

AGENDA

City Council Study Session

6:30 pm – 7:30 pm
September 15, 2008

Call to Order

Roll Call/Pledge of Allegiance

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.*

Approval of Agenda

Topics

- **A Regional Coalition for Housing (ARCH) (30 minutes)**
- **Low Impact Development (30 minutes)**
See additional Information in the September 16, 2008 packet material under Tab 9

Council Reports – If necessary

City Manager Report – If necessary

Adjournment

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



MEMORANDUM

To: Ben Yazici, City Manager

From: Arthur Sullivan, ARCH Program Manager

Date: September 11, 2008

Subject: ARCH Priority Housing Strategies

RECOMMENDATION

Staff recommends that the City Council hear a brief presentation from ARCH staff regarding the Strategic Planning Workshops that were held in Spring 2007 and resulted in the development of Priority Housing Strategies. Following the presentation, staff recommends that the Council hold a brief discussion of the strategies and consider adopting a motion to endorse the strategies.

BACKGROUND DISCUSSION

The attached Priority Housing Strategies Summary document includes:

- A recap of the purpose and process of ARCH Workshops held in 2007 (pages 1-2);
- Summary of the Priority Strategies (pages 5-8); and
- Summary of East King County housing conditions and needs (pages 9-11). Note: This last section is material that was presented at the workshops. We have included this as background information.

The most relevant pages to review are the proposed priority strategies on pages 5-8.

ARCH staff will be attending meetings of all member City Councils this fall to encourage endorsement of the priority strategies. The rationale of having each jurisdiction endorse the strategies is outlined in the Housing Strategies Description report, as follows:

The intent behind endorsing the proposed priority strategies is to increase the effectiveness of member's individual and collective efforts to address local housing needs. To maximize the effectiveness of the priority strategies, endorsing these priority strategies would have several implications for individual members and for ARCH:

1. Members will consider including these strategies in their work programs, and as appropriate, in their legislative priorities. **Endorsing**

these strategies is not a commitment to a particular approach or action on the specific strategies;

2. Members are expressing an interest in working together to explore potential common approaches to these strategies among ARCH members. For example, this could include maximizing consistency of administrative procedures;
3. Endorsing these priority strategies does not suggest that the priorities are the only housing issues that the cities and ARCH will be working on; and
4. That these priorities will help shape the work program of ARCH. Member cities will have a chance to review ARCH's work program and discuss the balance between work on priority strategies and other projects.

SAMMAMISH COMPREHENSIVE PLAN AND TOWN CENTER PLAN IMPLEMENTATION

While these Priority Strategies were developed by the collective membership of ARCH, the proposed Priority Strategies are consistent with and would help implement a number of Goals and Policies in the Sammamish Comprehensive Plan. These include:

- GOAL HG-10 Work with other jurisdictions or entities to develop a coordinated, regional approach to meeting housing needs;
- GOAL HG-6 Support opportunities to preserve and develop housing in the City and region to meet the needs of all economic segments of the community; and
- GOAL HG-9 Support the availability of housing that provides a continuum of care for persons with special needs.
- HP-29 The City should work cooperatively with King County, inter-jurisdictional agencies, and private groups to develop a regional strategy to promote affordable housing for low and moderate income households and housing for persons with special needs.

In addition, the proposed ARCH priority strategies would be directly consistent and help implement several implement Sammamish Comprehensive Plan and Sammamish Town Center Plan goals including:

- HP-22 The City should consider strategies for providing financial and/or technical assistance to establish affordable housing for low and moderate income households
- HP-31 The City should work to increase the availability of both public and private dollars on a regional level for affordable and special needs housing.
- HP-38 The City shall update and maintain the City's inventory of surplus or underutilized publicly owned land. If land is determined to be surplus or underutilized for public purposes, and is suitable for housing, it should first be

considered for achieving the City's objectives of encouraging a range of types of housing, with special priority given to encouraging housing for low and/or moderate income and/or special needs households.

- HP-16 The City should support public-private partnerships to develop and maintain an adequate Supply of single family and multifamily housing for all economic segments of the population.
- HP-6 The City should allow for a variety of housing types and lot sizes consistent with land use designation through small and large lot single family residences, attached single family residences and cottages, town homes, duplexes, multiplexes, multifamily, and manufactured housing.
- H-5.1 (Town Center Plan) Adopt development regulations that require all new housing developments in the Town Center to include or otherwise provide a minimum of 10 percent of housing affordable to low- and moderate-income households (as defined in the Housing element).
- H-5.2 (Town Center Plan) Provide density, economic, or other regulatory incentives that encourage development to include more than the minimum amount of required affordable housing in the Town Center (up to 20% of housing affordable to low- and moderate-income households).

ARCH Strategic Planning Workshops

March – May 2007

PRIORITY HOUSING STRATEGIES SUMMARY



Contents

Purpose of ARCH Workshops	Pg 1
Criteria for Housing Priority Strategies	Pg 3
Summary of Proposed Priority Strategies	Pg 5
East King County Housing Conditions and Needs Summary	Pg 9

Purpose of ARCH Housing Workshops

Over the past decade there have been many successful efforts by ARCH members to increase affordable housing opportunities in East King County. However, there are still additional needs and members of ARCH told us they have goals to accomplish more. During an evaluation of the ARCH Trust Fund, the ARCH Executive Board recognized that the Housing Trust Fund, while a cornerstone of local efforts, was on its own insufficient to meet our local goals, especially in the face of changing market conditions. They concluded that a Trust Fund linked to a more coordinated and comprehensive set of strategies may yield more effective results. As a first step to exploring this idea, last year the ARCH Executive Board participated in an exercise to identify a range of alternative housing strategies. These strategies were grouped in the following categories:

- *Direct Local Support* (e.g., strategies for new sources of funds for the ARCH housing trust fund as well as other types of support such as donating surplus property or property tax reductions for affordable housing)
- *Other Public/Private Sources* (e.g., coordinating other public funds with local housing objectives, private sector investment)
- *Land Use Incentives for Affordable Housing* (e.g., accessory dwelling units, incentives for including affordable housing in mixed income development)
- *General Land Use/Building Regulations* (e.g., variable unit size requirement and allowing cottages in single family areas)

Another topic raised frequently in local council discussions is that there is a need for better communication/education on local housing issues.

Building on these two themes, the ARCH Executive Board organized a series of workshops in Spring 2007 with the purpose of creating a ARCH Housing Strategies Program. These workshops created a process whereby Council members, ARCH Executive Board members, Commission members, senior planning staff of ARCH members, and invited outside stakeholders (e.g. developers, lenders) assemble to discuss and help craft a set of proposed strategies.

This first workshop included a review of the purpose and anticipated outcomes of the workshops; a discussion of the local housing conditions and needs, and efforts to date by East King County Cities to create affordable housing; and an initial discussion of potential specific strategies that can be pursued to facilitate the provision of affordable housing.

The subsequent two workshops focused on the participants developing the components of a Housing Strategy Program. The Workshops and resulting Housing Strategy Program focuses around several main components:

- Identify a short list of top priorities from each of these four categories listed above, that are most universally applicable across the ARCH membership and will yield the most practical impact ('Priority Strategies').

- Develop a set of ‘best practices’ for community outreach and education on housing needs in East King County.
- Initial research for implementing the priority strategies and ‘best practices’ including evaluating if any of these could be implemented through some form of collective or simultaneous effort of the ARCH members.

The Priority Strategies are being forwarded to all the ARCH member councils for their review and possible endorsement..

This first part of this report outlines the criteria used in selecting the priority strategies, This is followed by a summary of the priority strategies identified through the workshops. The last part of this report includes a summary of housing conditions and needs in East King County. Other reports prepared as part of the workshops are 1) a more detailed descriptions and initial research for each of the priority strategies, and 2) a report providing background information and the description of an Education Best Practices program developed in the workshops. ARCH received a grant from the Washington State Department of Community Trade and Economic Development to assist in the overall process of developing the Housing Strategy Program, including the assistance received from Cedar River Group, the Campaign for Affordable Housing, and Steeplejack Associates.

CRITERIA FOR HOUSING PRIORITY STRATEGIES

In the spring of 2007 ARCH held three workshops where council members, ARCH executive board members, commission members, senior planning staff, and invited stakeholders (e.g. developers, lenders) came together to look at existing conditions and identify potential housing strategies that could augment and expand upon our existing efforts. ARCH is now presenting these strategies to member councils for their consideration and potential inclusion in a collective effort, the ARCH Housing Strategy Program. ARCH received a grant from the Washington State DCTED to develop the Housing Strategy Program.

Criteria for Priority Strategies

The seven shorter term strategies and 4 longer term strategies were chosen by ARCH workshop participants from a larger list of potential strategies as being the most promising, as well as best fulfilling these criteria:

- Universally applicable. Select strategies that are most universally applicable across the ARCH membership, though not necessarily applicable to the same extent in all jurisdictions, and will yield the most practical impact.
- Range of Strategies. Develop a list of strategies that utilize the full range of regulatory and assistance tools available to the community and that touch upon all of the criteria (see end of memo). The range of tools include:
 - ❖ Direct Local Support (e.g., strategies for new sources of funds for the ARCH housing trust fund as well as other types of support such as donating surplus property or property tax reductions for affordable housing)
 - ❖ Other Public/Private Sources (e.g., coordinating other public funds with local housing objectives, private sector investment)
 - ❖ Land Use Incentives for Affordable Housing (e.g., accessory dwelling units, incentives for including affordable housing in mixed income development)
 - ❖ General Land Use/Building Regulations (e.g., variable unit size requirement and allowing cottages in single family areas)
- Create Short Term and Long Term strategies. The proposed strategies include primarily short-term strategies that could be accomplished in the next 1 – 3 years and a few longer-term strategies that may take 3 – 5 years to accomplish. Generally the longer-term strategies are ones that would require legislative action by another level of government within the State (typically the State level.)
- Build upon existing efforts. It is important to keep in mind that the proposed strategies are meant to build upon the efforts already in place to create affordable housing. Work in these areas will continue but has evolved to a point where concentrated, additional efforts are not as critical. One such examples would include accessory dwelling units.
- Community Partner input. Feedback from for-profit and nonprofit developers suggest that strategy will be effective.
- Demonstrated Success. Strategies have some level of success in other jurisdictions, either locally among some ARCH members, or in other areas of the region or country.
- Impact on housing cost. The strategy will have an effect on the ultimate cost of housing.

- Address range of needs. Include strategies that address needs at both low and moderate income levels and provide ownership and rental opportunities.
- Impact Revenue and Cost. Look for strategies that address both the ‘revenue’ side and ‘cost’ side of creating housing.

Endorsing Priority Strategies

The intent behind endorsing the proposed priority strategies is to increase the effectiveness of members individual and collective efforts to address local housing needs. To maximize the effectiveness of the priority strategies, endorsing these priority strategies would have several implications for individual members and for ARCH:

- 1) Members will consider including these strategies in their work programs, and as appropriate, in their legislative priorities. **Endorsing these strategies is not a commitment to a particular approach or action on the specific strategies;**
- 2) Members are expressing an interest in working together to explore potential common approaches to these strategies among ARCH members. For example, this could include maximizing consistency of administrative procedures;
- 3) Endorsing these priority strategies does not suggest that the priorities are the only housing issues that the cities and ARCH will be working on; and
- 4) That these priorities will help shape the work program of ARCH. Member cities will have a chance to review ARCH’s work program and discuss the balance between work on priority strategies and other projects.

Proposed Housing Strategy Priorities

SHORT TERM STRATEGIES (1- 3 Years)

I. Direct Local Support

I.A.	<p>Dedicated Funding Source for the ARCH Housing Trust Fund</p> <p>ARCH cities have created a trust fund to financially support housing projects in East King County. However, the funding available from ARCH and other sources falls far short of meeting housing needs, particularly for low income populations. In the ARCH workshops the group affirmed an interest to explore creating a dedicated funding source to supplement the existing general fund and CDBG contributions to the ARCH Trust Fund. The goal is to identify and implement a ‘best’ dedicated funding source in 2008-09. Concepts to be considered include:</p> <ul style="list-style-type: none"> • Condo conversion tax • Demolition Tax for Existing housing • Commercial impact fee for housing <p>Some criteria for evaluating different sources include: a nexus between the revenue source and addressing local housing needs, and creates a meaningful amount of revenue.</p>
I.B	<p>10-Year Property Tax Exemption for mixed use zones</p> <p>Legislation was passed this year that now extends the authority to all cities in King County over 5,000 population to utilize a short term property tax exemption on the residential improvement value of housing in mixed use areas. In addition, the legislation is now more explicit about linking affordability to the exemption depending on the level of exemption provided. State legislation allows cities that choose to adopt this program a broad range of flexibility to eligible mixed use areas, and to specify program requirements, including adopting affordability guidelines that exceed the State minimum requirements.</p>

II. Other Forms of Direct Support by Public/Private Sources

II.A	<p>Private or other public ‘surplus’ or underutilized property for housing</p> <p>This strategy encourages working with public and private property owners, including churches, to determine if all or a portion of their surplus or underutilized property could be used for affordable housing development. There are several potential aspects of this strategy for cities. One is to make city surplus land available for affordable housing. In making city land available for housing, a city must consider the type of funds used to acquire that land (e.g. general funds or utility funds), which may determine whether the property can be made available at no cost or below market, or must be sold at market value. A second potential city role is to be more proactive to identify private property (e.g. church property) or property owned by other</p>
------	---

	<p>public agencies that is vacant or underutilized (e.g. Park n Ride lots, school district property) that could be appropriate for affordable housing. A final approach is to more proactively facilitate the acquisition and rehabilitation of existing privately owned rental housing by community based groups to preserve their long term affordability. All three of these approaches have been done to some degree in the past.</p>
<p>II.B</p>	<p>Employer Housing Program</p> <p>The purpose of this strategy is to encourage some form of private sector investment in housing. One approach that has some track record in other areas is to partner with employers on a down payment assistance program, such as ARCH House Key Plus. ARCH House Key Plus currently offers \$30,000 second mortgages, however this program could be expanded or a similar program offered with employer contributions. To help incent employers to use this type of program, one idea currently being explored is State legislation that would reduce their State B&O tax based on their providing a rental or ownership housing benefit to their employees.</p>

III. Land Use Incentives for Affordable Housing

<p>III A</p>	<p>Regulatory Incentives (Mandatory and/or Voluntary) Programs,</p> <p>In discussing this strategy the workshop participants recognized that there are a range of approaches to link the provision of affordable housing with decisions to provide developers with some form of land use incentive. The group concluded that a ‘one size fits all’ approach was probably not appropriate. It is probably more feasible to develop a more consistent approach to creating incentive programs that can balance the goal of jurisdictions to see such incentives used, and developer interests of incentives or requirements being reasonable. A range of issues that would be explored under this strategy include:</p> <ul style="list-style-type: none"> • Cities working collectively through ARCH and involving input from builders to develop a more consistent methodology for jurisdictions considering incentive programs, including alternative methods for providing affordable housing (e.g. in-lieu fees, off-site). • Explore range of incentives that could be utilized. • Adopt policies that link land use actions that will result in increased development capacity, with provisions for providing affordable housing. Consider whether policies should be mandatory or voluntary. • Develop consistent administrative guidelines for affordable housing created through incentive programs
--------------	--

IV. General Land Use/ Building Regulations to Increase Housing Diversity

<p>IV. A</p>	<p>Housing Emphasis Zones within mixed use neighborhood.</p> <p>Many community’s plans rely on meeting long term housing needs in their town centers and other areas that allow mixed use. Over 50% of overall housing capacity, and over 80% of all multifamily housing capacity among cities in East King County is within mixed use zones. Also, housing in mixed use area is seen as a key component to the long term vitality of these areas. In mixed use zones there can be uncertainty about what uses will ultimately develop, and whether housing can “compete” financially with other allowed commercial uses. This strategy could involve one or more components, such as:</p> <ul style="list-style-type: none"> • Monitoring of development in mixed use zones to assess if development patterns are achieving community goals; • More explicit regulatory strategies to achieve housing in their mixed use zones. Could entail a range of efforts. One example would be to allow higher densities or FAR for developments that include housing; or require development in designated ‘housing zones’ include a certain proportion of housing units. Such approaches are being used by the City of Redmond in the Overlake neighborhood and by Kirkland in Totem Lake. Other examples could be to examine parking standards, doing district wide SEPA review or expedited permitting for developments with housing. • Communities could more proactively invest or develop public infrastructure in areas where they are trying to encourage housing. (e.g. upgrading local infrastructure, adding public amenities, or lowering certain impact fees).
<p>IV. B</p>	<p>Smaller homes (innovative housing) in single family areas (e.g., cottages / bungalows, duplexes)</p> <p>One way to provide more varied housing choices and potentially reduce the cost of housing is to encourage the creation of smaller homes. Historically smaller clustered units have been allowed in multi-family zones but some jurisdictions now have policies encouraging innovative forms of smaller housing, including cottages, duplexes, and zero-lot-line development in single-family neighborhoods. This strategy could be implemented potentially at two different levels.</p> <p>A) <u>Consistent Policy</u>. Cities could work more collaboratively so that when they adopt regulations allowing innovative housing, the regulations would be as consistent as possible. It is unclear to what extent ARCH could add value to such an effort. ARCH staff does not have the same level of experience or expertise as local staff. If ARCH were to have a role, it might be to help convene or facilitate collaboration of communities.</p> <p>B) <u>Demonstration Project</u>. A demonstration project can let a city test proposed regulations before they are adopted into code. In some circumstances this might be considered an important first step to</p>

	<p>allowing innovative housing. Kirkland used such an approach for evaluating allowing cottages and small lot homes at higher densities in single family zones. If there is interest in doing a demonstration project for a particular type of housing, then ARCH could potentially help facilitate such an effort. Such a role had been previously envisioned for the Homechoice Way concept. ARCH's objective would be to help facilitate a development in a manner that multiple jurisdictions could potentially be involved, or benefit from the lessons learned from the demonstration project.</p>
--	--

LONGER TERM – LEGISLATIVE/REGIONAL STRATEGIES (3 – 5 Years)
--

There was discussion around the idea of looking at some strategies that would involve legislative efforts by other levels of governments which would presumably entail a longer term and different type of local investment. In the workshops it was noted that success with these strategies would require a united effort and 'voice' not only of ARCH members, but other interest groups from around the region and/or state. However, given the potential gain if successful, they were considered strategies worth participating in at some level of long term effort.

	Sales Tax Exemption for Affordable Housing
	Tax increment financing
	Allow Outright 'Waiver' of Impact fees.
	<p>Countywide/Regional Bond Issue/Levy A countywide/regional bond levy would not require state legislative action, but would likely require cooperation of multiple local and County government(s) in either the County or the larger region.</p>

East King County Housing Conditions and Needs Summary

ARCH member cities established goals in the mid 1990s (reaffirmed several years ago) for directing the allocation of resources, including the Housing Trust Fund. These goals are based on a larger effort undertaken by a range of stakeholders to define relative housing needs in Eastside communities:

<u>Target Population</u>	<u>Goal</u>	<u>Actual (through 2006)</u>
Elderly	19%	20.57%
Families (inc. Single Households)	56%	58.7%
Homeless/Transitional	13%	13.2%
Special Needs Populations	12%	7.5%

In addition, when these goals were reconfirmed several years ago, refinements were made to address emerging needs, including the following:

Very low income housing. An increasing proportion of low-income households have incomes that are below 30% of median income. Therefore, developments are encouraged that serve a variety of incomes, including units affordable at 30% of median income.

Senior Assisted Housing. The Eastside continues to see an increase in senior residents (65+) from 9.8% to 12.5% of the population. (Countywide senior population is 10.5%.) Importantly, essentially all the increased proportion of seniors is among seniors over age 75. Therefore, we should seek to provide affordable housing for seniors that includes services.

Homelessness. Based on the 2006 One Night Count, it was estimated that on any given night in King County there are approximately 7,900 homeless persons. About half are estimated to be households with children, and 30% of all homeless are estimated to be under age 18. Homeless housing efforts now are focusing more on “housing first” and supportive housing, which allows families and individuals to secure housing with services provided as needed.

Significant increases in ethnic/cultural diversity, especially Asian and Hispanic. Overall, the percentage of non-white households on the Eastside increased from under 10% to almost 19% from 1990 to 2000.

OTHER DATA DESCRIBING HOUSING NEEDS

Available local resources are inadequate to fully address local housing needs. This implies the need to develop other local resources and/or strategies that will have a significant impact. While local resources could be focused on one or two housing needs, the Growth Management Act requires the development of strategies that address the full range of identified local housing needs. The following describes Eastside cities’ overall progress in meeting affordable housing goals and production, which is then followed by describing several other factors that could influence strategies for moving forward:

- Housing production has generally been at or above GMPC housing targets.
- Currently there is sufficient land capacity to meet 2022 housing targets.
- East King County cities have met about 30% of their housing goals for low income housing (up to 50% of median income).

- East King cities have been achieving the overall goals for moderate-income housing, though results do vary from community to community, and these have generally been smaller, rental units, thus not fully meeting the range of needs of moderate income households.

In evaluating this information there are several **potential implications** for future efforts.

- Market Efforts and Gaps. While moderate-income housing goals have been cumulatively met, gaps for moderate-income housing have included entry-level ownership and housing for families. Also a good portion of moderate-income housing in the past was created by the private market, but given trends with housing prices and rents, cities may need to be more proactive to see continued production of moderate-income housing, especially by the private sector.
- Residential Capacity. For a number of cities, their residential land capacity is relatively close to their housing target, therefore could be more of a challenge accommodating the next population goals in 2012, and/or increases the importance of creating housing in mixed-use zones.
- Housing Demand from Employment. Housing demand from new employment is expected to outpace new housing supply. The State of the Workforce Update (Feb 2007) states that while some jobs on the Top 25 list provide good wages, 73% of vacancies pay a median wage of \$10 per hour or less.
- Leveraging other Public Resources. Essentially all low-income housing requires direct public assistance, and that trend can be expected to continue. This emphasizes both the importance of local resources for housing, and the need to secure other funding sources.
- Geographic Distribution of Affordable Housing. Implicit in the GMPC Housing Goals and ARCH funding policies is to create a geographic balance of affordable housing throughout East King County. ARCH's Housing Trust Fund has allowed cities to achieve a good geographical distribution of affordable housing over time, which we would want to continue into the future.

OTHER FACTORS AFFECTING HOUSING NEEDS AND SUPPLY

Preservation. Existing housing has been a key source of affordable housing. ARCH's objective is that funding for preservation projects continue at or above previous funding levels of approximately 30% of the distribution of funds. There are several distinct types of preservation:

- *Section 8 Preservation.* Preservation of existing federally subsidized Section 8 housing for families and seniors that is eligible to be converted to market-rate housing. Over 460 such units have been preserved, but there are still approximately 150 units that are potentially threatened.
- *Market-Rate Rental Housing.* Involves local groups (e.g., DASH, St Andrews, Housing Authority, YWCA) buying existing private rental housing which usually has low and moderate income residents. These properties are rehabilitated and variable rent levels established to be affordable to a range of families income levels.
- *Manufactured Housing Communities.* While there are relatively few manufactured housing communities in East King County, they offer an affordable form of housing that is threatened with closure. Remaining communities are primarily in the north part of the County.

Condo-conversion has increased for the last several years. Conversions reduce the number of existing rental properties, further supporting the concept of securing properties for long-term affordable rental.

Town/Urban Centers. Increasingly cities are getting housing in town centers / mixed use zones; and much of the future growth is planned for these areas. To date there has been relatively little housing for moderate- and lower-income households provided in these areas, though they are logical areas for affordable housing because of proximity to employment and transit.

Market Conditions. The Eastside market requires a group to be able to move quickly to purchase property. This situation is exacerbated by several constraints of public funding: (1) Affordable housing funds are available only once or twice a year, and often take several rounds to complete financing; and (2) Sales prices can be based more on speculative value, while public funds require justification of the purchase price with an appraisal.

Leveraging Other Public Funding Sources / Funders' Priorities City funds have been significantly leveraged by county, state, federal and private funds. Many projects are influenced by policies of other funders (Washington Housing Finance Commission, King County). In recent years priorities have included housing for very low income (i.e., 30% of median), homeless, and special populations/needs (e.g., large families, persons with disabilities).

Community Partners. One of the keys to success in addressing housing needs is the growth and success of our community partners. In the past decade, local non-profit housing groups have grown and are developing a range of housing, and the Housing Authority has increased its local efforts.



MEMORANDUM

DATE: August 26, 2008

TO: City Council, City of Sammamish
Evan Maxim, Senior Planner, City of Sammamish

FROM: Peg Staeheli, ASLA, LEED® AP

RE: Comments on Draft LID Municipal Code Amendments
City of Sammamish LID
SvR Project No. 08022

The City of Sammamish engaged SvR to review and comment upon the City's draft low impact development code amendments (the "**LID Code**"). The purpose of the LID Code is to incent developers to utilize low impact development approaches in the design and construction of their projects. This memo summarizes our review; attached is a more detailed description of our findings and recommendations.

Low Impact Development is an approach to land use planning and project design that seeks to minimize the disturbance to environmental functions resulting from a site's development. LID is especially concerned with minimizing the replacement of vegetation with buildings or other impervious surfaces, preserving a site's ability to manage and treat stormwater on-site, and encouraging the use of appropriate native plants to improve local habitat and reduce long term maintenance.

SvR reviewed Sammamish's draft LID Code with respect to its interaction with the current and upcoming stormwater management requirements contained in the 2005 King County Surface Water Design Manual (KC SWDM), which we understand Sammamish intends to adopt this fall), as well as in light of stormwater management guidelines and requirements developed by the Puget Sound Partnership and Washington State's Department of Ecology 2005 Stormwater Management Manual. We attended the City's community meeting on June 24th, 2007 concerning the LID Code and reviewed the public comments received following the meeting.

Civil Engineering
Landscape Architecture
Environmental Restoration
Planning

1205 Second Avenue
Suite 200
Seattle, WA 98101

Phone: 206.223.0326
Fax: 206.223.0125
svr@svrdesign.com

OVERALL ASSESSMENT OF THE PROPOSED LID CODE

Overall, Sammamish's LID Code complements the KC SWDM. Many of the LID approaches set forth in the LID Code are considered "Best Management Practices" and encouraged under the KC SWDM. However, while the KC SWDM allows a project to reduce the size of its required flow control facilities if it employs LID approaches, the value of that reduction is generally not high enough to motivate a project to employ LID.



Memorandum
Sammamish LID
SvR Project No. 08022
August 26, 2008
Page 2 of 8

The City of Sammamish's decision to frame its LID Code as a land use planning tool in addition to the City's stormwater management requirements is wise. The City runs little risk of creating conflicts with the Stormwater Code since the City's proposed LID program is voluntary at this time. Density and development incentives provide developers with benefits that can balance out the possible additional upfront costs and risks associated with employing LID approaches. There is considerable discussion over a performance based approach versus the defined point based LID approach. Both have their pros and cons however as this LIS Code is in addition to your stormwater code we believe it has potential to give more certainty for early adopters in the development process. The City has the ability to modify or update the code as information from early development implementation is received. We thus believe Sammamish's land use, incentive based approach to LID is a good one.

The following pages give background as to the recommendations we made directly to the code. (see also specific code edits and draft summary table of technique points.)



Memorandum
Sammamish LID
SvR Project No. 08022
August 26, 2008
Page 3 of 8

I PUBLIC COMMENTS AND CONCERNS

The City of Sammamish has received great feedback on the draft code from citizens and developers. This is a very good sign that your public is engaged in the process. Public feedback on the LID Code fell into several broad categories. These included questions on the relationship with the stormwater code, questions regarding the State National Pollutant Discharge Elimination System (NPDES) requirements; questions on the relationship with King County's requirements and how this LID code ties back to the Puget Sound Partnerships LID guidelines and questions on the benefits or impacts to the Critical Area Ordinance.

A number of commentators appeared to misconstrue the LID Code as an amendment to the City's Stormwater Code. As discussed above, the LID Code is intended to influence land use planning and design decisions only. It is not intended to amend or replace the Stormwater Code.

Similarly, a number of people felt that the City joining with other agencies in the lawsuit concerning the State's revised NPDES standards is inconsistent with the City's desire to implement LID. It appears that the public misunderstands the nature of the lawsuit. We understand that this should be resolved soon however we recommend that the City clarify its position with the public.

Several people recommended that the City update its stormwater regulations to match King County's current requirements. We understand that the City intends to do so. This is important so development is more consistent across jurisdictions. This will also assist in clarifying how the Puget Sound Partnership's guidelines are used for both LID code application and the more performance based requirements to meet the Stormwater Code.

Lastly, the public expressed concern over the potential impact to critical areas from the LID Code's increased height and density incentives. We believe the LID Code as revised contains reasonable safeguards to protect critical areas while incenting developers to adopt LID approaches. The City's critical areas land use code still remains in effect. In our discussions with City staff the following are proposed:

- City has increased the LID "technique" points required to obtain the increased height and density incentives
- City has adjusted the point value of the LID approaches to ensure that developers must employ multiple LID approaches to obtain the incentives.
- The City has also added points for increasing the size of critical area buffers.
- The City has added language to the incentives themselves which allows the City to deny their use if the City believes application of the incentives will adversely impact a nearby critical area.



Memorandum
 Sammamish LID
 SvR Project No. 08022
 August 26, 2008
 Page 4 of 8

II. RECOMMENDED CHANGES TO THE DRAFT LID CODE POINTS SYSTEM

In order to explore whether the point values for LID approaches and incentives were well calibrated, we took the position of a hypothetical developer wishing to build a subdivision and a separate mixed use site. We then considered which incentives might be attractive to such a developer and what LID approaches the project should be required to employ in order to obtain those incentives.

As a result of this analysis, we recommend several adjustments to the points awarded for the use of particular LID approaches and the points required for various incentives. We recommend other adjustments to the draft LID Code in order to remove redundancy with existing requirements under other codes and to balance providing incentives for developers with ensuring that the scope of the incentives granted do not defeat the purpose of encouraging LID in the first place.

1. Revise the Definition of Full LID:

Land within our region was once densely forested. The forest floor was covered in a thick layer of duff that acted like a sponge, absorbing and retaining rain when it fell during the wet season and allowing it to infiltrate into the ground to replenish the groundwater supplies which feed our ecosystems, streams and lakes during the dry season. LID for Sammamish thus should focus on increasing the areas vegetated with native plants and stressing LID techniques that enhance infiltration.

We have sought to provide a more specific definition of “Full LID” for **SMA 21A.85.030** that stresses these goals of revegetation and infiltration. Because **SMA 21A.85.030** allows the developer to negotiate incentives with City staff, we feel the standards for obtaining “Full LID” should be high. We have also renamed “Full LID” to “Sammamish Comprehensive LID”. The term “Full LID” implies that a developed site can function in the same manner as an undeveloped site. Experts question whether this is currently possible given the present state of LID technology and techniques.

2. Consider Deleting the Following LID Approaches:

- **Complementary Preferred Stormwater Management Techniques.** A project already needs to use more than one LID approach to qualify for an incentive. Therefore, additional encouragement is unnecessary. We are also concerned that allowing permit reviewers wide discretion in awarding additional points may lead to inconsistent application of the LID Code and overcrediting.
- **Rain Barrels.** Rain barrels are an “encouragement” tool assisting people in understanding rain patterns and the benefits of using rainwater for small scale irrigation. They are not practical as a flow control tool. A City wide approach to a rain barrels program “at cost” would be more beneficial
- **No Street Lights.** Relieving developers of their obligation to install street lights does not seem to be an applicable land use trade off . The city may want to review its street lighting options to be consistent with the “Dark Skies”



approach.

3. Award More Points for:

- **Retaining 50% Existing Forested Condition.** We have separated the retention of existing forests or groves from the creation of open space tracts. Mature habitat that is already in place is generally more valuable than new plantings that take time to fill in.
- **Retaining and Restoring 30-50% Open Space Tracts on Sites.** Since even new vegetated spaces provide multiple benefits, we recommend increasing the points awarded for open space tracts.
- **Pervious Paving.** Pervious paving is an effective way to balance a site's need for hard surfaces with the desire for infiltration. We also recommend reducing the requirement from 100% use of pervious paving to 80% as there are instances where the use of pervious paving is not recommended or practical.
- **Minimal Foundation Excavation For Residential.** While this is a useful LID approach, few developers are currently employing it. Increasing the points awarded for this LID approach may encourage its adoption.

4. Award Less Points for:

- **Reforestation.** Awarding less points will encourage developers to focus on retaining and restoring existing forests and creating new open space.
- **Drought Tolerant Landscaping.** In addition to reducing the points awarded for drought tolerant landscaping, we recommend reducing the requirement from 100% use of drought tolerant landscaping to 90%. A 100% requirement precludes use of some quintessentially Northwest plants, including rhododendrons.
- **Soil Amendment.** Soil amendment methods are important, we believe the points were higher than needed in light of the total goal.
- **Joint Driveways.** While shared use paved driveways are better than single paved driveways, Hollywood driveways (double wheel strips) provide more benefits (see points below).
- **Consultation with City Staff.** The choice to consult with the City should earn developers points, but the amount of points should be fixed. We are again concerned that allowing permit reviewers wide discretion in awarding additional points may lead to inconsistent application of the LID Code. Additionally, consultation does not ensure implementation.

5. Add LID Approaches:

- **Increase Critical Area Buffer Width.** We recommend encouraging developers to increase the width of critical area buffers required under the City's critical areas code. This is one way to help reduce the impact of allowing increased density on parcels.
- **Hollywood Driveways.** These driveways limit paving to two strips for the wheels. Award them more points than joint use (shared) driveways.



Memorandum
Sammamish LID
SvR Project No. 08022
August 26, 2008
Page 6 of 8

6. Limit LID Approaches:

- **Soil Compost Amendments.** Since compost amended soil may in certain instances contribute phosphorus to lake systems, we recommend excluding sites within a Lake Management District from soil amendment LID approaches until more research is done.

7. Adjust and Make Mandatory:

- **Performance Guarantee/Maintenance Plan.** We recommend requiring that all developers who employ LID approaches develop a maintenance plan and obtain owner agreement to follow that plan. We recommend deleting the surety bond requirement as we understand that several developers have stated it is difficult to obtain such a bond for LID approaches.

8. Points Required Obtaining Incentives:

We recommend increasing the points required to obtain the increased density and building height incentives so that developers must employ a combination of LID approaches that provide significant infiltration and habitat benefits if they wish to substantially increase height or density.

9. Concerns Regarding Right of Way Incentives:

We agree that there should be incentives to reduce vehicular pavement. The reductions proposed (SMC 21A.85.070- #3) raise a few concerns and comments. There is not time under this review to go into detail and the City does have a fall back since the code states that “all reductions pursuant to this Section shall be subject to review and approval by the City Engineer.” We recommend further review of this area be considered over the next year so that there can be more certainty as to what design or land use decisions can result in incentives. Areas to evaluate:

- **Right of Way width:** The City should reevaluate the minimum with specific to street types or classification. Reductions in right of way are a permanent long range decision and history has shown that public right of way serves multiple uses. Careful understanding of easements versus right of way may be an option.
- **Parking on one side with 28 foot wide street:** A 28 foot wide residential street can easily accommodate parking on both sides if the design addresses block length and/or turnouts or alternative circulation. Street width changes should be reviewed as a whole not only in the context of LID but also for neighborhood traffic calming.
- **Reversed planter strip and sidewalk:** the planting strip adjacent to the curb lane provides valuable separation for pedestrians. Pedestrian friendly street research is clear that the offset for ease of construction and drainage for locating sidewalks adjacent to curbs is higher than the benefits of separation for pedestrians.



Memorandum
Sammamish LID
SvR Project No. 08022
August 26, 2008
Page 7 of 8

III. OTHER COMMENTS

Enforcement:

Enforcing compliance is challenging, given that incentives will be used before the City is able to see if LID approaches are correctly implemented and whether they are properly maintained over time. The City should assess whether it will need additional staff to oversee implementation and ensure compliance. Additional staff and resources may also be needed for permit review, answering questions, site inspections, and as-built record keeping. We have not reviewed how permitting is tied to property title for Sammamish. Long term implementation may be an issue however we believe that since the City has the option to revisit the LID code approach this may be an area to monitor rather than a reason to hold up LID code approval.

Assuming implementation enforcement will be part of the permitting and inspection process, the City may wish to consider including some provisions in the code dealing with maintenance. The ability to maintain a LID treatment such as a raingarden may already be within the City's authority. Given that the Stormwater Code requires owners to covenant in writing to maintain any LID approaches used on their site, including a penalty for the failure to maintain LID approaches has a precedent. Like the maintenance obligations, the penalty should run with the site, transferring from owner to owner.

Timing for Reassessment of LID Code:

The draft LID Code requires that the code be reviewed and updated three years after implementation. This timeline allows adequate time for the City to learn what does and does not work within the LID Code and whether the points allocated and required are well balanced. It also allows the City to refine the LID Code in light of ongoing research.

Implementation – lessons learned and recommendations:

Our office has been involved with several projects that have implemented LID techniques over 20 years . Recent applications have been more broad based and prescriptive. We have shared many of the lessons learned with the industry and they are incorporated into the updated LID techniques. We want to stress adequate permit documentation, construction inspection, erosion control enforcement, owner education and maintenance. City staff need to be trained to review LID and have time to inspect installations. Commercial or residential owners need to be informed of the facility purpose and maintenance issues to monitor.

Suggestions for Future Additions to the LID Code:

The City may wish to consider adding the following additional LID approaches to the LID Code in future:



Memorandum
Sammamish LID
SvR Project No. 08022
August 26, 2008
Page 8 of 8

1. *Experimentation.* The design standards in manuals will always lag behind cutting edge technologies. The City could add a LID approach that gives a credit for installing cutting edge technology on a few projects per year.
2. *Monitoring.* Lack of validated in-field performance data is hindering the acceptance and refinement of LID approaches. The City could provide credits to projects that install monitoring equipment and share their results.
3. *Maintenance.* Projects could obtain credits for committing to use organic products and maintenance techniques without prior approval.
4. *Irrigation.* This LID approach would limit the use of irrigation and require efficient irrigation systems that water only when needed.
5. *Approaches to Lawns.* Lawns are very resource intensive and provide little stormwater management or habitat benefit. Credits could be provided for minimizing lawn/turf area, replacing lawns with other steppable groundcovers, and/or planting lawns with waterwise, appropriate grasses.
6. *Critical Area Expansion.* The City should consider giving credit for additional actions that enhance critical areas located on and adjacent to a site. Contiguous habitat is generally more valuable than small habitat patches. If a project creates vegetated open space that connects two or more currently separated critical areas, the project could be awarded extra credits for the new habitat created.
7. *Pervious Residential Roads.* Several cities (such as Seattle, Portland, Olympia, Bellingham and Longview) have installed porous pavement for low-volume residential public roads.

Following the LID Code's adoption, we recommend that the City recheck its public works and other regulations for consistency.

IV. FINAL RECOMMENDATIONS

We recommend that the City adopt the draft LID Code as revised. The LID Code is a good step forward in creating a more sustainable Sammamish.

We thank the City staff and City Council for the opportunity to work with you to implement LID within Sammamish. You have a great citizen group. Please let us know if we can be of further assistance.