do not meet the current applicable shoreline setback or building setback, if:

(a) The modification, addition, replacement or related activity does not increase the existing total footprint of the residence over that existing before the effective date of the Shoreline Master Program; and

(a) The footprint expansion extends landward (to the rear) from the existing structure footprint and maintains the same interior lot line setback distances up to the shoreline setback line (known as the “shadow” of the existing structure).

(b) Mitigation proportional to the setback area impacted is required through planting of the VEA in accordance with the standards of this program. If the area impacted is over 500 square feet the entire 15 foot VEA shall be vegetated with the exception of the allowed active use area.

REFERENCES

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EXHIBITS

Exhibit A: Letter dated November 13, 2008 from Ecology (Dave Radabaugh) to the City of Sammamish (Maren Van Nostrand) providing comments on the City's September 2008 Draft SMP.

Exhibit B: Letter dated April 9, 2009 from Ecology (Dave Radabaugh) to the City of Sammamish (Maren Van Nostrand) providing comments on the January 2009 Draft Cumulative Impact Analysis.

Exhibit C: Letter dated October 2, 2009 from Ecology (Dave Radabaugh) to the City of Sammamish (Kamuron Guro) providing comments on the City's August 2009 Draft SMP.

Exhibit D: Memo dated June 16, 2009 from ESA Adolfson (Margaret Clancy & Laura Brock) to the City of Sammamish providing a summary of technical knowledge associated with the role of lakeshore vegetation in protecting lake ecology.

Exhibit E: Comments from Ecology (Patrick McGraner) related to discussion with the City on Wetland protection standards.

Exhibit F: City of Sammamish response to Ecology dated February 2, 2010.

Additional Illustrations:

Lake Sammamish Docks and Setbacks, Pine and Beaver Setbacks

KEY



□ Vegetation area and design options



□ Lawn



□ Impervious surface



□ Dock, path and expansion options



□ Primary structure and structure expansion



□ Accessory structure



□ Ordinary high water

Docks: Allowed configurations

2

Lake Sammamish

Walkway width 4' first 30' or 6' for disabled

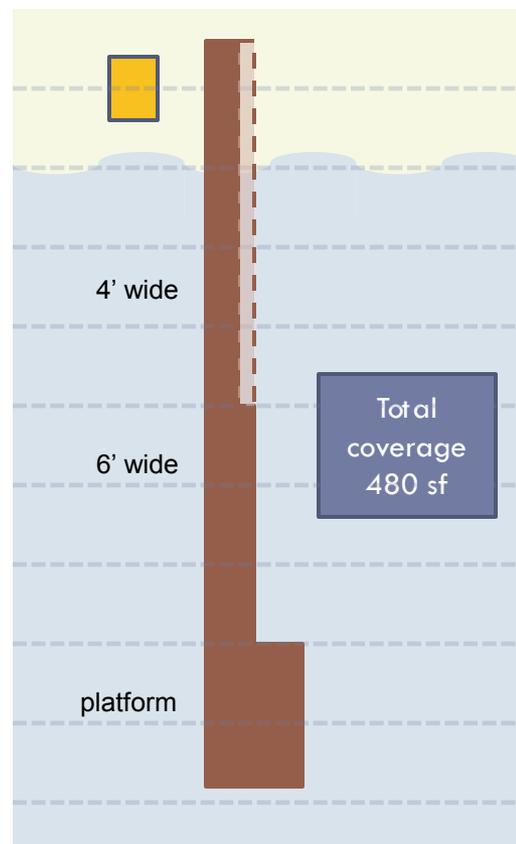
Walkway width 6' after 30'

Pine and Beaver Lakes

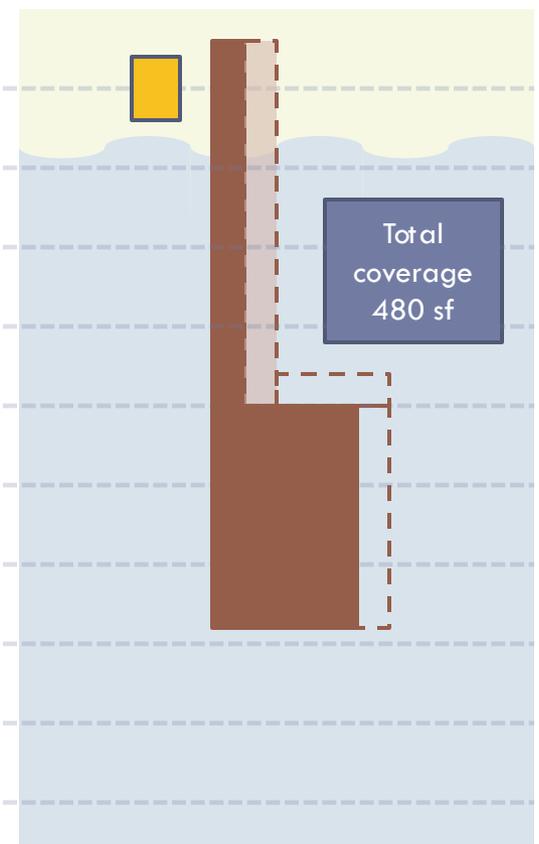
Walkway width 4'

Walkway width 6' with reduction of platform width

□ Lake Sammamish



□ Pine and Beaver Lakes



Setbacks: Lake Sammamish

3

Standard Setback – 50'

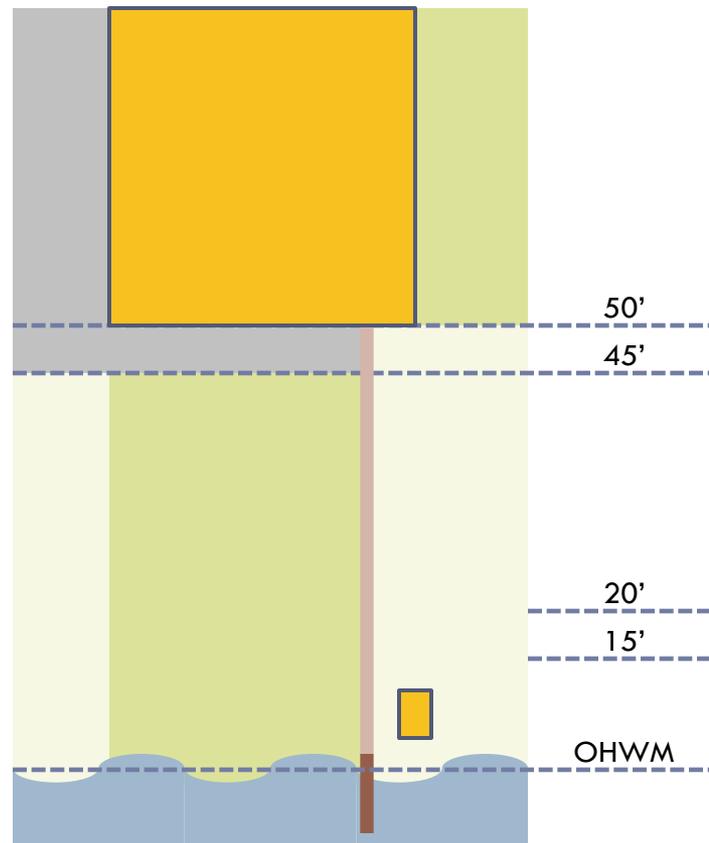
45' shoreline setback and 5' building setback

Accessory structures 200 sq ft maximum

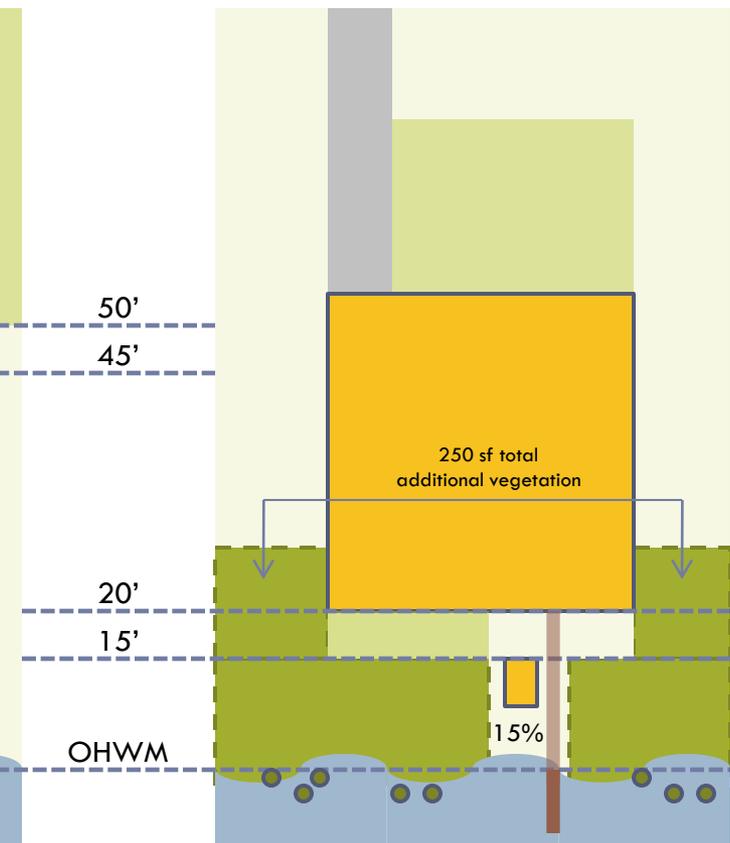
Reduced Setback – 20' Priority Order

- 1) 15' Vegetation area and 250 sf adjacent planting
- 2) Bulkhead removal/ Shoreline restoration; OR
- 3) Planting waterward of bulkhead
- 4) 15% Active Use
- 5) Planting waterward of OHWM
- 6-8) Options: Impervious surface and lawn reduction; vegetation management plan

□ Standard Setback



□ Reduced Setback



Pine and Beaver Lakes

4

Vegetation Enhancement Area (VEA)

Expansion outside of setback

- No VEA required

Expansion inside of setback, 200 sf max, and no closer to OHWM

- VEA proportional to expansion
- Adjacent to OHWM
- Flexible design

Expansion over 200 sf, within shadow

- Up to 500 sf, VEA proportional to expansion
- Over 500 sf, full VEA with 25% Active Use Area allowance

Outside Setback

Inside Setback

Within Shadow



Sammamish SMP – July 18, 2011 City Council session

Supplemental Information

Docks on Pine and Beaver Lakes

As a follow-up to the Council discussion on June 20th, 2011, staff has prepared the following information on Pine Lake and Beaver Lake dock issues. In Ecology's proposed change, for all lakes the dock area maximum would be 480 square feet for a single family lot, and the first 30 feet of a new or reconstructed dock would be limited to four feet in width. Thereafter, width could be increased to six feet with approval of other permitting agencies, or a six foot width could be approved for the entire length for individuals with special access needs.

Staff has drafted an alternative proposal for Pine and Beaver Lakes which would allow the dock width to be 6 feet with a restriction that platforms may not be located closer than 10 feet from the Ordinary High Water Mark (OHWM). There would also be an allowance for platforms of up to 250 square feet. This alternative follows an established pattern of size and length for existing docks on Pine and Beaver Lakes, and is justifiable given boating use limitations.

In 1999 at incorporation, Sammamish adopted King County code that prohibited internal combustion boat engines on Beaver Lake. In 2003, the City extended this prohibition to Pine Lake. This effectively limits boat usage to kayaks, canoes, paddleboats, and other small boats. Docks on these lakes are used for boat moorage of a temporary nature, and are also utilized for fishing and small boat pull-out areas. Generally, these small boats are pulled out of the water and onto the dock platform. The alternative regulations proposed would allow platforms that provide adequate space for small boats and would provide access to the lake from the dock itself for launching and fishing.

A quick review of kayak specifications shows averages of 8 to 12 feet in length. The width is between 28" and 30". For canoes the length ranges between 14 and 16 feet and the width between 33" and 37". Assuming most lake front owners will have two paddle-type boats, the area needed to remove them from the water and place them hull-up on the platform (the typical scenario) would be the length plus the width with about a foot between them. For kayaks this area would approximately 140 to 170 square feet. For two canoes, the area increases to 220 square feet for two canoes. Paddle boats, sailboats or small fishing boats are larger in size, but most would fit on a platform of 250 square feet. Any remaining available area on the platform is used for any other boat related items, e.g. paddles, lifejackets etc.

A review of existing dock lengths on Pine Lake shows that 73% (79 of 108) are between 20 and 60 feet in length. Proposed dock length allowance is 80 feet, while retaining the existing requirement that the dock be no more than one quarter the distance to the opposite shore. A random sampling of platforms shows they range from 225 sf to over 500 sf. The above

proposal would allow the majority of the current docks to be rebuilt in their current configuration and allow new docks to have roughly the same allowance as the existing docks.

On Beaver Lake, of the 80 docks more than half (44 of 80) are between 20 and 40 feet. 31 are between 40 and 60 feet. There are only 5 docks longer than 60 feet. Long Lake (a part of Beaver Lake) only has 5 and all are 20 feet or less. Generally, all of the docks are shorter on Beaver Lake so the same formula would allow existing and new docks to have roughly the same configuration as the existing docks.

The shorter distance to pilings for Pine and Beaver Lakes is consistent with existing pattern, since a large number of docks are 40 feet or less, having pilings at 18 feet may encourage longer docks and would prohibit reconstruction of existing docks. 250 square feet would be a reasonable platform size to accommodate the minimum necessary for typical boating usage on Pine and Beaver Lakes.

Fish Usage in Pine and Beaver Lakes

At Council's request, staff has contacted the Washington State Department of Fish and Wildlife (WDFW) in order to research the question of fish usage in Pine and Beaver Lakes. A study done by the Department in 2000 called the "2000 Pine Lake Survey: The Warmwater Fish Community of a Lake Traditionally Managed for Rainbow Trout" provides some detailed information for Pine Lake, although the data is approximately 11 years old.

This study indicates that Pine Lake continues to support an active sports fishery composed of seasonally stocked rainbow trout and brown trout, as well as persistent populations of largemouth and smallmouth bass, yellow perch, pumpkinseed sunfish, and cutthroat trout. The study also notes that surface water exits the lake through one unnamed outlet stream located on the west side of the lake. The outlet stream (Pine Lake Creek) flows intermittently, from approximately mid-November to June, across one mile of flats and then steeply into Lake Sammamish, thus preventing salmonid migration into Pine Lake.

Follow-up information received via e-mail from a WDFW representative mentions that the sampling protocols are primarily designed to sample the populations of warmwater fish and are not expected to capture trout and/or salmonid species due to the warmer water temperatures in areas sampled. However, trout are caught in almost every survey; therefore, the protocols appear conducive for assessing presence/absence of species groups. It is noted that, although cutthroat trout were caught in the Pine Lake 2000 survey, cutthroat trout were stocked in the lake prior to the sampling (1996). Thus, these cutthroat trout may have been "naturalized" fish, rather than "native" fish. There is no way to be certain without genetics work.

There is less information available on fish use in Beaver Lake. The 1993 Beaver Lake Management Plan describes fish species in the lake as including Rainbow Trout, Cutthroat Trout, and Kokanee. A King County website says that there is documented Cutthroat in Beaver Lake (<http://www.govlink.org/watersheds/8/reports/fish-maps/cutthroat/pdf/Cutthroat.pdf>)

and a WDFW website

(http://wdfw.wa.gov/lands/water_access/search/search_site.php?searchby=FacilityID&search=30241) describes Rainbow Trout, resident Cutthroat Trout and Kokanee salmon as among the fish species that can be caught when fishing in this lake. However, no documentation could be found that describes the basis for this information.

According to the Beaver Lake Management Plan, the lake has been stocked with kokanee (*Oncorhynchus nerka*), and cutthroat trout (*Oncorhynchus clarki*), and cutthroat trout are native to Beaver Lake. As Beaver Lake is also managed by the WDFW for a sports fishery, it is assumed that other fish species present in this lake are similar to those in Pine Lake. The WDFW representative contacted by staff agreed that this assumption is likely accurate.

Lake Sammamish dock dimensions

The Department of Ecology has indicated that for approval of the update, dock area for a single family lot on Lake Sammamish would be a maximum of 480 square feet and dock width would be limited to four feet (except for disabled property owners) in the first 30 feet water ward of the ordinary high water mark. Thereafter the width could be increased to six feet with approval of other permitting agencies. The dock width issue is an important one to Sammamish property owners, who have requested a width allowance of six feet. Although Sammamish may not agree with the Ecology-required changes, the Council can choose to adopt these changes at this time in order to complete adoption of the update. If a six foot width or other dimensional changes are allowed by Ecology in the future, Ecology has indicated a willingness to process targeted revisions to area master programs.

Lake Sammamish lot dimensions

Staff have compiled and analyzed information on vacant lot depth and area, and on existing structure setback depth, for Lake Sammamish. This information has been requested by Ecology as background and justification for the City's preferred setback reduction table that retains the maximum setback of 20 feet from OHWM. As background, Ecology's proposed changes to the Sammamish SMP would limit the maximum setback reduction to 25 feet.

Sammamish residents have consistently and strongly requested that the 20 foot number be retained and the City Council has endorsed this policy in our adopted SMP. The policy is a continuation of an existing city standard in our critical areas regulations, in place since January 2006 and used successfully since then. It would also continue a key standard from the King County SMP that has governed the majority of existing development along Lake Sammamish, and would thus allow any new development to fit well into the existing pattern.

A revised setback reduction table (included as a part of Attachment A - REVISED) has also been included in the Council packet. The table was revised to require a more consistently vegetated shoreline area along the OHWM, and includes specific prioritization of the setback reduction

options. This information and the revised table are intended to provide sufficient information and justification for Ecology approval.

Staff reviewed aerial photos, GIS information and Assessor's records for existing lots along Lake Sammamish. Given existing lot size and city zoning, no further subdivision is expected in this entire area. Vacant parcels for which the setback reduction option is available under the new SMP were included in the analysis. This includes vacant private parcels in the Shoreline Residential designation and vacant public parcels in the Urban Conservancy designation.

The analysis shows that the median lot depth for vacant parcels that could utilize setback reductions under the new SMP is only 42 feet, and the median lot area is only 2325 square feet. This is because these lots are constrained in depth and area by the presence of the East Lake Sammamish Trail and the East Lake Sammamish Parkway (ELSP). The city's required side yard setbacks (15% of lot width or a minimum of 5 feet on each side), and the 10 foot front yard (20 foot length of driveway) setbacks from trail or street rights-of-way also apply to development on these parcels and limit available land for allowed and permitted uses, to the point where the five-foot difference between 20 and 25 feet has a significant effect. Therefore most new development proposals on vacant lots will need to apply for zoning variances to front yard requirements as well as maximize the lake setback reduction to 20 feet, in order to build even a smaller footprint home.

Note that many of the structures along Lake Sammamish are already built at 20 feet from the OHWM. Even where an individual lot depth exceeds the median depth, many owners have chosen to build at that distance. This is likely because most existing development took place under King County regulations and permitting (Sammamish has utilized the King County SMP since incorporation) and because most banks require new homebuilders to take full advantage of lot amenities and features, including building as close to the shoreline as allowed, in order to secure financing. Where a larger setback was required, many owners sought and received variances to build at 20 feet as well. Also, where lot width is smaller, the builder of a new "infill" house would almost certainly locate the structure to preserve and maximize the water view, which would be at the same setback as neighboring houses. The desire for the residence to be close to the water appears to have been consistent over the years.

In summary, staff concludes that the setback reduction up to 20 feet is reasonable and justified.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 14, 2011

Originating Department: City Manager

Clearances:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> City Manager | <input checked="" 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 type="checkbox"/> Public Works |

Subject: Medical Marijuana Moratorium

Action Required: Passage of Ordinance on an Emergency Basis

- Exhibits:**
1. Proposed Ordinance
 2. WCIA Risk Management Bulletin #46
 3. Letter from U.S. Department of Justice dated April 14, 2011
 4. Letter from Washington State Governor dated April 29, 2011

Budget: No Impact

Summary Statement: State Law regarding Medical Cannabis is in conflict with Federal Law. The truncated and partially vetoed version of ESSSB 5073 that becomes effective July 22, 2011, passes many of the governor's concerns to cities. The political battle at the state level will continue. Future case law may assist in clarifying the situation. Meanwhile, a great deal of confusion remains related to medical cannabis and risk assessment by jurisdictions needs to be undertaken.

Background:

Recent Legislative Action: Engrossed Second Substitute Senate Bill 5073 (ESSSB 5073) passed the state legislature on April 22, 2011, and was partially approved by the Governor on April 29, 2011. Some of the changes that were approved and will be incorporated into RCW 69.51A, the chapter dealing with Medical Marijuana include:

1. Up to ten qualifying patients may join together and have a collective garden with a maximum of 45 plants.
2. A minimum of 15 days must elapse before a qualified provider can switch from being the provider for on patient to another qualified patient. (This change addresses the argument used by many dispensaries to justify providing cannabis to multiple patients, one after another.)
3. Medical marijuana gardens cannot be open to the view of the general public (individual gardens cannot be visible from the public right of way.

The governor vetoed provisions in the legislation regarding the licensing of producers, processors and dispensers and establishing a state registry for patients, providers and collective gardens. Her rationale was a letter from the US Department of Justice that is legislation was in conflict with Federal Drug Laws



City Council Agenda Bill

and that employees of the state could be at risk of federal prosecution for aiding and abetting illegal drug possession and sale if they processed licenses for production and sale of medical cannabis under the new law. Medical Cannabis remains a class I drug under Federal Law.

Zoning and Business Regulations: The legislation also provides that cities may adopt and enforce zoning regulations, business license requirements and business taxes for collective gardens. This puts the cities and their staff in direct conflict with Federal Law and puts city staff in the position the governor through her section veto tried to protect state employees from.

It is rumored that the medical cannabis industry is crafting plans to run the collective gardens based a condo model in an attempt to circumvent the size limitations in the legislation.

The proposed ordinance establishing a moratorium would give the city time to review how other jurisdictions are dealing with this issue and determine what, if any, specific zoning and/or business regulations should apply to medical marijuana dispensaries and/or collective gardens.

Provisions for a Moratorium: State law authorizes cities to impose a moratoria to maintain the status quo while considering impending zoning, land use or similar regulations (RCW 36.70A.390). The moratorium may be adopted without holding a public hearing: however, a hearing on the moratorium or interim regulation shall be held within sixty days of its adoption. The Council may maintain, modify or terminate the moratorium after the public hearing. Such action shall include findings of fact, justifying the Council's action if findings were not adopted before the hearing.

A moratorium is typically valid for six months though it may be renewed with six month extensions if a public hearing is held and findings of fact are made prior to each renewal.

Staff recommends that the Council consider suspending it's rules, declares this an emergency ordinance and consider passage in one reading.

Financial Impact: None

Recommended Motion: Council rules be suspended and consideration in one reading, with a declaration that this is an emergency ordinance for immediate effect.

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2011-____

AN INTERIM ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF COLLECTIVE GARDENS; DEFINING “COLLECTIVE GARDENS;” PROVIDING FOR A PUBLIC HEARING, REFERRING THE MATTER TO THE PLANNING COMMISSION FOR HEARING AND REVIEW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for “qualifying patients” to the charge of possession of cannabis; and

WHEREAS, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be “construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;” and

WHEREAS, the Washington State Department of Health opines that it is “not legal to buy or sell” medical cannabis and further opines that “the law [Chapter 69.51A RCW] does not allow dispensaries,” leaving enforcement to local officials; and

WHEREAS, the City acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well as the right of patients to designate a “designated provider” who can “provide” rather than sell cannabis to “only one patient at any one time;” and

WHEREAS, the Legislature has passed E2SSB 5073 (the Act) and the Governor has signed the bill but has vetoed several sections of the bill; and

WHEREAS, E2SSB 5073 will be effective on July 22, 2011, and
; WHEREAS, the Act authorizes “collective gardens” which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

WHEREAS, the City Council deems it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes in the law; and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance;

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

Section 1. Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Sammamish prohibiting the licensing, establishment, maintenance, or continuation of any medical cannabis collective garden. A “collective garden” is an area or garden where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in the Act and subject to the limitations therein.

Section 2. Collective gardens as defined in Section 1 are hereby designated as prohibited uses in the City of Sammamish. In accordance with the provisions of RCW 35A.82.020 and SMC 5.05, no business license shall be issued to any person for a collective garden, which are hereby defined to be prohibited uses under the ordinances of the City of Sammamish.

Section 3. This ordinance shall be referred to the Sammamish Planning Commission for its review and recommendation for inclusion in the zoning ordinances of the City of Sammamish.

Section 4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 5. Public Hearing Set. Pursuant to RCW 36.70A.390, the City Council sets the City Council Regular Meeting of (insert date), 2011, which begins at (insert time) at (insert address), as the date and time for a public hearing on the continuance of this moratorium. The City Clerk is directed to cause appropriate notice of such hearing to be given.

Section 6. 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 7. This Ordinance shall be effective for a period of six months from the date of enactment unless: sooner terminated by action of the Council; or, renewed for one or more additional six-month periods as provided by state law.

Section 5. The above "Whereas" clauses of this ordinance constitute specific findings by the Council in support of passage of this ordinance. If any part or portion of this ordinance is declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portion.

**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: July 13, 2011
First Reading: July 18, 2011
Public Hearing:
Passed by the City Council:
Date of Publication:
Effective Date:

Medical Marijuana Law: Post 2011 Washington Legislative Session

**By Mark R. Bucklin, WCIA General Counsel
Keating Bucklin & McCormack, Inc. P.S.**

A WCIA Risk Management Bulletin was issued 12/28/2010 addressing the then existing state of the law regarding medical marijuana in Washington and the rise of business license applications for medical marijuana “Dispensaries” across the state. In short, the Bulletin concluded that such “dispensaries” were not legal under the law at that time as they inevitably involved the possession and sale of marijuana not allowed by law. It was recommended that business license applications for dispensaries be denied or revoked. The Bulletin predicted that the topic would be addressed in the 2011 Washington State Legislative Session and changes could occur. The topic did arise, legislation was passed and then the legislation was partially vetoed by the Governor. This Bulletin Supplement will address the law as it now exists, post 2011 Legislative Session.

In April 2011, the Washington State Legislature passed Engrossed Second Substitute Senate Bill 5073 through both houses amending Initiative 692 and sent it on to the Governor for signature into law. The bill, as passed, offered sweeping changes to the medical marijuana law in Washington and would have put in place a regulatory licensing scheme for the growth and distribution of medical marijuana through licensed dispensaries to “qualified patients” who had been designated as such by their “health care professionals.” The production and sale of medical cannabis and the dispensing standards would have been under regulation by the State Department of Health. Dispensers could sell seeds, plants, usable cannabis, and cannabis products directly to qualifying patients. The bill also provided for optional “collective gardens” where individuals who were qualified patients, or their individual providers, could grow for their own use medical marijuana collectively so long as the participants did not exceed 10 in number or more than 15 plants per person and up to 45 plants total.

Before the Governor could sign the bill, the U.S. Attorney’s in Seattle and Spokane sent the Governor an advisory letter, (which she had solicited) approved by U.S. Attorney General Holder, warning and advising the Governor that substantial portions of the bill approved by the Legislature was in direct conflict with Federal Drug Laws and that state employees could be at risk of federal prosecution for aiding and abetting illegal drug possession and sale if they processed licenses for production and sale of medical cannabis under the proposed new bill. The letter of April 14, 2011 to Governor Gregoire signed by U.S Attorney Jenny Durkin and U.S. Attorney Michael Ormsby stated, in part:

“The Washington legislative proposals will create a licensing scheme that permits large-scale marijuana cultivation and distribution. This would authorize conduct contrary to federal law and thus, would undermine the federal government’s efforts to regulate the possession, manufacturing and trafficking of controlled substance. Accordingly, the Department could consider civil and criminal legal remedies regarding those who set up

marijuana growing facilities and dispensaries as they will be doing so in violation of federal law. Others who knowingly facilitate the action of the licensees, including property owners, landlords, and financier should also know that their conduct violates federal law. In addition, state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA (controlled substances act).” (emphasis added).¹

Citing this letter, Governor Gregoire issued a partial veto of ESSSB 5073 on April 29, 2011. The Governor vetoed all the new sections dealing with the state licensing of production and licensed dispensing of medical marijuana.² The portions of the bill not vetoed and signed by Governor Gregoire amend the original medical marijuana Initiative 692 passed by the people. So, the question becomes: What is left of ESSSB 5073 after the line item veto of the Governor?

What Are the Significant Changes in the Law Under ESSSB 5073 as Signed?

1. New stronger protections to qualified medical marijuana users and providers from criminal arrest, prosecution and conviction.

Previously qualified users and providers were given an affirmative defense to assert at trial if they were charged with a marijuana crime. Now, sec. 401 of the new act provides:

“Sec. 401 The medical use of cannabis in accordance with the terms and conditions of this chapter **does not constitute a crime** and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter **may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law,** or have real or personal property seized or forfeited ...”

Section 102 of the new act states:

“(a) Qualifying patients with terminal or debilitating ((illnesses)) medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of ((marijuana)) cannabis, **shall not be ((found guilty of a crime under state law for their possession and limited use of marijuana)) arrested, prosecuted, or subject to other criminal sanctions or civil consequences** under state law based solely on their medical use of cannabis, notwithstanding any other provision of law;

(b) Persons who act as designated providers to such patients shall also not be ((found guilty of a crime under state law for)) arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law, notwithstanding any other provision of law, based solely on their assisting with the medical use of ((marijuana)) cannabis;...”

¹ Letter attached

² Partial veto letter attached

Author's Supplemental Note: Did the act, as partially vetoed, really make medical marijuana possession and use exempt from arrest and prosecution? It has been pointed out that section 401 may have been intended to only relate to those qualified users who obtained registry cards provided in Sec. 401(2) and Sec. 901. The Governor vetoed Sec. 901 which would have created the State Registry system. Does the Sec. 102's similar language stand alone and reach the same result? If not, then the language of Sec. 402(1) and (2) which provides an affirmative defense to criminal arrest and charges for qualified patients who do not have registry cards may be the operative law. Court decisions may have to clarify this issue.

2. Health Care Professionals are given greater protection but with greater restrictions regarding issuing "valid documentation" to qualifying patients authorizing medical use of cannabis.

- a. Health Care Professionals have been given the same protections as qualifying patients and providers as noted above. (Sec 301(1))
- b. The new act states:
"Sec. 301(2)(a) A health care professional may only provide a patient with valid documentation authorizing the medical use of cannabis or register the patient with the registry established in section 901 of this act if he or she has a newly initiated or existing documented relationship with the patient, as a primary care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:
 - (i) Completing a physical examination of the patient as appropriate, based on the patient's condition and age;
 - (ii) Documenting the terminal or debilitating medical condition of the patient in the patient's medical record and that the patient may benefit from treatment of this condition or its symptoms with medical use of cannabis;
 - (iii) Informing the patient of other options for treating the terminal or debilitating medical condition; and
 - (iv) Documenting other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of cannabis.
- (b) A health care professional shall not:
 - (i) Accept, solicit, or offer any form of pecuniary remuneration from or to a licensed dispenser, licensed producer, or licensed processor of cannabis products;
 - (ii) Offer a discount or any other thing of value to a qualifying patient who is a customer of, or agrees to be a customer of, a particular licensed dispenser, licensed producer, or licensed processor of cannabis products;
 - (iii) Examine or offer to examine a patient for purposes of diagnosing a terminal or debilitating medical condition at a location where cannabis is produced, processed, or dispensed;
 - (iv) **Have a business or practice which consists solely of authorizing the medical use of cannabis;**

(v) **Include any statement or reference, visual or otherwise, on the medical use of cannabis in any advertisement for his or her business or practice; or**

(vi) **Hold an economic interest in an enterprise that produces, processes, or dispenses cannabis if the health care professional authorizes the medical use of cannabis.**

(3) A violation of any provision of subsection (2) of this section constitutes unprofessional conduct under chapter 18.130 RCW.”

3. Use of medical cannabis at work or in jails requires no accommodation and may be prohibited. Drug free work places may be continued. Medical insurance is not required to cover medical cannabis. Medical cannabis may not be smoked in public but it is now an infraction, not a crime. Persons under supervised probation or parole may be prohibited from the use medical cannabis. The use of medical cannabis is not a defense to Driving Under the Influence.

“**Sec. 501.** RCW 69.51A.060 and 2010 c 284 s 4 are each amended to read as follows:

(1) It shall be a ((misdemeanor)) **class 3 civil infraction to use or display medical ((marijuana)) cannabis in a manner or place which is open to the view of the general public.**

(2) Nothing in this chapter ((requires any health insurance provider)) establishes a right of care as a covered benefit or requires any state purchased health care as defined in RCW 41.05.011 or other health carrier or health plan as defined in Title 48 RCW to be liable for any claim for reimbursement for the medical use of ((marijuana)) cannabis. Such entities may enact coverage or noncoverage criteria or related policies for payment or nonpayment of medical cannabis in their sole discretion.

(3) Nothing in this chapter requires any health care professional to authorize the medical use of ((medical marijuana)) cannabis for a patient.

(4) Nothing in this chapter requires any accommodation of any on- site medical use of ((marijuana)) cannabis in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking ((medical marijuana)) cannabis in any public place ((as that term is defined in RCW 70.160.020)) or hotel or motel.

(5) Nothing in this chapter authorizes the use of medical cannabis by any person who is subject to the Washington code of military justice in chapter 38.38 RCW.

(6) Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of cannabis if an employer has a drug-free work place.”

“**Sec. 1105.** (1)(a) The arrest and prosecution protections established in section 401 of this act may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(b) The affirmative defenses established in sections 402, 405, 406, and 407 of this act may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(2) The provisions of RCW 69.51A.040 and sections 403 and 413 of this act do not apply to a person who is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision.

(3) A person may not be licensed as a licensed producer, licensed processor of cannabis products, or a licensed dispenser under section 601, 602, or 701 of this act if he or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.”

“Sec. 501(8) (8) No person shall be entitled to claim the ((affirmative defense provided in RCW 69.51A.040)) protection from arrest and prosecution under RCW 69.51A.040 or the affirmative defense under section 402 of this act for engaging in the medical use of ((marijuana)) cannabis in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or 46.61.504, or equivalent local ordinances.”

4. **A “designated provider” who has been terminated by a “qualified patient” cannot become a designated provider for another qualified patient until 15 days have elapsed.**

“Sec. 404. (1) A qualifying patient may revoke his or her designation of a specific provider and designate a different provider at any time. A revocation of designation must be in writing, signed and dated. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time. **However, that person may not begin serving as a designated provider to a different qualifying patient until fifteen days have elapsed from the date the last qualifying patient designated him or her to serve as a provider.”**

5. **Qualifying patients may, under restrictions, create “collective gardens” to produce medical cannabis.**

“Sec. 403. (1) **Qualifying patients** may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

- (a) **No more than ten qualifying patients may participate in a single collective garden at any time;**
 - (b) A collective garden may **contain no more than fifteen plants per patient up to a total of forty-five plants;**
 - (c) A collective garden may contain **no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;**
 - (d) A copy of each qualifying patient's valid documentation or proof of registration with the registry established in section 901 of this act, including a **copy of the patient's proof of identity, must be available at all times on the premises of the collective garden;** and
 - (e) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.
- (2) For purposes of this section, the creation of a "collective garden" means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.
- (3) A person who knowingly violates a provision of subsection (1) of this section is not entitled to the protections of this chapter.”

(Author’s Note: Sec 501(1) makes the public display of medical cannabis a civil infraction and this would presumably apply to the display of medical cannabis in a collective garden hence some sort of screening from public view seems to be built into the act.)

6. **Cities and Counties may, but are not required to, zone, license, regulate and tax the production, processing and dispensing of cannabis. This would appear to be now limited to collective gardens since that is the only new activity allowed under the act and individual single production of medical cannabis by a qualified user or provider.**

“**Sec. 1102.** (1) Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes. Nothing in this act is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.

(2) Counties may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction in locations outside of the corporate limits of any city or town:

Zoning requirements, business licensing requirements, and health and safety requirements. Nothing in this act is intended to limit the authority of counties to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.”

(Author’s Note: The Governor vetoed all other sections of the act that would have created legal licensed dispensers of medical cannabis so presumably the language in this section addressing the zoning of licensed dispensers is null and void.)

7. Police and local jurisdictions are given limited immunity under the act for good faith actions.

“Sec. 1101. (1) No civil or criminal liability may be imposed by any court on the state or its officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.

(2) No civil or criminal liability may be imposed by any court on cities, towns, and counties or other municipalities and their officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.”

Challenges and Issues for Local Government Under the New Act

1. What to do with existing medical marijuana/cannabis dispensaries and business license applications for the same?

As previously noted, the Governor’s line item veto took out all provisions of the law that would have made dispensaries licensed and legal. Hence the law remains the same as before and there is no credible argument that medical cannabis dispensaries that sell cannabis are legal under state or federal law. (See prior WCIA Bulletin of 12/28 /2010-Medical Marijuana Dispensaries-Are They Legal?). **The sale of marijuana in the State of Washington remains illegal and subject to criminal prosecution. (RCW 69.50.401 & 410.)** Nothing in the new act makes the sale of medical marijuana/cannabis legal.

Existing dispensaries that are selling marijuana/cannabis are subject to police investigation, arrest and prosecution. Priority of enforcement is up to the local jurisdictions and decisions on resource allocation.

Pending or new applications for business licenses dispensaries of medical cannabis should be denied as illegal businesses if there is any evidence that the sale of cannabis is part of the operational scheme or business plan.

2. Should local governmental entities do zoning or zoning moratoriums regarding medical marijuana/cannabis dispensaries?

There does not appear to be any current urgency to do so as the legislation that would have allowed legal dispensaries starting in 2012 has been vetoed. However, the political backers of ESSSB 5073 have vowed they will come back with a new proposal in the next legislative session. Preemptive zoning in anticipation that someday dispensaries may become legal under state law is a consideration for local jurisdictions that may be concerned about a future applicant becoming vested to a site that is inconsistent with the overall zoning scheme of the jurisdiction.

3. Should local jurisdictions get involved in the zoning, regulation or licensing of “collective gardens”?

This is a difficult issue. The new act does not require any local action but does allow it under Sec. 1102. The possession of marijuana for any reason under federal law may be a crime and the federal law does not recognize exceptions for medical use of cannabis and marijuana except in authorized clinical situations. Hence, an argument can be made that if local jurisdictions specifically allow, license and regulate collective marijuana gardens they and the employees executing the laws could run a fowl of the U.S. Attorney warnings expressed in letter of April 14, 201 delivered to Governor Gregoire. They could be viewed as aiding and abetting a violation of the federal controlled substances act. Some may argue the threat is remote but no one can say it is impossible.

The other side of the argument is that unregulated and uncontrolled collective gardens could become a public safety threat and therefore regulation and licensing is a means of reducing the threat. Under the new law collective gardens may be planted and marijuana grown by qualified patients of up to ten in number. There are no provisions in the state law as to where in a local jurisdiction such gardens may be started nor is there any provisions for fencing, screening, security or safety. It is easy to envision that such collective gardens could become the locus of thefts of marijuana plants and finished product and potentially violent confrontations could occur. Collective gardens could be started next to schools and churches. Some citizens may not appreciate relatively large scale open marijuana cultivation next to their back yards, businesses, churches or schools. There could be political pressure on local elected officials to regulate and license cannabis production via “collective gardens.” They may demand regulation and licensing under the authority of Sec. 1102 – **“Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes.”**

(Author’s Note: Business taxes on collective gardens is likely not legal as “sales” of medical cannabis is not authorized by the partially vetoed act.)

Local police authorities may feel that zoning, licensing and regulation of collective gardens would assist them in tracking and distinguishing legal grow operations from illegal ones.

There does not appear to be any express authority or provision in the new act that would allow the outright banning of collective gardens by local jurisdictions. Sec. 401 of the act directly empowers qualified users to start and maintain collective gardens. This would appear to preempt local authorities from doing outright bans on collective gardens on private property. Likewise, local jurisdictions could not ban individual qualified patients or their providers from cultivation of medical marijuana/cannabis on private property or at their homes so long as they have the proper documentation and limit their possession to 15 plants or 24 ounces of useable cannabis.

If the decision is made to zone, license and regulate collective gardens by the local jurisdiction care will be need to make sure that an appropriate legislative history is developed to document the negative impacts of unregulated collective gardens and to narrowly fashion regulations tailored to address those negative impacts. Failure to do so could lead to challenges that the regulations or zoning violated substantive due process protections under the Constitution. Members are advised to work closely with their legal counsel on these issues.

If Members think that zoning regulation and licensing of collective gardens is in their best interest they may wish to quickly impose a moratorium prohibiting their establishment for a **brief** period of time **to develop the necessary legislative history and to adopt appropriate ordinances for zoning, licensing and regulating collective gardens.**

WCIA strongly advises against Members allowing use of public property or public “pea patches” for use as “collective gardens” where medical marijuana/cannabis is grown. It would expose the jurisdiction to unnecessary liability claims as a landlord under premises liability law if other legal users of the public lands were injured due to criminal activity/thefts potentially associated with the production of the cannabis products.

Conclusion

The truncated and partially vetoed version of ESSSB 5073 signed into law by Governor Gregoire becomes **effective on July 22, 2011**. Medical marijuana/cannabis dispensaries that sell cannabis products remain illegal. The fact that the Legislature went to great lengths to try and make them legal and then failed by virtue of the Governor’s veto; re-enforces the argument that they were never legal. Nevertheless, proponents of medical cannabis will continue to argue to the contrary and will continue to urge novel schemes and models for the distribution of medical cannabis to local jurisdictions in hopes of obtaining business licenses and therefore apparent legitimacy. It is suggested that any such new model be closely analyzed to determine where the profit may be

Exhibit 2

made in the business model. If it ultimately involves a sale of marijuana or cannabis products it is likely illegal under both state and federal law.

The political battle promises to be carried on in the future. Governor Gregoire's signing letter partially vetoing ESSSB 5073 states she remains open to legislation that would exempt qualifying patients and their providers from criminal penalties when they join a cooperative to distribute medical marijuana. The proponents of ESSSB 5073 promise to return in the next legislative session to have another go at it. It is not clear how any future effort will have success as long as the federal law remains intact and continues to criminalize possession and sale of marijuana regardless of its designation as for medical treatment. Future case law may also clarify or further obscure the picture. It appears the only certainty is more uncertainty as to what future law in this area may develop.



U.S. Department of Justice

United States Attorney

Eastern District of Washington

*Suite 340 Thomas S. Foley U. S. Courthouse (509) 353-2767
P. O. Box 1494 Fax (509) 353-2766
Spokane, Washington 99210-1494*

Honorable Christine Gregoire
Washington State Governor
P.O. Box 40002
Olympia, Washington 98504-0002

April 14, 2011

Re: Medical Marijuana Legislative Proposals

Dear Honorable Governor Gregoire:

We write in response to your letter dated April 13, 2011, seeking guidance from the Attorney General and our two offices concerning the practical effect of the legislation currently being considered by the Washington State Legislature concerning medical marijuana. We understand that the proposals being considered by the Legislature would establish a licensing scheme for marijuana growers and dispensaries, and for processors of marijuana-infused foods among other provisions. We have consulted with the Attorney General and the Deputy Attorney General about the proposed legislation. This letter is written to ensure there is no confusion regarding the Department of Justice's view of such a licensing scheme.

As the Department has stated on many occasions, Congress has determined that marijuana is a controlled substance. Congress placed marijuana in Schedule I of the Controlled Substances Act (CSA) and, as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities.

The prosecution of individuals and organizations involved in the trade of any illegal drugs and the disruption of drug trafficking organizations is a core priority of the Department. This core priority includes prosecution of business enterprises that unlawfully market and sell marijuana. Accordingly, while the Department does not focus its limited resources on seriously ill individuals who use marijuana as part of a medically recommended treatment regimen in compliance with state law as stated in the October 2009 Ogden Memorandum, we maintain the authority to enforce the CSA vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law. The Department's investigative and prosecutorial resources will continue to be directed toward these objectives.

Exhibit 3

Honorable Christine Gregoire

April 14, 2011

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Consistent with federal law, the Department maintains the authority to pursue criminal or civil actions for any CSA violations whenever the Department determines that such legal action is warranted. This includes, but is not limited to, actions to enforce the criminal provisions of the CSA such as:

- 21 U.S.C. § 841 (making it illegal to manufacture, distribute, or possess with intent to distribute any controlled substance including marijuana);
- 21 U.S.C. § 856 (making it unlawful to knowingly open, lease, rent, maintain, or use property for the manufacturing, storing, or distribution of controlled substances);
- 21 U.S.C. § 860 (making it unlawful to distribute or manufacture controlled substances within 1,000 feet of schools, colleges, playgrounds, and public housing facilities, and within 100 feet of any youth centers, public swimming pools, and video arcade facilities);
- 21 U.S.C. § 843 (making it unlawful to use any communication facility to commit felony violations of the CSA); and
- 21 U.S.C. § 846 (making it illegal to conspire to commit any of the crimes set forth in the CSA).

In addition, Federal money laundering and related statutes which prohibit a variety of different types of financial activity involving the movement of drug proceeds may likewise be utilized. The Government may also pursue civil injunctions, and the forfeiture of drug proceeds, property traceable to such proceeds, and property used to facilitate drug violations.

The Washington legislative proposals will create a licensing scheme that permits large-scale marijuana cultivation and distribution. This would authorize conduct contrary to federal law and thus, would undermine the federal government's efforts to regulate the possession, manufacturing, and trafficking of controlled substances. Accordingly, the Department could consider civil and criminal legal remedies regarding those who set up marijuana growing facilities and dispensaries as they will be doing so in violation of federal law. Others who knowingly facilitate the actions of the licensees, including property owners, landlords, and financiers should also know that their conduct violates federal law. In addition, state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA. Potential actions the Department could consider include injunctive actions to prevent cultivation and distribution of marijuana and other associated violations of the CSA; civil fines; criminal prosecution; and the forfeiture of any

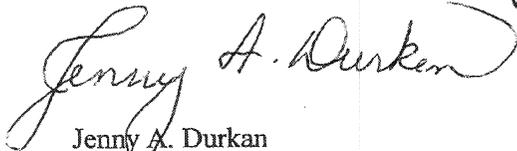
Exhibit 3

Honorable Christine Gregoire
April 14, 2011
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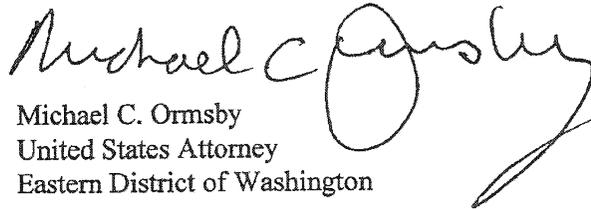
property used to facilitate a violation of the CSA. As the Attorney General has repeatedly stated, the Department of Justice remains firmly committed to enforcing the CSA in all states.

We hope this letter assists the State of Washington and potential licensees in making informed decisions regarding the cultivation, manufacture, and distribution of marijuana.

Very truly yours,



Jenny A. Durkan
United States Attorney
Western District of Washington



Michael C. Ormsby
United States Attorney
Eastern District of Washington

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 · Olympia, Washington 98504- 0002 · (360) 902- 4111 · www.governor.wa.gov

April 29, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill 5073 entitled:

“AN ACT Relating to medical use of cannabis.”

In 1998, Washington voters made the compassionate choice to remove the fear of state criminal prosecution for patients who use medical marijuana for debilitating or terminal conditions. The voters also provided patients’ physicians and caregivers with defenses to state law prosecutions.

I fully support the purpose of Initiative 692, and in 2007, I signed legislation that expanded the ability of a patient to receive assistance from a designated provider in the medical use of marijuana, and added conditions and diseases for which medical marijuana could be used.

Today, I have signed sections of Engrossed Second Substitute Senate Bill 5073 that retain the provisions of Initiative 692 and provide additional state law protections. Qualifying patients or their designated providers may grow cannabis for the patient’s use or participate in a collective garden without fear of state law criminal prosecutions. Qualifying patients or their designated providers are also protected from certain state civil law consequences.

Our state legislature may remove state criminal and civil penalties for activities that assist persons suffering from debilitating or terminal conditions. While such activities may violate the federal Controlled Substances Act, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. However, absent congressional action, state laws will not protect an individual from legal action by the federal government.

Qualifying patients and designated providers can evaluate the risk of federal prosecution and make choices for themselves on whether to use or assist another in using medical marijuana. The United States Department of Justice has made the wise decision not to use federal resources to prosecute seriously ill patients who use medical marijuana.

Exhibit 4

However, the sections in Part VI, Part VII, and Part VIII of Engrossed Second Substitute Senate Bill 5073 would direct employees of the state departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis. These sections would open public employees to federal prosecution, and the United States Attorneys have made it clear that state law would not provide these individuals safe harbor from federal prosecution. No state employee should be required to violate federal criminal law in order to fulfill duties under state law. For these reasons, I have vetoed Sections 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806 and 807 of Engrossed Second Substitute Senate Bill 5073.

In addition, there are a number of sections of Engrossed Second Substitute Senate Bill 5073 that are associated with or dependent upon these licensing sections. Section 201 sets forth definitions of terms. Section 412 adds protections for licensed producers, processors and dispensers. Section 901 requires the Department of Health to develop a secure registration system for licensed producers, processors and dispensers. Section 1104 would require a review of the necessity of the cannabis production and dispensing system if the federal government were to authorize the use of cannabis for medical purposes. Section 1201 applies to dispensaries in current operation in the interim before licensure, and Section 1202 exempts documents filed under Section 1201 from disclosure. Section 1203 requires the department of health to report certain information related to implementation of the vetoed sections. Because I have vetoed the licensing provisions, I have also vetoed Sections 201, 412, 901, 1104, 1201, 1202 and 1203 of Engrossed Second Substitute Senate Bill 5073.

Section 410 would require owners of housing to allow the use of medical cannabis on their property, putting them in potential conflict with federal law. For this reason, I have vetoed Section 410 of Engrossed Second Substitute Senate Bill 5073.

Section 407 would permit a nonresident to engage in the medical use of cannabis using documentation or authorization issued under other state or territorial laws. This section would not require these other state or territorial laws to meet the same standards for health care professional authorization as required by Washington law. For this reason, I have vetoed Section 407 of Engrossed Second Substitute Senate Bill 5073.

Section 411 would provide that a court may permit the medical use of cannabis by an offender, and exclude it as a ground for finding that the offender has violated the conditions or requirements of the sentence, deferred prosecution, stipulated order of continuance, deferred disposition or dispositional order. The correction agency or department responsible for the person's supervision is in the best position to evaluate an individual's circumstances and medical use of cannabis. For this reason, I have vetoed Section 411 of Engrossed Second Substitute Senate Bill 5073.

I am approving Section 1002, which authorizes studies and medical guidelines on the appropriate administration and use of cannabis. Section 1206 would make Section 1002 effective January 1, 2013. I have vetoed Section 1206 to provide the discretion to begin efforts at an earlier date.

Exhibit 4

Section 1102 sets forth local governments' authority pertaining to the production, processing or dispensing of cannabis or cannabis products within their jurisdictions. The provisions in Section 1102 that local governments' zoning requirements cannot "preclude the possibility of siting licensed dispensers within the jurisdiction" are without meaning in light of the vetoes of sections providing for such licensed dispensers. It is with this understanding that I approve Section 1102.

I have been open, and remain open, to legislation to exempt qualifying patients and their designated providers from state criminal penalties when they join in nonprofit cooperative organizations to share responsibility for producing, processing and dispensing cannabis for medical use. Such exemption from state criminal penalties should be conditioned on compliance with local government location and health and safety specifications.

I am also open to legislation that establishes a secure and confidential registration system to provide arrest and seizure protections under state law to qualifying patients and those who assist them. Unfortunately, the provisions of Section 901 that would provide a registry for qualifying patients and designated providers beginning in January 2013 are intertwined with requirements for registration of licensed commercial producers, processors and dispensers of cannabis. Consequently, I have vetoed section 901 as noted above. Section 101 sets forth the purpose of the registry, and Section 902 is contingent on the registry. Without a registry, these sections are not meaningful. For this reason, I have vetoed Sections 101 and 902 of Engrossed Second Substitute Senate Bill 5073. I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. Because these sections govern those who have not registered, this section is meaningful even though section 901 has been vetoed.

With the exception of Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill 5073 is approved.

Sincerely,

/s/

Christine O. Gregoire
Governor



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 13, 2011

Originating Department: Parks and Recreation

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input checked="" 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 type="checkbox"/> Public Works

Subject: Bid Award Authorization for Sammamish Landing Park, Phase IB – Picnic Shelters

Action Required: Authorize the City Manager to award and execute a contract for the construction of two picnic shelters and additional improvements as part of the Sammamish Landing Phase IB project.

Exhibits: N/A

Budget: \$650,000 is allocated in the 2011-2012 Budget for Sammamish Landing Phase I Project.

Summary Statement:

The Sammamish Landing Phase IB Project includes the construction of two picnic shelters with supporting concrete retaining walls and steps, a restroom enclosure, gravel walkways, site furnishings and site restoration.

Bids for the phase IB project will be solicited via the small works roster before the end of July. Bids are due and will be opened on August 10, 2011. As the bid opening is scheduled to take place during the August recess, staff is requesting authorization from the City Council to award the contract in early August. This requested authorization will allow the City Manager to award the bid to the lowest responsible bidder in an amount not-to-exceed \$200,000. The engineer's estimate for this project is \$175,000 to \$200,000.

It is anticipated this construction work will take approximately 10 to 12 weeks to complete, concluding sometime in November. As with all construction projects, it is our desire to take advantage of as much of the dry summer season as possible. We will gain approximately 3 to 4 additional weeks of the summer construction season by awarding this contract in August.

It should also be mentioned that we are coordinating our project work with King County. The portion of the East Lake Sammamish Trail that runs adjacent to the Sammamish Landing site is currently closed for trail construction. The trail will remain closed thru the end of November. It is our goal to complete our portion of the construction project prior to the reopening of the trail. Again, the extra 3 to 4 weeks of construction time will help us meet our project deadlines.



City Council Agenda Bill

Background:

This project was one of many capital projects brought in-house for design in 2011 as a cost savings measure. The Parks Planning Team, all licensed Landscape Architects, has completed the landscape architectural portion of the design and will be responsible for construction administration.

The Phase I project is divided into 3 parts:

Phase IA consists of landscape improvements on the landward portion of the site, to be constructed in-house by the City's maintenance crew. The improvements include invasive removal, clearing and hydro-seeding, construction of accessible gravel trails to existing pocket beaches, soft surface trail improvements and site furnishings. Phase IA improvements are scheduled to commence as soon as all permits related to the project are obtained (anticipated in late July) and will be completed ahead of the Phase IB project.

Phase IB includes the construction of two picnic shelters and associated improvements by a contractor. The scope of the bid includes clearing and grubbing, establishing erosion control measures, earthwork, construction of two picnic shelters, concrete retaining walls for the shelters, steps to the existing pocket beach, construction of a restroom enclosure, drainage, gravel walkways, site furnishings and site restoration.

The proposed shelters straddle King County parcels and require a Special Use Permit from King County. The King County East Lake Sammamish Trail will serve as access for the Phase IB construction project. The trail is currently closed through the limits of the project until mid-November, due to paving of the Redmond trail segment, north of 187th Avenue NE. This closure covers the anticipated timeline for construction of Sammamish Landing Phase IA and IB and will eliminate the need for traffic control during construction.

Phase IC includes replacement of the two docks at Sammamish Landing. Construction of the docks will lag behind general park construction due to permitting requirements from multiple agencies (Department of Fish and Wildlife, Department of Ecology, Army Corp of Engineers and City of Sammamish); permitting timelines for the docks (9 to 12 months); and, a limitation on over water construction (permitted July 15 to December 31 only). It is anticipated that dock construction will take place and be completed in the summer of 2012.

Anticipated timeline for the Sammamish Landing Phase I Project:

- Phase IA and IB, design and construction documents: Spring 2011 **(complete)**
- Phase IA and IB, permitting: Spring/Summer 2011 **(in progress)**
- Phase IA and IB, bid and construction: Summer/Fall 2011
- Phase IC, dock design and construction documents: Spring/Summer 2011 (in progress)
- Phase IC, dock permitting: Summer/Fall/Winter 2011-2012
- Phase IC, dock bid and construction: Spring/Summer 2012



City Council Agenda Bill

Additional Background on the Project:

Sammamish Landing is a 6.35 acre site located along the eastern shoreline of Lake Sammamish at the northwest corner of the City. It is the only stretch of land along the shoreline of Lake Sammamish that is in public ownership within the City limits. King County property and the East Lake Sammamish multi-use trail bisect the project site. The master plan was reviewed and coordinated with the County in an effort to incorporate the trail into the design and deliver a seamless experience to the park/trail user.

In 2001, the City received a gift of 1,470 feet of Lake Sammamish waterfront property valued at \$4.8 million. In March 2009 the City of Redmond transferred five neighboring parcels to the City of Sammamish. A few privately owned parcels interrupt the land in public ownership. The City purchased two of these private parcels in March 2011. The project site is therefore not contiguous but extends approximately 2,750 feet along the shoreline.

The City's Model Master Plan Process was conducted from July 2008 to May 2010 to arrive at a revised preferred master plan for Sammamish Landing. Community input was obtained through a web-based community survey and three public meetings. Check-in meetings were also held with the Parks Commission and the City Council at each stage of the process. A SEPA review of the master plan was completed and a determination of non-significance was issued in June 2010. The master plan for Sammamish Landing was adopted by Council at a Regular Meeting held on July 20, 2010.

Financial Impact:

The estimate for all improvements associated with the award of the Phase IB construction contract is \$175,000 to \$200,000.

A total of \$ 650,000 is allocated in the 2011-2012 Parks Capital Improvements Project Budget for the Sammamish Landing Phase I Design and Construction Project. The project budget covers costs associated with surveys and studies, preparation of construction drawings, permitting, construction administration, and project construction.

Recommended Motion:

Authorize the City Manager to award and execute a construction contract with the lowest responsive and responsible bidder for construction of the Sammamish Landing Modified Phase IB project in an amount not to exceed \$200,000, which includes the authorization to administer a construction contingency not to exceed 10% of the construction costs.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 13, 2011

Originating Department: Admin Services

Clearances:

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

Subject: Bid Award: Authorization for Construction of the West Parking Lot and Construction of the “Shell” and Tenant Improvements to City Hall Room 202.

Action Required: Authorize the City Manager to award a contract for Construction of the West Parking Lot and Construction of the “Shell” and Tenant Improvements to City Hall Room 202.

Exhibits:

1. West Parking Lot
2. UPDATED City Hall Room 202 Space Configuration
3. Bid Tabulations for the West Parking Lot will be provided at the July 18, 2011 City Council Meeting.

Budget: Budget for the West Parking Lot – \$330,000 (City Expense)
 Budget for the “Shell” of Room 202 – \$460,000 (City Expense)
 Budget for the Tenant Improvements – \$386,876 (King County Expense)

Summary Statement:

City Staff recommends that the City Council authorize the City Manager to award and execute a contract with the lowest responsive & responsible bidder for construction of the West Parking Lot.

City Staff also recommends that the City Council authorize the City Manager to award and execute a contract with the lowest responsive & responsible bidder for construction of the “shell” and tenant improvements to room 202. Bids are scheduled to be opened in August 2011.

Prior to recommending the award to the City Manager, Staff will conduct due diligence for selecting the lowest responsive & responsible bidder.

Background:

The City Council and the King County Council have approved an agreement for the King County Sheriff’s Office to lease 5,200 square feet of office space at Sammamish City Hall for their East Precinct Command Center.



City Council Agenda Bill

Project Components

The Project includes:

West Parking Lot – The City will construct a 36 space secured parking lot for the exclusive use of the East Precinct Command Center. Bids for construction of the Parking Lot were opened on July 12, 2011. Only 1 bid was received. Staff is reviewing the bid and performing our due diligence prior to recommending an award of the contract.

Construction of Room 202’s “Shell” – The City will be responsible for the cost of constructing the Room’s “Shell” (outside walls, HVAC duct work, drop-in ceiling, electrical and IT wiring, etc.). It is important to note that this investment is required to convert Room 202 into usable office space

Construction of Room 202’s “Tenant Improvements” – King County will be responsible for the cost of constructing the “Tenant Improvements” (interior walls, interior electrical and IT, etc.). King County will reimburse the City for the cost of “Tenant Improvements” within 60 days of completion.

Lease Agreement

The proposed Lease Agreement includes:

Office Space – King County will lease 5,200 square feet of the approximately 7,600 square feet of office space in City Hall Room 202, see attached conceptual drawing.

Rent – \$20 per square foot per year (\$104,000 per year). Adjusted annually based on the Seattle, Tacoma, and Bremerton CPI-U.

Term of Lease – The proposed lease is for a term of 30 years broken into three 10-year increments. Either party may terminate the lease at the end of a 10-year increment with 12-months’ notice.

Utilities - Utilities (water, sewer, gas, electricity) – The East Precinct Command Center will pay for a percentage of total City Hall utility bills based on their percentage of the building.

Mechanical and Building Operations – The City will be responsible for maintaining the building’s operations, HVAC, elevator, etc.

Janitorial Services – The East Precinct Command Center will pay for a percentage of total City Hall janitorial services based on their percentage of the building.

Construction of the “Shell” and “Tenant Improvements” in Room 202 – The City will be responsible for the cost of constructing the Room’s “Shell” (outside walls, HVAC duct work,



City Council Agenda Bill

drop-in ceiling, electrical and IT wiring, etc.). King County will be responsible for the cost of constructing the “Tenant Improvements” (interior walls, interior electrical and IT, etc.).

In cooperation with the King County Sheriff’s Office, the City’s in-house design team will be responsible for design, space planning, bidding, and construction management.

Use of City Hall Facilities – The East Precinct Command Center will have use of the sally port, booking area, and holding cells in our Police Station and City Hall Conference Rooms.

West Parking Lot – The City will construct a 36 space secured parking lot for the exclusive use of the East Precinct Command Center, see attached drawing of the Sammamish Commons Parking Lot Expansion.

Financial Impact:

Income

Rental Income – \$20 per square foot per year (\$104,000 per year). Adjusted annually based on the Seattle, Tacoma, and Bremerton CPI-U.

Expenditures

West Parking Lot – The City will construct a 36 space secured parking lot for the exclusive use of the East Precinct Command Center. Construction of the Parking Lot \$290,000, Welded Steel Fence System \$40,000, **Total Estimated Cost \$330,000.**

Construction of Room 202’s “Shell” – The City will be responsible for the cost of constructing the Room’s “Shell” (outside walls, HVAC duct work, drop-in ceiling, electrical and IT wiring, etc.). **Total Estimated Cost \$460,000.**

Construction of Room 202’s “Tenant Improvements” – King County will be responsible for the cost of constructing the “Tenant Improvements” (interior walls, interior electrical and IT, etc.). King County will reimburse the City for the cost of “Tenant Improvements” within 60 days of completion. **Total Estimated Cost \$386,876**

Recommended Motion:

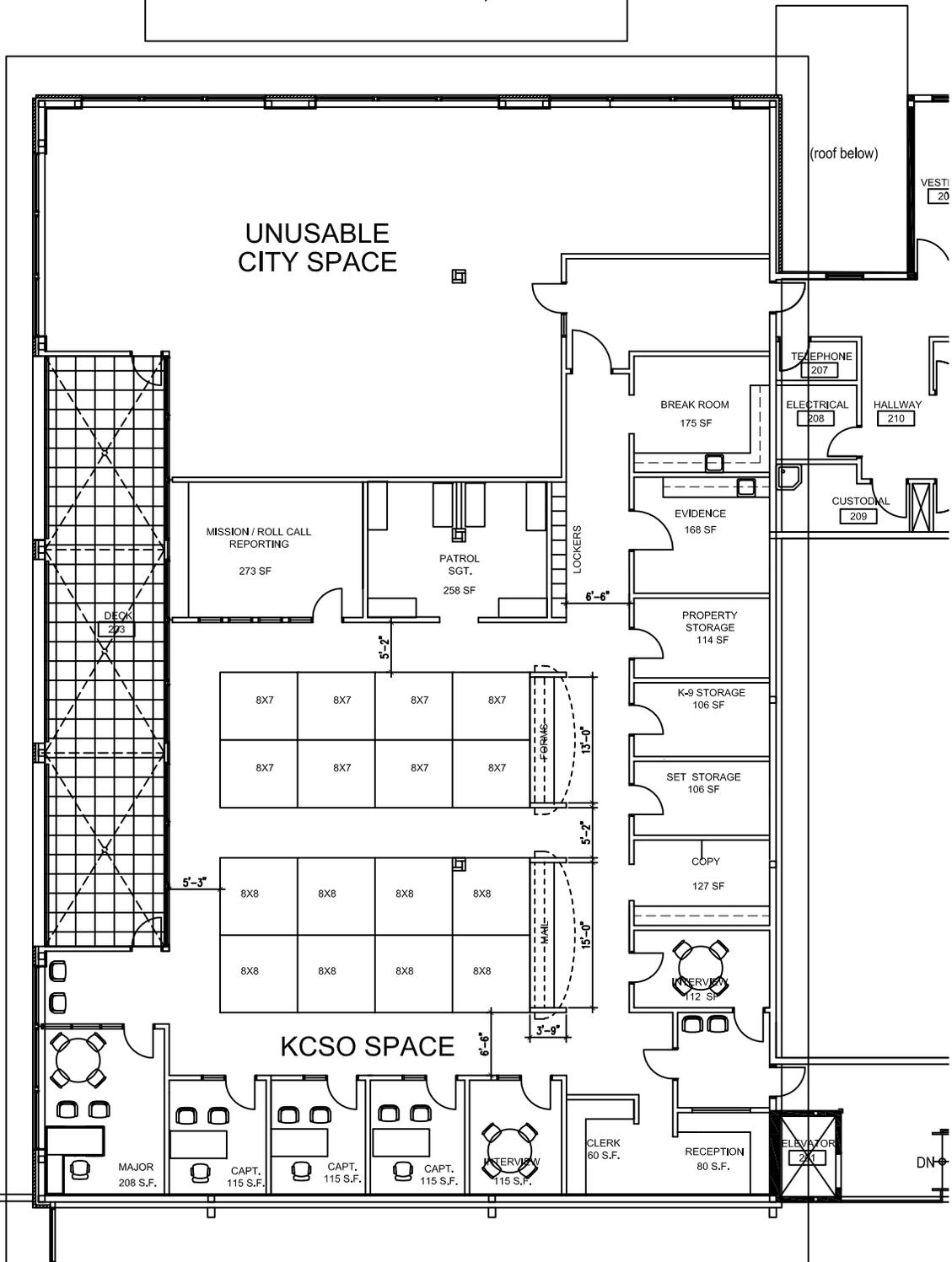
Move to authorize the City Manager to award a contract for Construction of the West Parking Lot and Construction of the “Shell” and Tenant Improvements to City Hall Room 202.

PROPOSED K.C.S.O. PARKING LOT

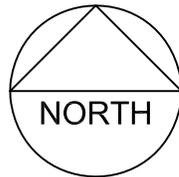


Exhibit 2

TOTAL SF ROOM 202 : 7,600 SF
TOTAL CITY SF: 2,400 SF
TOTAL KCSO SF: 5,200 SF



ROOM 202 SPACE CONFIGURATION
OPTION 5c 2.16.2011





City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 2011

Originating Department: Public Works

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Rec
<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: Bid Award Authorization for 2011 Pavement Patching Project

Action Required: Authorize the City Manager to award and execute a contract for pavement patching as part of the city's annual pavement management program efforts.

Exhibits: N/A

Budget: Pavement Management Program (101-000-542-30-48-51)
2011 Approved Budget: \$3,000,000. The amount of the budget allocated to patching is \$121,000.

Summary Statement:

The Public Works Department recommends that the City Council authorize the City Manager to award and execute a contract with the lowest responsive & responsible bidder for construction of the 2011 City-wide Pavement Patching project as a part of the city's overall annual Pavement Management Program efforts. Bids for this project work will be solicited, received and opened during the Council's August recess. Prior to recommending award to the City Manager, staff will conduct due diligence for selecting the lowest responsive & responsible bidder for this project work.

Background:

Staff is still in the process of selecting locations for patching work for this year's patching project. Locations appropriate for this work include localized pavement failures on streets in fair condition or better.

Financial Impact:

This work will be performed within the approved pavement management program budget:

2011 Pavement Management Program Budget Allocation:

Program Budget (101-000-542-30-48-51)	\$ 3,000,000.00
Lakeside Industries Bid Amount (Awarded 6/7/11)	\$ (1,614,424.80)
15% Allowance for additional streets	\$ (242,163.72)
10% Construction Contingency	\$ (161,442.48)
Material & Compaction Testing	\$ (40,000.00)

Remaining Available Budget	\$ 941,969.00
July 18, 2011 Request for Council Authorization:	
2011 Pavement Patching Contract	\$ (121,000.00)
2011 Crack Seal Contract	\$ (82,500.00)
Remaining Available Budget	\$ 738,469.00

Other allocated but unapproved expenditures

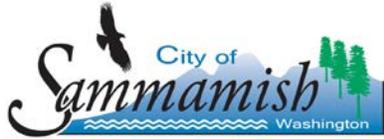
Pavement Analysis (Major Streets)	\$ (20,000.00)
NE 244th Overlay (8th to 22nd)	\$ (300,000.00)
Other (Survey, Wetland, ROW, etc.)	\$ (18,000.00)
Remaining Available Budget	\$ 941,969.00
Unallocated Budget to be carried forward to 2012⁽¹⁾	\$ (400,469.00)

⁽¹⁾ There was a discussion at the June 7th council meeting of whether or not to bid an additional overlay contract due to the lower than anticipated bid proposals for the 2011 Overlay Contract. The general consensus at the council meeting was to carry forward these funds for a larger overlay contract next year.

Recommended Motion:

Since the bids for this project will be received and opened during the City Council's August recess, in order to get this project work underway so that it can be completed during good construction weather, staff recommends that Council move to authorize the City Manager to:

1. Award and execute the 2011 Pavement Patching Contract with the lowest responsive, responsible bidder for construction, up to an amount of \$110,000; and
2. Administer an additional 10% construction contingency to cover unexpected project costs for a total project authorization not to exceed \$121,000.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 2011

Originating Department: Public Works

Clearances:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Rec |
| <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: Bid Award Authorization for 2011 Crack Seal Project

Action Required: Authorize the City Manager to award and execute a contract for crack sealing as part of the city’s annual pavement management program efforts.

Exhibits: N/A

Budget: Pavement Management Program (101-000-542-30-48-51)
2011 Approved Budget: \$3,000,000. The amount of the budget allocated to crack sealing is \$82,500.

Summary Statement:

The Public Works Department recommends that the City Council authorize the City Manager to award and execute a contract with the lowest responsive & responsible bidder for construction of the 2011 City-wide Crack Sealing project as a part of the city’s overall annual Pavement Management Program efforts. Bids for this project work will be solicited, received and opened during the Council’s August recess. Prior to recommending award to the City Manager, staff will conduct due diligence for selecting the lowest responsive & responsible bidder for this project work.

Background:

Streets to be crack sealed will be selected based on engineering judgment and pavement condition data collected through the City’s on-going pavement management program. Typical streets appropriate for crack sealing range in age between five and twenty years and have pavement distresses that are mainly linear cracking.

Financial Impact:

This work will be performed within the approved pavement management program budget:

2011 Pavement Management Program Budget Allocation:

Program Budget (101-000-542-30-48-51)	\$ 3,000,000.00
Lakeside Industries Bid Amount (Awarded 6/7/11)	\$ (1,614,424.80)
15% Allowance for additional streets	\$ (242,163.72)
10% Construction Contingency	\$ (161,442.48)

Material & Compaction Testing	\$ (40,000.00)
Remaining Available Budget	\$ 941,969.00

July 18, 2011 Request for Council Authorization:

2011 Pavement Patching Contract	\$ (121,000.00)
2011 Crack Seal Contract	\$ (82,500.00)
Remaining Available Budget	\$ 738,469.00

Other allocated but unapproved expenditures

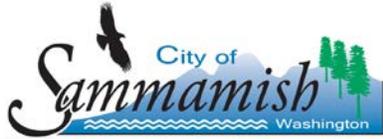
Pavement Analysis (Major Streets)	\$ (20,000.00)
NE 244th Overlay (8th to 22nd)	\$ (300,000.00)
Other (Survey, Wetland, ROW, etc.)	\$ (18,000.00)
Remaining Available Budget	\$ 941,969.00
Unallocated Budget to be carried forward to 2012⁽¹⁾	\$ (400,469.00)

⁽¹⁾ There was a discussion at the June 7th council meeting of whether or not to bid an additional overlay contract due to the lower than anticipated bid proposals for the 2011 Overlay Contract. The general consensus at the council meeting was to carry forward these funds for a larger overlay contract next year.

Recommended Motion:

Since the bids for this project will be received and opened during the City Council's August recess, in order to get this project work underway so that it can be completed during good construction weather, staff recommends that Council move to authorize the City Manager to:

1. Award and execute the 2011 Crack Seal Contract with the lowest responsive, responsible bidder for construction, up to an amount of \$75,000; and
2. Administer an additional 10% construction contingency to cover unexpected project costs for a total project authorization not to exceed \$82,500.



City Council Agenda Bill

Meeting Date: July 18, 2011

Date Submitted: July 12, 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: 244th Non-Motorized Improvements, Phase 1 - NE 8th Street to NE 11th Street

Action Required: Authorize the City Manager to award and execute a contract with the lowest responsible bidder for construction of phase 1 of the 244th Non-Motorized Improvements, Phase 1 - NE 8th Street to NE 11th Street and administer a construction contingency.

Exhibits: (none)

Budget: \$1,700,000 in the adopted 2011-2012 Transportation Capital Improvement Fund

Summary Statement:

The Public Works Department recommends that the City Council authorize the City Manager to award and execute a contract with the lowest responsible bidder for construction of the 244th Non-Motorized Improvements, Phase 1 – NE 8th Street to NE 11th Street.

The project provides road widening for the creation of a bike lanes and sidewalk on the west side of the roadway. In addition, the project provides curb, gutter and storm drain improvements, street lighting and conduit for future fiber optic capability.

Bids are scheduled to be opened on August 4, 2011. Prior to recommending award to the City Manager, Staff will conduct due diligence for the lowest responsible bidder including performing reference checks and reviewing the bid documents for errors.

Background:

The City Council has identified the 244th Avenue NE corridor as the next priority to receive non-motorized improvements. The full scope of work includes sidewalks on the west side of the roadway and bike lanes on both sides extending from NE 8th Street to NE 20th Street. Staff has been working with a design consultant, Reid Middleton, to complete the full design this spring with the desire to construct the entire project this summer. There have been some delays in the design work due to property negotiations and utility coordination. Based on this staff is proposing to split the project into two phases. This will allow the most beneficial section of the project to be completed as soon as possible. The first phase of the project will provide new non-motorized connections for the new Rachel Carson



City Council Agenda Bill

Elementary School and eliminate the need for bussing students living to the south off of 244th Ave NE, by making a safe walking route connection for students to use. The second phase, scheduled to begin construction in spring 2012, will extend these improvements northward to NE 20th Street to connect to the City's new Maintenance and Operations Center and the newly annexed Camden Park neighborhood.

Specific Phase 1 improvements include half-street widening along the west side of the roadways between the school's frontage improvements and the roundabout to the south. Concrete sidewalk, bike lane, illumination and landscaping are included. In addition, the City was awarded a grant in the amount of \$156,000 by the Transportation Improvement Board to complete this gap in the City's non-motorized network.

Financial Impact:

The Engineer's Estimate for Phase 1 is \$258,561. Recent bid openings are indicating a decrease in the number of available bidders along with an upward trend in bid prices. Consequently, Staff has added a 10% bid contingency in an effort to anticipate potentially higher bids. Adequate reference checks and due diligence will be performed before awarding the construction contract to ensure City funds are being used wisely. In addition, a 10% construction contingency is included in the project expenditure detail.

Project Expenditures

\$ 1,700,000	Transportation Capital Fund, Non-motorized
\$ 156,000	TIB Grant
\$ 1,856,000	Total Available Budget
<hr/>	
\$ 258,561	Construction Contract (Phase 1)
25,856	Bid Contingency (10%)
\$ 28,442	Construction Contingency (10%)
\$ 298,000	Design Contract (Phase 1 & 2)
\$ 30,000	Right of Way and Miscellaneous
<hr/>	
\$ 1,215,141	Remaining Budget for Phase 2 Construction

Recommended Motion:

Move to authorize the City Manager to award and execute a contract with the lowest responsible bidder for construction of the 244th Non-Motorized Improvements, Phase 1 – NE 8th Street to NE 11th Street for an amount not to exceed \$284,417 and administer a construction contingency for an amount not to exceed \$28,442.