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CITY OF SAMMAMISH
CITY COUNCIL AGENDA
REGULAR MEETING
October 4, 2000

Wednesday, October 4, 2000, 7:30 p.m., 486 228th Ave. N.E., City Hall Chambers

		Approximate Time
	CALL TO ORDER	**7:30 pm**
	ROLL CALL/PLEDGE	
1.	**Approval of Agenda**	
2.	**Mayor/Council/Committee Reports**	**7:30 pm**
3.	**Public Comment** (For members of the public to speak to the Council regarding items NOT on the agenda. Please limit remarks to three minute. Additional comments will be permitted before each ordinance is voted on)	**7:40 pm**
4.	**Consent Calendar** a) Claims for period ending September 20, 2000 in the amount of $47,537.90 b) Payroll for September 15, 2000 pay period/pay date September 20 totaling $66,736.10 c) Minutes of September 20, 2000 Regular Meeting	**7:45 pm**
5.	**Public Hearing** a) Wireless Telecommunications Ordinance	**7:50 pm**
6.	**Unfinished Business** None	
7.	**New Business** a) First Reading of Ordinance: an Ordinance of the City of Sammamish, Washington, pertaining to personal wireless telecommunications facilities and including a purpose statement, definitions, exemptions, a policy statement, site selection criteria, priority of locations, siting priority on	**8:10 pm**

public property, co-location and design criteria, permit inspection requirements and landscaping requirements, non-use and abandonment provisions, third party review, and remedies.

	b) First Reading of Ordinance: An Ordinance of the City of Sammamish, Washington, establishing a land use mediation program	**8:20 pm**
	c) Contract: Pace Engineering Survey Work for 228th Avenue Phase 1C	**8:35 pm**
8.	**Executive Session: Land Acquisition**	**8:50 pm**
8.	**ADJOURN**	**9:15 pm**

CITY OF SAMMAMISH
PUBLIC HEARING SIGN-IN

SUBJECT: Telecommunications Ordinance
DATE: Oct. 4, 2000

NAME	ADDRESS	TELEPHONE#	SPEAK?	NOT SPEAK
Tom Slade	19807 N. Creek Pkway	425-770-0025		X
Julia Shaw	447 E. Lk. Samm Pky SE	425-868-5589		X
Marlene Bartron	407 E. Lk Sammamish SE	425 868 7536	X	X
Jim BARTRON	407 E. LK SAMMISH SE	" " "		X
Molly Lawrence	701 Fifth Ave, Suite 5000, Sea	206-623 7580	X	
Scott Hamilton	19727 SE 19th	425 557 2367	X	
Tom Donnelly	1519 4th St, Kirk	425/828-4009	X	
Lisa Verner	PO Box 70372 Seattle WA 98107	206 286-8575	X	

Planning Adv Board

X No
X No
X No
X No
X
X
X
X

PUBLIC COMMENT

SAMMAMISH CITY COUNCIL

DATE: October 4, 2000

NAME	ADDRESS	TELEPHONE#	SPEAK?	NOT SPEAK
Mark Cross	247-208th Ave. NE	836-0289	yes	X
Bob White	2033 E Beaver Lk Rd SE	557-6798		X
Ross Bendixen	1611 E. LK Samm. Pkwy	868 4664	yes	X
Bob Hamilton	3931 E Lk Samm Pkwy NE	868 5696	yes.	X
Hank Klein	643 E. LK. Samm NE	868-7226	yes	X
Vicki Beres	2305 E. LK. Samm Pl. SE	392-2032	yes	X
Warren Beres	"	"		
Mika Rundel			X	X

CITY COUNCIL ROLL CALL

DATE: October 4, 2006

NAME	PRESENT	EXCUSED	ABSENT
Mayor Jack Barry	✓		
Deputy Mayor Troy Romero	✓		
Phil Dyer	✓		
Don Gerend		✓	
Ron Haworth		✓	
Kathleen Huckabay	✓		
Kenneth Kilroy	✓		

Check: 2616 09/20/2000
Vendor: THIEL Richard Thiel

	Amount	Invoice No
	57.30	
Total for Check Number 2616:	57.30	

Check: 2617 09/20/2000
Vendor: FWPub Federal Way Public Safety

	Amount	Invoice No
	225.00	
Total for Check Number 2617:	225.00	
Total for Accounts Payable Check Run:	282.30 (1)	

282.30
175.00
47,080.60 } 47,537.90

JE 057.2000

Check: 2618 09/25/2000
Vendor: WCPDA Wa City Planning Dire Assoc

	Amount	Invoice No
	50.00	
	125.00	
Total for Check Number 2618:	175.00	
Total for Accounts Payable Check Run:	175.00	1

JC 002.200

Check: 2619	10/04/2000		
Vendor: ALDEN	Alden Associates, Inc.	Amount	Invoice No
		133.93	22889.1
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Check: 2620	10/04/2000		
Vendor: APACONF	APA Conference	Amount	Invoice No
		230.00	APA2000-42
		230.00	APA2000-42
	Total for Check Number 2620:	460.00	
Check: 2621	10/04/2000		
Vendor: APAIK	Andrew Paik	Amount	Invoice No
		15.00	
	Total for Check Number 2621:	15.00	
Check: 2622	10/04/2000		
Vendor: BERRY	Berryman & Henigar	Amount	Invoice No
		2,969.65	18404
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Check: 2623	10/04/2000		
Vendor: BMAAS	Bob Maas	Amount	Invoice No
		15.00	
	Total for Check Number 2623:	15.00	
Check: 2624	10/04/2000		
Vendor: BMC	BMC Lumber	Amount	Invoice No
		88.30	2283682
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Check: 2625	10/04/2000		
Vendor: BOFACC	Bank Of America Credit Card	Amount	Invoice No
		349.07	
		553.00	
		125.79	
		15.00	
		425.17	
		91.19	
		14.96	

	70.00	
	29.45	
	10.00	
	39.07	
	83.99	
	26.00	
	260.61	
	4.20	
	10.85	
	23.09	
	8.16	
	72.00	
	307.11	
	138.56	
	20.65	
	13.02	
	2.60	
	9.34	
	9.34	
	154.29	

Total for Check Number 2625:	2866.51	

Check: 2626	10/04/2000		
Vendor: CARPET	Carpet Cleaning Specialists	Amount	Invoice No
		90.00	12083

	Total for Check Number 2626:	90.00	

Check: 2627	10/04/2000		
Vendor: CMOBLEY	Curtis Mobley	Amount	Invoice No
		15.00	

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Check: 2628	10/04/2000		
Vendor: CORPEX	Corporate Express	Amount	Invoice No
		198.36	99392210

		175.28	99093360
		83.68	99295170
		426.18	99309690
		13.71	99295150
		98.67	99391890
		71.81	99452030
		3.53	99451970
		16.29	99451960
		99.62	99451900
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Vendor: Crowe	Les Crowe	Amount	Invoice No
		500.00	
	Total for Check Number 2629:	500.00	

Check: 2630	10/04/2000		
Vendor: DAVILA	Gail Davila	Amount	Invoice No
		5.00	
		73.60	
	Total for Check Number 2630:	78.60	

Check: 2631	10/04/2000		
Vendor: DCHANG	Dan Chang	Amount	Invoice No
		15.00	
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Check: 2632	10/04/2000		
Vendor: DKERMAN	Deborah Kerman	Amount	Invoice No
		15.00	
	Total for Check Number 2632:	15.00	

Check: 2633	10/04/2000		
Vendor: DPARKIN	David Parkinson	Amount	Invoice No
		15.00	
	Total for Check Number 2633:	15.00	

Check: 2634	10/04/2000		
Vendor: DVAUTIN	Dave Vautin	Amount	Invoice No
		37.50	
	Total for Check Number 2634:	37.50	

Check: 2635	10/04/2000		
Vendor: EDAW	Edaw, Inc.	Amount	Invoice No
		5,500.00	10996
	Total for Check Number 2635:	5,500.00	

Check: 2636	10/04/2000		
Vendor: GENUITY	Genuity	Amount	Invoice No
		87.14	960276

	Total for Check Number 2636:	87.14	

Check: 2637	10/04/2000		
Vendor: GHALL	Gerrit Hall	Amount	Invoice No
		37.50	
	Total for Check Number 2637:	37.50	

Check: 2638	10/04/2000		
Vendor: HBARLOW	Holly Barlow	Amount	Invoice No
		15.00	
	Total for Check Number 2638:	15.00	

Check: 2639	10/04/2000		
Vendor: JSMITH	Jeff Smith	Amount	Invoice No
		15.00	
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Check: 2640	10/04/2000		
Vendor: KENYON	Kenyon Dornay Marshall PLLC	Amount	Invoice No
		7,868.22	1575
		4,277.70	1578
		1,577.60	1579
		1,023.10	1580
	Total for Check Number 2640:	14,746.62	

Check: 2641	10/04/2000		
Vendor: KINGDD	King County DDES	Amount	Invoice No
		3,960.00	9108053
		1,485.00	9108223
	Total for Check Number 2641:	5,445.00	

Check: 2642	10/04/2000		
Vendor: KINGFI	King County Finance A/R	Amount	Invoice No
		23.26	0073216
	Total for Check Number 2642:	23.26	

Check: 2643	10/04/2000		
Vendor: LOCK	Lockworks	Amount	Invoice No
		29.87	49733
	Total for Check Number 2643:	29.87	

Check: 2644	10/04/2000		
Vendor: MKIRWAN	Matthew Kirwan	Amount	Invoice No
		15.00	
	Total for Check Number 2644:	15.00	

Check: 2645	10/04/2000		
Vendor: MMAAS	Matt Maas	Amount	Invoice No
		37.50	

	Total for Check Number 2645:	37.50	

Check: 2646	10/04/2000		
Vendor: MOBILE	Mobile Mini, Inc	Amount	Invoice No
		960.20	42431201
	Total for Check Number 2646:	960.20	

Check: 2647	10/04/2000		
Vendor: MSKINNER	Michael Skinner	Amount	Invoice No
		37.50	
	Total for Check Number 2647:	37.50	

Check: 2648	10/04/2000		
Vendor: PSE	Puget Sound Energy	Amount	Invoice No
		308.87	
	Total for Check Number 2648:	308.87	

Check: 2649	10/04/2000		
Vendor: RABANC	Rabanco Connections	Amount	Invoice No
		30.00	195-000258004
	Total for Check Number 2649:	30.00	

Check: 2650	10/04/2000		
Vendor: RAGSDA	Ragsdale Koch Altman LLC	Amount	Invoice No
		3,333.34	147
	Total for Check Number 2650:	3,333.34	

Check: 2651	10/04/2000		
Vendor: RNEVIN	Randy Nevin	Amount	Invoice No
		15.00	
	Total for Check Number 2651:	15.00	

Check: 2652	10/04/2000		
Vendor: Sam	Sammamish Plateau Water Sewer	Amount	Invoice No
		636.12	200-301
	Total for Check Number 2652:	636.12	

Check: 2653	10/04/2000		
Vendor: SB&MAC	Stewart Beall & MacNichols	Amount	Invoice No
		980.00	
	Total for Check Number 2653:	980.00	

Check: 2654	10/04/2000		
Vendor: SSUG	Springbrook Soft Users Group	Amount	Invoice No
		50.00	
	Total for Check Number 2654:	50.00	

Check: 2655	10/04/2000		
Vendor: TRINIT	Trinity Lutheran College	Amount	Invoice No
		525.00	
	Total for Check Number 2655:	525.00	
Check: 2656	10/04/2000		
Vendor: VERIZSER	Verizon Equipment Sales & Svc	Amount	Invoice No
		76.37	CH16691
	Total for Check Number 2656:	76.37	
Check: 2657	10/04/2000		
Vendor: WAAUDIT	Wa State Auditor's Office	Amount	Invoice No
		2,342.40	L33235
	Total for Check Number 2657:	2,342.40	
Check: 2658	10/04/2000		
Vendor: WACRIME	Wa State Crime Prevention Asc.	Amount	Invoice No
		50.00	
	Total for Check Number 2658:	50.00	
Check: 2659	10/04/2000		
Vendor: WALDRO	Waldron Resources	Amount	Invoice No
		3,129.00	9563
	Total for Check Number 2659:	3,129.00	
Check: 2660	10/04/2000		
Vendor: WATLIN	Jeffrey Watling	Amount	Invoice No
		45.05	
	Total for Check Number 2660:	45.05	
Check: 2661	10/04/2000		
Vendor: WILSON	Michael Wilson	Amount	Invoice No
		108.24	
	Total for Check Number 2661:	108.24	
	Total for Accounts Payable Check Run:	47,080.60	1

City of Sammamish
City Council Minutes
Regular Meeting
September 20, 2000

Mayor Jack Barry called the regular meeting of the Sammamish City Council to order at 7:35 pm.

Councilmembers present: Mayor Jack Barry, Deputy Mayor Troy Romero (arrived 7:40 pm), Councilmembers Phil Dyer, Don Gerend, Ron Haworth, Kathleen Huckabay and Kenneth Kilroy.

Staff present: City Manager Michael Wilson, Director of Administrative Services Dennis Richards, Public Works/Finance Director Ben Yazici, Director of Community Development Ray Gilmore, Police Chief Richard Baranzini, Acting City Attorney Stephen King and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Haworth led the pledge.

Introduction of Special Guests and Presentations

The Girls Eastlake Little League Junior Team (ages 13/14) was introduced and presented with a certificate of recognition for representing the community at the Girls Little League World Series in Kirkland, Washington, and for serving as ambassadors of goodwill to participants from around the world as host of the World Series.

The Council also recognized the Eastlake 9/10-year-old All-stars team. The team won the state championship for their division for the second straight year in a row.

Cub Scout Troup 684, Den 9 was in attendance, working on earning their Citizenship badge.

1. Approval of Agenda

MOTION: Councilmember Kilroy moved to approve the agenda. Councilmember Gerend seconded. Motion carried unanimously 7-0.

2. Mayor/Council/Committee Reports

- Skyline High School Report (Mary Vinuelas): The school is working, in cooperation with Eastlake High School, on organizing an international basketball tournament. They hope it will become an annual event. Curriculum Night was also held tonight and the football team is 2-0.

- Councilmember Gerend reported the City is requesting funding from Sound Transit in the amount of $10 million. The money would be used to fund projects that would improve public transit on the Sammamish Plateau. He asked for

Council approval to make a presentation on September 22 to Eastside Transportation Partnership to request the money.

MOTION: Councilmember Haworth moved to appoint Councilmember Gerend the Council Representative for the Sound Transit funding request. Councilmember Kilroy seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Gerend moved that Sammamish City Council endorse a letter being sent by Eastside Transportation Partnership to the Washington State Transportation Commission requesting an I-90 Corridor Study. Councilmember Haworth seconded. Motion carried unanimously 7-0.

- Community Development Committee (Dyer): No report

- Finance Committee (Huckabay): Staff is busy working on the budget. It should be ready to present to Council sometime in late October. She reported that the Water Resource Inventory Area 8 (WRIA) interlocal agreement is just about complete and requested it be placed on the Council Agenda for a Study Session.

- Public Safety Committee (Kilroy): Next meeting will be Wednesday, September 27 at 4:00 pm to discuss safety issues on the East Lake Sammamish Trail.

- Public Works Commission (Haworth): The committee got an update on the Surface Water Comprehensive Plan. The committee recommends the entire Council consider this issue at a Study Session since it will involve decisions on many policy issues. 228th Street Phase I is approximately 30 days behind schedule due to unforeseen problems. The committee recommended against enacting a heavy truck ordinance. It would require posting around 600 signs to be enforceable by Police. The committee felt posting such a large number of signs would be unnecessarily expensive and contribute to sign blight in the community. Heavy truck problems will be dealt with on a case-by-case basis.

- Mayors Report (Barry): He attended a King County Council committee meeting of Natural Resources/Parks and Recreation. The topic of the meeting was the interim use ordinance for the East Lake Sammamish Trail. Mayor Barry read into the record a statement that he made to the committee. He gave a copy of the statement to the Clerk and this statement is available upon request.

3. Public Comment

Laura Franklin, 2808 223rd Place NE: Is concerned about the condition of the trail from Heritage Hills to Blackwell Elementary. The area behind the Saffron development needs to be cleaned up. She also requested how to go about getting the trail marked so it is easier to follow.

Rory Crispin, 3023 East Lake Sammamish Parkway: Is concerned about safety and environmental issues surrounding the proposed trail. He also feels there may be some legal problems with the trail.

Tom Harmon, 2303 West Beaver Lake Drive: Spoke regarding the Sammamish Plateau Water and Sewer District Comprehensive Water Plan.

4. Consent Calendar

a) Claims for period ending September 20, 2000 in the amount of $90,483.07
b) Minutes of September 6, 2000 Regular Meeting

MOTION: Councilmember Huckabay moved to approve the Consent Calendar. Councilmember Kilroy seconded. Motion carried 7-0.

5. Unfinished Business

6. New Business

a) Interlocal Agreement with King County for Waste Reduction and Recycling Program

Director of Administrative Services explained this interlocal would provide for the first City-Wide Recycling Event. It will be for Back Yard Compost bins. The 240 bins will be distributed at Eastlake High School on October 7, 2000. Staff is currently working on obtaining funding for an additional recycling event.

MOTION: Councilmember Haworth moved to authorize the City Manager to sign the interlocal agreement with King County for Waste Reduction. Councilmember Kilroy seconded. Motion carried unanimously 7-0.

b) Contract: Sammamish Schools Sidewalk Improvement Program

Public Works Director Ben Yazici made the staff report. At the beginning of the year Council set aside $200,000 for school sidewalk improvements. After completing design work, the project was put out to bid. The low bidder was Westwater Construction Company, 31833 Kent Black Diamond Road, Auburn, WA 98092. The estimate for the total project exceeds the original $200,000 but extra funds could come from excess money collected in REET. Staff is recommending Council award the bid to Westwater Construction and authorizes the City Manager to sign the contract.

Deputy Mayor Romero questioned if the job should be rebid to see if lower bids would come in. Mr. Yazici explained that it might be too late to get the job done if it is rebid. The amount of the bid is reasonable, considering the size of the project. The job should begin within two weeks of the signing of the contract.

MOTION: Councilmember Dyer moved to award a contract to Westwater Construction Company to complete Schedule A and authorize the City Manager to negotiate Schedule B with the contractor up to $200,000. Councilmember Haworth seconded. Motion carried unanimously 7-0.

c) Contract: Pre Design Services for City Hall with In Form, Inc.

City Manger Michael Wilson gave the staff report. Council has already been given information on the evaluation of the site for City Hall that gave a preliminary report on the site regarding the type and size of building the site would accommodate. Complementary to that study Council was provided some financial analysis. After evaluation of this information Council instructed staff to proceed to the next step. That step would be to commence of a facility planning effort, which includes schematic flow design, and evaluation of the type of building that could be developed for partial private use. The architect will determine space needs for each department on an interim and long-term basis. Within 60 days an architectural program will be ready to present to Council showing what size the building should be, the functionality cost and potential revenue that could be generated. This should provide the basis for comparing leasing space vs owning space. Council will determine whether or not the City is interested in developing a permanent space for Council, staff and possible business leasing space. If Council decides to proceed further in this project, staff would then hire an architect and hold public hearings to gather citizen input.

Mr. Wilson requested approval to solicit architectural firms while this process is being completed so the staff would be able to move forward and meet a rather aggressive time schedule to complete the building process. The total cost of this contract cannot exceed $29, 850. Mr. Wilson explained the information received from this report should help Council and the community decide if they want to build on the current site or not.

Councilmember Gerend requested the estimate for the building include the cost for one or more levels of underground parking.

Deputy Mayor Romero recused himself from the discussion of this contract because In Form, Inc. is a client of his.

Public Comment:

Scott Hamilton, 19727 SE 19th Street: Encourage Council to consider providing space for a senior/youth center into the City Hall design.

MOTION: Councilmember Huckabay moved to authorize the City Manger to sign a contract with In Form, Inc. for pre design architectural work for City Hall. Councilmember Gerend seconded. Motion carried 6-0 with Deputy Mayor Romero abstaining.

Mayor Barry suggested canceling the November 22, 2000 Study Session since it is the day before Thanksgiving.

Councilmember Dyer announced the Community Development Committee will be meeting on October 4, 2000 at 5:30 pm and the Finance Committee will meet on October 18, 2000 (the two committees are exchanging meeting dates.)

Councilmember Haworth commented that the fire service agreement has not been signed with any of the parties involved. He suggested telling the involved members to sign by a date certain. Mr. Wilson suggested he and Mr. Haworth meet after the meeting to discuss the situation.

7. **Adjournment:** Mayor Jack Barry adjourned the meeting at 9:03 pm.

Melonie Anderson, City Clerk

Jack Barry, Mayor

Bill No. 7a

AGENDA BILL

CITY OF SAMMAMISH
CITY COUNCIL

Subject: First Reading Of Ordinance; Wireless Communications Facilities

Meeting Date: October 4, 2000

Date Submitted: September 22, 2000

Originating Department: Community Development

Clearances:

_____ **Administration** _____ **Police**

_____ **Public Works** _____ **Fire**

_____ **Building/Planning** _____ **Attorney**

Committee: Reviewed by Community Development Committee

Action Required: No action at this time; ordinance will be presented for adoption at the second reading.

Exhibits: (a) Draft Ordinance; (b) Ordinance Summary; (c) written comments

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Budgeted Amount: n/a

Summary Statement:

The attached ordinance is an update to the City's Communications Ordinance, ISDC 21A.26. The proposal primarily addresses the siting of telecommunications facilities, but also addresses siting standards for broadcast and relay towers, amateur radio towers, monopoles, satellite dish antennas, wireless communications facilities and related equipment. The draft has been submitted to interested wireless communication providers and interested citizens. Written comments received to date are attached. Additional written comments received prior to the hearing will be forwarded to Council's in-boxes by Friday the 29th.

Recommended Motion:

Following the first reading of this ordinance, staff will prepare any recommended changes by Council for consideration at the next reading of the ordinance, which will be on October 18, 2000. If appropriate, Council may consider changes to the draft at the October 11th study session.

City of Sammamish

Ordinance No.____

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES AND INCLUDING A PURPOSE STATEMENT, DEFINITIONS, EXEMPTIONS, A POLICY STATEMENT, SITE SELECTION CRITERIA, PRIORITY OF LOCATIONS, SITING PRIORITY ON PUBLIC PROPERTY, CO-LOCATION AND DESIGN CRITERIA, PERMIT INSPECTION REQUIREMENTS AND LANDSCAPING REQUIREMENTS, NON-USE AND ABANDONMENT PROVISIONS, THIRD PARTY REVIEW, AND REMEDIES.

WHEREAS, Section 704 of the federal Telecommunications Act of 1996, 47 USC Sec. 332(c)(7), provides that local governments may, pursuant to their inherent zoning authority, regulate the placement, construction, and modification of personal wireless telecommunications service facilities, provided that the local governments do not unreasonably discriminate among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of personal wireless services; and,

WHEREAS, the City Council finds that personal wireless service facilities often require large structures or towers, whose height and footprint may not be compatible, as a matter of sound urban planning, with adjoining residential uses; and,

WHEREAS, the City Council further finds that the public interest is best served by enacting specific siting regulations which will provide for placement of personal wireless facilities in areas least likely to negatively affect residential property; and,

WHEREAS, the City is in the process of and will continue to identify potential sites which will allow for the placement of personal wireless telecommunications facilities subject to the criteria enumerated herein and elsewhere in City ordinances; and

WHEREAS, the City has established a legislative record including numerous examples of wireless ordinances from other jurisdictions, and involved both the public and personal wireless telecommunication service providers in drafting the text of this ordinance; and

WHEREAS, zoning districts in the City are currently classified as set forth in Chapter 21.26, ISDC; and,

WHEREAS, the current Communications Ordinance does not address specifically telecommunications and wireless facilities in a manner consistent with the Telecommunications Act of 1996.

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

Section 1. Chapter 21A.26 of the Interim Sammamish Development Code is hereby repealed.

Section 2. A new chapter 21A. 26 of the Interim Sammamish Development Code is adopted to read as follows:

Chapter 21A.26
COMMUNICATIONS FACILITIES

Sections:

21A.26.010 Purpose.
21A.26.020 General guidelines and permit requirements.
21A.26.030 Development standards for all residential districts.
21A.26.040 Development standards for all business and commercial districts
21A.26.050 Broadcast and Relay Towers - Standards
21A.26.060 Special exceptions.
21A.26.070 Review by independent consultant – third party review.

21A.26.010 Purpose.
In addition to implementing the general purposes of the comprehensive plan and development regulations, this section addresses the issues of permitting, siting, appearance and safety associated with broadcast and relay towers, amateur radio towers, telecommunications monopoles, satellite dish antennas, wireless communications facilities and related equipment. It provides siting opportunities at appropriate locations within the city to support existing communications technologies and to adapt to new technologies as needed. This chapter provides for a wide range of locations and siting options for wireless communications facilities which minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, co-location of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community.

21A.26.020 General guidelines and permit requirements.
A. General Guidelines. The development standards in this chapter address setback and other site specific location factors. Siting criteria for all communication facilities are necessary to encourage siting in the most appropriate locations based upon land use compatibility, neighborhood characteristics and aesthetic considerations.
B. Priority of Locations. The order of priorities for locating new wireless service facilities shall be as follows:
1. Place antennas and towers on public property, if practical.
2. Place antennas on appropriate rights-of-way.

3. Place antennas and towers in districts (in descending order of preference: commercial districts, public institutional districts, and downtown business districts) which do not adjoin or adversely impact residential or waterfront districts.
4. Place antennas and towers on other non-residential property.
5. Place antennas and towers in the city multi-family zoned areas.
6. Place antennas and towers in multi-family residential structures exceeding 30 feet in height.
7. Place antennas and towers in residential and waterfront districts only if (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.
C. General Requirements for Co-location. For new antenna and wireless communications facilities, co-location on existing towers and wireless support structures is preferred. Where co-location has been demonstrated to be impracticable, new towers are most appropriately located as stated in the order of preference in subsection B of this section. Co-location on existing support structures is encouraged by fewer standards and a simplified permit procedure. Attachment of antennas to existing nonresidential structures and buildings primarily within business parks, business districts and commercial districts is preferable to installation of new wireless support structures, broadcast and relay towers or monopoles. The city may request that the applicant perform feasibility studies associated with applications for communications facilities in order to demonstrate that locations on existing structures have been explored as the preferred siting alternative, or that a conditional use permit or a variance from the development standards in this chapter, as requested by the applicant, is necessary in order to provide wireless communications, television, radio or other broadcast services.

If the city requests such a feasibility study of an applicant, the study shall demonstrate:
a. That the applicant has: (i) contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals; (ii) asked for permission to install the antenna on those structures; and (iii) received a denial of permission to install the antenna on those structures, together with the reason for such denial.
The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna; (ii) its relationship to other cell sites in the applicant's network; and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.
In addition to the above, an applicant desiring to locate a new antenna support structure in a residential or waterfront district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.
D. Permit Processing Requirements.
1. Permit Type.

a. Small Satellite Dish Antenna. Small satellite dish antennas shall comply with all Uniform Building Code requirements, but are otherwise exempt from the permit application procedures of ISDC 21A.44.
b. Large Satellite Dish Antenna. Large satellite dish antennas and other antenna applications shall be processed as a Type II permit. A building permit shall also be required.
c. Amateur Radio Towers. Amateur radio tower applications shall be processed as a Type II permit. A building permit shall also be required.
d. Wireless Communication Facilities. A conditional use permit shall be required for wireless communication facilities in residential districts, which shall be processed as a Type III permit. For all other districts, wireless communication facilities shall be processed as a Type II permit. A building permit shall also be required.
e. Broadcast and Relay Towers. Broadcast and relay tower applications shall be processed as a Type II permit. A building permit shall also be required.
2. Elements of a Complete Application. A complete application for the Type II permits described in this chapter shall consist of an original of the following:
a. A site plan, drawn at a scale not less than one inch per 50 feet, showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.
b. An elevation of the proposed facility, including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of proposed structures.
c. A topographic map, based upon the most recent site survey or information available, at no less than five-foot contour intervals.
d. The required application.
e. Three copies of the original of the application.
f. A signed statement indicating that (i) the applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (ii) the applicant and/or landlord agree to remove the facility within 12 months after abandonment.
g. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
h. A current map and aerial photograph showing the location of the proposed tower, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.
i. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional facilities or antennas for future users.
3. A complete application for a conditional use permit shall, in addition to the elements described in subsection (D)(2)(a) of this section include those elements as described in IDSC 21A.44.

21A.26.030 Development standards for all residential districts

A. Small Satellite Dish Antenna – Development Standards. Small satellite dish antennas shall not extend above the highest point of the roof.
B. Large Satellite Dish Antenna – Development Standards. The following minimum standards apply to all antennas:
1. Siting on Lot. Large satellite dish antennas shall be sited in the rear yard as a first order of preference. If the applicant demonstrates that reception is not available in this location, the second order of preference for siting shall be the side yard. If the applicant demonstrates that reception is not available in this location, the third order of preference shall be the front yard. Finally, if reception is not available in any other location, the satellite dish antenna may be located on or attached to a roof, pursuant to the special exception procedures in ISDC 21A.26.060.
2. Height and Size. Antennas, antenna mountings and large satellite dishes shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. Large satellite dish antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from existing grade.
3. Color. To the extent technically feasible, specific paint colors may be required to allow the antenna or large satellite dish and mounting structures to blend better with the surroundings.
4. Screening, Landscaping. Screening of all large satellite dish antennas may be required with one or a combination of the following methods: fencing, walls, landscaping, structures or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the antenna and the abovementioned viewpoints. A dense vegetative screen shall be provided for large satellite dish antennas that are visible from any portion of the right-of-way. Landscaping installed for the purposes of screening shall be maintained in healthy condition.
5. Signs Prohibited. Satellite dish antennas shall not be used for the purposes of signage or message display of any kind.
6. UBC Conformance. Construction plans and final construction of the mounting bases of all large satellite dish antennas shall be in accordance with the requirements established in the latest edition of the Uniform Building Code adopted by the city.
7. Type of Dish. Aluminum mesh dishes should be used, as practicable, instead of a solid fiberglass type large satellite dish antenna.
8. Number of Dishes Allowed. Only one large dish satellite antenna shall be allowed on each residentially-zoned property.
C. Amateur Radio Towers – Development Standards. The following minimum standards apply to amateur radio towers:
1. Siting on Lot. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
2. Height and Size. The height of a ground-mounted tower may not exceed 65 feet unless an applicant demonstrates physical obstructions to reception. Telescoping towers may exceed the 65-foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of 25 feet above the existing roofline.

3. Color. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
4. Screening, Landscaping. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, and/or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet of the tower. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet in height.
5. Signs Prohibited. No signs shall be placed or posted on amateur radio towers.
6. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be in accordance with the requirements established in Uniform Building Code as adopted by the city.
D. Wireless Communication Facilities – Development Standards. The following standards shall be applied to all wireless communication facilities, such as antenna and equipment shelters, exclusive of the broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, SMC 21A.26.050(2) through (7).
1. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
2. Height and Size. The combined antenna and supporting structure shall not extend more than 15 feet above the existing or proposed roof structure.
3. Color, Screening, Landscaping.
a. Wireless communication antennas installed on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property. The antenna shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.
b. Screening of wireless communications facilities shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints.
c. Landscaping for the purposes of screening the wireless communications facilities shall be maintained in a healthy condition.
d. Any fencing required for security shall meet the screening standards of the city's design guidelines.
4. Signs Prohibited. No wireless equipment shall be used for the purposes of signage or message display of any kind.

5. Conform to UBC. Wireless communication facilities shall comply with all applicable UBC requirements.
6. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
7. Co-location. Placement of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the applicant/operator's communications needs. The applicant shall also comply with the co-location requirements of ISDC 21A.26.020(C). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the applicant/operator in order to show that reasonable efforts were made to identify alternate locations.
8. Equipment Shelters.
a. Limit on Area. Associated aboveground equipment shelters shall be minimized, and shall not exceed 240 square feet (e.g., 12 feet by 20 feet) unless operators can demonstrate that more space is needed.
b. Color. Shelters shall be painted a color that matches existing structures or the surrounding landscape.
c. Materials. The use of concrete or concrete aggregate shelters is not allowed.
d. Screening, Landscaping. A dense vegetative screen shall be created around the perimeter of the shelter.
e. Undergrounding. Operators shall consider undergrounding equipment if technically feasible or placing equipment within existing structures.
f. UBC Conformance. Equipment shelters shall comply with all UBC requirements, but may be exempt from building envelope insulation requirements (See RCW 19.27A.027.)
E. Broadcast and Relay Towers – Development Standards. Broadcast and relay towers are not permitted in any residential district.

21A.26.040 Development standards for all business and commercial districts.

A. Small Satellite Dish Antenna. No additional development standards.
B. Large Satellite Dish Antenna – Development Standards. In addition to the standards in SMC 21A.26.030(B)(1) through (8), the following standards shall apply:
1. Ground mounted antennas are subject to the following requirements:
a. Size. Such antenna shall not exceed 12 feet in diameter and 15 feet in height. Height shall be measured from existing grade.
b. Placement. Ground-mounted antennas shall be located outside of any required landscape area and preferably located in service areas or other less visible locations.
c. Screening. From the time of installation, ground-mounted antennas shall be screened as high as the center of the dish when viewed from any public right-of-way. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.
2. Roof-mounted antennas shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building,

consistent with the city's Design Review Manual, and can include parapet walls or other similar screening.

C. Amateur Radio Towers – Development Standards. In addition to the development standards in SMC 21A.26.030(C), the following minimum standards apply:

1. Placement. Amateur radio towers reviewed under this section shall not be located within any easement, the front yard, side or rear yard building setback areas. Amateur radio towers may be ground or roof mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

2. Paint Colors. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

3. Screening. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet in height.

4. Signs. Amateur radio towers shall not be used for the purposes of signage and shall not display a sign of any kind.

5. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be subject to approval by the city building official.

7. Commercial Use Prohibited. Amateur radio towers located in residential districts shall not be constructed or used for commercial purposes.

8. Height. The height of a ground-mounted tower may not exceed 65 feet unless an applicant demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65-foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of 25 feet above the existing roofline.

D. Wireless Communication Facilities – Development Standards. In addition to the requirements of SMC 21A.26.030(C), the following standards shall be applied to all wireless communications facilities, such as antenna and equipment shelters, exclusive of any broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, SMC 21A.26.050(2) through (7).

1. Co-location. Installation of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the operator's communications needs. The applicant shall be required to comply with the co-location requirements of SMC 21A.26.020(C). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be

explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.
2. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
3. Height. The combined antenna and supporting structure shall not extend more than 15 feet above the existing or proposed roof structure.
4. Signs. No wireless equipment shall be used for the purposes of signage or message display of any kind.
5. Visibility. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property.
6. Screening. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.
7. Fencing. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.
8. UBC Conformance. Construction plans and final construction of the mountings of wireless antenna and equipment shelters shall be approved by the city building official. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.
9. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
10. Equipment Shelters. Associated above-ground equipment shelters shall not exceed 240 square feet (e.g., 12 feet by 20 feet) unless operators can demonstrate that more space is needed. A dense vegetative screen shall be created around the perimeter of the shelter. Operators shall consider undergrounding equipment if technically feasible or placing the equipment within an existing structure. Aboveground equipment shelters for antennas located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible.
E. Broadcast and Relay Towers – Development Standards. Broadcast and relay towers are allowed in all commercial and business districts as a conditional use, subject to the criteria in ISDC 21A.44.

21A.26.050 Minimum Standards for Broadcast and Relay Towers. The following minimum standards apply to broadcast and relay towers:

A. Location. Broadcast and relay towers are restricted to commercial and business districts.

B. Siting on Lot. Broadcast and relay towers reviewed under this section shall not be within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts in any required building setback areas.

C. Height and Size. The combined height of a broadcast and relay tower and antenna shall not exceed 85 feet except when co-location is specifically provided for; then the broadcast and relay tower shall not exceed 100 feet.

D. Color. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting.

E. Landscaping, Screening. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.

F. Signs Prohibited. Broadcast and relay towers shall not be used for the purposes of signage to display a message of any kind.

G. Co-location. Placement of a broadcast and relay tower may denied if an alternative placement of the antenna on a building or other existing structure can accommodate the communications needs. Applicants shall be required to provide documentation that reasonable efforts to identify alternative locations were made.

H. Future Co-location Accommodation. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the co-location of other antenna and related equipment. If feasible, provision for future co-location may be required.

I. Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

J. Building Codes, Safety Standards. To ensure the structural integrity of towers, antennas and facilities, the applicant/owner shall ensure that they are maintained in compliance with standards contained in the applicable city building codes and the applicable standards for towers published by the Electronic Industry Association (EIA), as amended from time to time. If, upon application for a building permit or inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring the tower into compliance within 30 days, the city may remove the tower at the owner's expense.

K. Structural Design. Towers shall be constructed to Electronic Industry Association Standards, which may be amended from time to time, and to all applicable codes adopted by the city. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with EIA Standards and all other applicable industry practices. The plans shall be submitted and reviewed at the time applications for building permits are submitted.

L. Abandonment, Disrepair. All broadcast and relay towers shall be removed by the facility owner within 12 months of the date they cease to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

21A.26.060 Special exceptions.

A. Purpose. An applicant may apply for a special exception where the strict application of the standards for the specific type of facility would result in the obstruction or inability to receive a communication signal.

B. Complete Application. An application for a special exception is processed under the same permit type as the underlying permit. A complete application for a special exception shall consist of:

1. A completed application form as required by the city planning and building services department.
2. The applicant for a special exception shall demonstrate that the proposed material, shape and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.
3. The required application fee.
4. A written statement which satisfactorily demonstrates that all of the special exception criteria have been met.

C. General Criteria. Each determination granting a special exception shall be supported by written findings of fact and conclusions demonstrating that all of the following general criteria and all specific criteria in subsection D of this section have been met:

1. The applicant has demonstrated that strict application of this code would result in an inability to receive a signal or to effectively provide tele-communications services, and that this is the result of factors beyond the control of the applicant; and,
2. The proposed material, shape and color of the antenna will minimize visual impacts on neighboring properties to the greatest extent possible; and,
3. Where appropriate, the applicant has demonstrated that the antenna will allow co-location for additional antennas and/or/telecommunication facilities.
D. Special Exception Criteria for Specific Facilities. In addition to the applicant's submission of materials described in subsection B above, a special exception may only be granted in accordance with the following criteria:
1. Large Satellite Dish Antenna and Other Antenna – Special Exceptions.
a. Residential Zones.
i. Modifications to requirements for setbacks, size, screening and maximum height may be considered by special exception.
ii. If a special exception is requested from the height limit for a ground-mounted dish, the height of the dish shall be limited to a maximum of 18 feet above the existing grade.
iii. A rooftop location shall only be considered if the requirements of this chapter would result in reception blockage. If a special exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and a maximum permitted height of 15 feet above the roofline. The approval authority may require the applicant to place the antenna in an area of the roof which takes into consideration view blockage and aesthetics, provided reception is available.
b. Business and Commercial Districts.
i. Ground-Mounted Antenna. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still result in reception blockage shall a special exception from height requirements be considered. If a special exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet above the existing grade.
ii. Roof-Mounted Antenna. The first exception to be considered shall be the center of the roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived regulations would still result in the blockage of an electromagnetic signal, shall a special exception from height requirements be considered. A special exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antenna in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a useable signal and structural considerations allow the alternative placement.
2. Amateur Radio Towers – Special Exceptions. Residential Zones – Where a property owner desires to vary from the height, location or setback limitations, the special exception criteria must be met.
3. Wireless Communications Facilities – Special Exceptions.
a. Residential Zones. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.
b. Business and Commercial Districts. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.

4. Broadcast and Relay Towers – Special Exceptions.
a. Commercial Business Districts. An applicant for a proposed broadcast and relay tower that exceeds height limits shall be required to obtain a conditional use permit under ISDC 21A.44..

21A.26.070 Review by independent consultant – Third party review.

A. Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The city may require a technical review as part of the permitting process. The costs of the technical review shall be paid by the provider.
B. The selection of the third party expert may be by mutual agreement between the provider and the city, or, at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review his/her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's methodology and equipment used. The expert review is not intended to be a subjective review of the site which was selected by the provider. Based on the results of the expert review, the city may require changes to the provider's application. The expert review shall address the following:
    1. The accuracy and completeness of submissions;
    2. The applicability of analysis techniques and methodologies;
    3. The validity of the conclusions reached; and
    4. Any specific technical issues designated by the city.

Section 3. 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 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____DAY OF _____, 2000.

CITY OF SAMMAMISH

_____

Mayor Jack Barry

ATTEST/AUTHENTICATED:

_____
Melonie Anderson, City Clerk

Approved as to form:

_____
Bruce L. Disend, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:

SUMMARY OF THE PROPOSED COMMUNICATIONS ORDINANCE

- Addresses the issues of permitting, siting, appearance and safety associated with broadcast and relay towers, amateur radio towers, telecommunications monopoles, satellite dish antennas, wireless communications facilities and related equipment.

- Provides siting opportunities at appropriate locations within the city to support existing communications technologies and to adapt to new technologies as needed.

- Provides for a wide range of locations and siting options for wireless communications facilities, which minimize associated safety hazards and visual impacts.

- The siting of wireless communication facilities on existing buildings and structures, co-location of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community.

- Priority of Locations:
    1. Place antennas and towers on public property, if practical.
    2. Place antennas on appropriate rights-of-way.
    3. Place antennas and towers in districts (in descending order of preference: commercial districts, public institutional districts, and downtown business districts) that do not adjoin or adversely impact residential or waterfront districts.
    4. Place antennas and towers on other non-residential property.
    5. Place antennas and towers in the City multi-family zoned areas.
    6. Place antennas and towers in multi-family residential structures exceeding 30 feet in height.
    7. Place antennas and towers in residential and waterfront districts only if (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.

- General Requirements for Co-location.

- Permit Processing Requirements.

- Development standards for all residential districts.

- Development standards for all business and commercial districts.

- Minimum Standards for Broadcast and Relay Towers.

- Special exceptions. - An applicant may apply for a special exception where the strict application of the standards for the specific type of facility would result in the obstruction or inability to receive a communication signal.

- Review by independent consultant – Third party review.
  The city may require a technical review as part of the permitting process. The provider shall pay the costs of the technical review.

Exhibit C

Subj: **Communications Code**
Date: 8/24/00 1:06:04 PM Pacific Daylight Time
From: donnellyt@email.msn.com (Tom Donnelly)
To: scottlhamilton@aol.com (Scott Hamilton)

Scott -

I have reviewed the proposed Communications Facilities code section (21A.24) and have the following comments:

Under 21A.24.020 - B.1: This encourages antennas and towers to be located on "public property". Would this encourage a tower to be placed in a municipal park or recreation property? If so, such a communications facility may be restricted to antennas being located on existing structures in park and recreational areas, such as on lighting or electrical poles, or antennas on existing buildings where the visibility could be more easily mitigated. Use of certain public facilities such as water reservoirs, maintenance buildings, or municipal roof-top locations may also be encourages with more explicit language.

The city may want to consider encouraging the use of public rights-of-way for antennas on existing utility poles along primary roadway corridors. I believe this is an excellent way to place communications facilities where they are needed most, and where they are least obtrusive.

21.A.22.020 D: This section addresses "Small" vs. "Large" satellite dishes but is vague on the sizing of such dishes. I would suggest that more explicit dimensions be specified to separate the small dishes used on residences, i.e. those under 1 meters, vs. the larger dishes used for communications equipment. A typical dish used by mobile communications carriers and paging companies is 1.2 meters in diameter.

21A.24.020 D.2: Under Elements of a Complete Application, I would suggest requiring a photo simulation be provided for all new towers. This is helpful in viewing the actual potential impact of the facility, and is quite readily used by many jurisdictions in the Seattle region.

Care should be taken to have submittal requirements be more rigid for new towers and multiple equipment facilities, such as antenna arrays that exceed 4 antennas. Such facilities are more visible and should be evaluated more their visible impacts. However locating a single antenna on a roof-top location should not be subject to the same standards (i.e. requiring a topographic map for a single antenna on a roof-top location should not be necessary).

21A.24.070: This section specifies the possible use of independent third party review of information that is usually proprietary for the communications companies. It seems doubtful that this code could be enforced in any strict sense given the nature of the industry. While it is valid to request that a carrier demonstrate that they have thoroughly examined the possiblity of collocation, as shown in 21A.24.020 C, it may be difficult at best to get third party to identify an alternative location based on technical data that the carrier would agree to.

Overall comments:

1. If collocation is not possible according to the standards set forth in

this code section, it leave open the possibility of constructing either a lattice tower or a monopole. No distinction or preference is given for the type of tower that may be constructed. The code should be more rigid in defining the type of tower that may be constructed and how it should blend into it's surrounding environment. In some cases, a new 'tower' may be a wooden pole such as is used for public utilities in road corridors, with a single flush-mount antenna. Such facilities are found in Kirkland.

2. The city may consider eliminating new towers over a certain height, such as 30 feet. In stead of having one 100-ft tower covering a 3 mile radius some jurisdictions have been known to limit facilities to multiple less visible towers to 30-feet within the same coverage area.

3. Some thought may be given to antenna arrays or tower "farms". Locating multiple antennas and satellite dishes on one roof top may be considered unsightly and undesirable in certain areas. If a monopole is maxed out on available space for additional carriers (as is often claimed to be the case) it may be helpful to specify a certain minimum distance within which a new tower can be built. Otherwise an undesirable clustering of towers may result.

I hope this is helpful. Good luck!

Tom

---------- Headers ----------

Return-Path: <donnellyt@email.msn.com>
Received: from rly-za02.mx.aol.com (rly-za02.mail.aol.com [172.31.36.98]) by air-za03.mail.aol.com (v75_b3.11) with ESMTP; Thu, 24 Aug 2000 16:06:04 2000
Received: from smtp.email.msn.com (cpimssmtpu08.email.msn.com [207.46.181.30]) by rly-za02.mx.aol.com (v75_b3.9) with ESMTP; Thu, 24 Aug 2000 16:05:31 -0400
Received: from tomdonnelly - 63.30.50.195 by email.msn.com with Microsoft SMTPSVC;
    Thu, 24 Aug 2000 13:04:49 -0700
From: "Tom Donnelly" <donnellyt@email.msn.com>
To: "Scott Hamilton" <scottlhamilton@aol.com>
Subject: Communications Code
Date: Thu, 24 Aug 2000 12:56:06 -0700
Message-ID: <000901c00e05$57245c80$f776fea9@tomdonnelly>
MIME-Version: 1.0
Content-Type: text/plain;
    charset="iso-8859-1"
Content-Transfer-Encoding: 7bit
X-Priority: 3 (Normal)
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook 8.5, Build 4.71.2173.0
Importance: Normal
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2615.200

VoiceStream WIRELESS

September 18, 2000

Ray Gilmore
Director of Community Development
City of Sammamish
704 228th Avenue NE PMB 491
Sammamish, WA. 98053

RE: Chapter 21A.24 – Draft Telecommunication Ordinance

Dear Mr. Gilmore,

Thank you for the opportunity to comment on the City's Draft Telecommunication Ordinance. Our comments are limited to the wireless telecommunication portions of the proposed ordinance, and are based on our experience in working with telecommunication ordinances in the Puget Sound and elsewhere. We hope you will find our comments helpful. If you have any questions after reviewing this letter, please do not hesitate to contact me.

General Comments

In order to encourage wireless carriers to locate wireless communications facilities ("WCFs") in the preferred locations identified in the ordinance, we recommend that you consider inclusion of an administrative, expedited review process for the most preferred locations (e.g., collocation on existing commercial and utility structures). Additionally, to further this intent of the ordinance, we recommend that you consider providing approval by right for WCFs attached to existing utility poles in public rights-of-way in commercial/industrial districts.

Specific Ordinance Section Comments

What follows is a list of our specific comments regarding individual sections of the proposed Ordinance. In the instance that we proposed specific language changes, we underlined the proposed language in the context of the balance of the sentence or paragraph.

(1) **21A.24.020.B.2**
Place antennas within public rights-of-way.

Comment WCFs should be permitted in all public rights-of-way. Wireless telecommunications providers are increasingly encouraged by local governments to site WCFs within public rights-of-way as an alternative to private property. This approach has numerous benefits both for the jurisdiction and the carriers, including substantially reducing the visual impacts of WCFs and reducing the number of new support structures in a given area. This is particularly true in residential areas where aesthetic impacts tend to be of the greatest concern.

(2) **21A.24.020.C**

• . . . that the applicant has: (i) contacted the owners of non-residential structures with suitable AGL elevation (above-ground level) within a one-quarter mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals;

• The information submitted by the applicant shall include: (iii) an evaluation of existing non-residential buildings with suitable AGL elevation (above-ground level), within one-quarter mile of the proposed tower or antenna . . .

Comment – Based on the location priorities established in section 21A.24.020.B of the proposed Ordinance, it seems that residential structures should not be included in the search for collocation alternatives. It is possible that structures of 30 feet in height will not have sufficient ground elevation to provide acceptable signal quality for a given network. Minimum heights of antennas are universally noted by RF engineers with minimum AGL elevations, not building elevations.

(3) **21A.24.020.C**

. . . that the applicant has: (iii) either received a denial of permission to install the antenna on those structures; or has made at least two attempts to contact the property owner to request permission to install the antennas on those structures without receiving a response.

Comment – We have found that when a property owner is uninterested in leasing space to a wireless carrier, the property owner sometimes simply does not respond to the wireless carrier's inquiries. Consequently, in many cases it is impossible or nearly impossible to obtain a written "denial." The most wireless carriers can provide is written documentation that they attempted to contact the owner.

(4) **21A.24.020.D.2.a**

A site plan, drawn at a scale not less than one inch per 50 feet, showing the boundaries and dimensions of the parcel or site, if applicable, including any adjacent public streets or public easements of record.

Comment For locations in public rights-of-way, there is no legal description or dimensions.

(5)

(5) **21A.24.020.D.2.h**

A current map and *aerial photograph* showing the location of the proposed tower . . . (emphasis added)

Comment – Wireless carriers generally submit photosimulations, site plans and elevation views of a proposed installation that provides suitable views of the appearance of the proposed facility. An aerial photograph would add very little information useful for processing the application. We recommend that the City delete this requirement.

(6) **21A.24.030.D.3.a & b**

(a) Wireless communications antennas installed on existing structures shall be screened or camouflaged to the greatest extent possible by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of antenna as viewed from residentially zoned property or streets adjoining residentially zoned property.

(b) Screening of wireless communications facilities other than antennas shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the support structure and equipment shelter as much as practicable from the yards and main floor living areas of residentially zoned properties and streets adjoining residentially zoned property within 500 feet. Screening may be located anywhere between the base and the above-mentioned viewpoints.

Comment – We have proposed changes to subsections (a) and (b) so that subsection (a) addresses the antennas only and subsection (b) addresses all equipment other than antennas in order to avoid creating inconsistent obligations. The same issue arises in Section 21A.24.040.D.5&6.

In addition, we believe it is better to be specific regarding what constitutes a residential property in order to avoid any arguments. The language regarding "any street" is too broad and could be interpreted to include major arterials, highways, streets in commercial districts, etc. The "residential property" language also exists in Sections 21A.24.020.B.4 and 21A.24.040.D.5. and should be amended in every affected section.

(8) **21A.24.030.D.4**:

Signs Prohibited. No wireless equipment shall be used for the purposes of signage or message display of any kind, except as required by law.

Comment – This change clarifies the intent of the ordinance. Similar language appears in other sections of the ordinance. For the sake of consistency, it should be amended in every affected section.

(9) **21A.24.030.D.8.d**

Screening, Landscaping. A *dense vegetative screen* shall be created around the perimeter of the shelter. (emphasis added)

Comment – This language is subject to broad interpretation. Most jurisdictions recognize types or classes of landscaping with various widths and types of plantings (i.e. Class I, II, etc). King County Chapter 21.18A specifically deals with types of landscaping. Your existing zoning is operating under the King County Code, thus, this should be a relatively simple fix. Similar language appears in other sections of the proposed Ordinance. For the sake of consistency, it should be amended in every affected section.

(10) **PROPOSED NEW SECTION**

21A.24.030.F - Installation of WCF's in the Public Right-of Way

Wireless Communication Facilities may be placed in the public rights-of-way on existing utility poles, light standards, or other support structures with the ancillary equipment cabinets placed on the ground. An existing utility pole, light standard, or other support structure may be replaced with a new pole, light standard, or other support structure to accommodate the WCF. The height of the new pole may be increased up to 25 feet above the existing pole height to accommodate the signal quality and coverage of the proposed antenna(e).

Comment – The proposed ordinance recognizes rights-of-way as a preferred location for siting WCFs. The ordinance should, therefore, encourage, such sites in residential districts.

(11) **21A.24.040.D.5 & 6**

5. Visibility. Location of wireless communication antennas on exiting buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property.

6. Screening. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the . . .

Comment – Please see comment above regarding 21A.24.030.D.3. This section appears to create similar confusion regarding the City's screening requirements.

(12) **21A.24.040.D.10** Operators shall consider undergrounding equipment if technically feasible . . .

Comment – Kiosk structures are typically permitted in commercial and industrial districts. It seems appropriate to require consideration of underground installation of equipment in residential districts. In commercial/industrial districts, however, we believe that aboveground structures should be acceptable, thus, we recommend that the City delete this section of the ordinance.

(13) **21A.24.050.J and K**

J. . . . applicable standards for towers published by the Electronic Industry Association (EIA), as amended from time to time. . .

K. Towers shall be constructed to Electronic Industry Association Standards, which may be amended from time to time. . .

Comment – Unless the City of Sammamish has reviewed the EIA standards to assure that there are no conflicts with the UBC, and officially adopted the EIA standards, these references should be deleted. At the very least, the code should state which standard prevails in the event of a conflict in provisions between the UBC and the EIA requirements.

(14) **PROPOSED NEW SECTION**
21A.24.050.xx - Installation of WCF's in the Public Right-of Way

Wireless Communication Facilities may be placed in the public right-of-way on an existing utility pole, light standard, or other support structure with the ancillary equipment cabinets placed on the ground. An existing utility pole, light standard, or other support structure may be replaced with a new pole, light standard, or other support structure to accommodate the WCF. The height of the new pole may be increased up to 40 feet in height above the existing structure to accommodate the signal quality and coverage of the proposed antenna(e).

Comment – The proposed ordinance recognizes rights-of-way as a preferred location of WCF. Thus, the ordinance should include specific provisions that encourage such locations in commercial and industrial districts.

(15) **21A.24.060**
A. Purpose. An applicant may apply for a special exception where the strict application of the standards for the specific type of facility would <u>result in an unacceptable</u> communication signal.

C.1. The applicant has demonstrated that strict application of this ordinance would result in a <u>result in an unacceptable</u> communications signal or to effectively provide tele-communications services . . . (*emphasis added*)

Comment – As written, these sections are unreasonable. A WCF sited in virtually any location will be *able* to send and receive *some* signal. Conversely, any criteria that prohibit a carrier from constructing a new wireless tower will *obstruct* the wireless signal. It can be demonstrated by a variety of means that signal quality is acceptable or unacceptable. These suggested changes in the wording clarify what the code obviously intends.

(16) **21A.24.060.D.3**
(a) Residential Zones. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.

(b) Business and Commercial Districts. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.

Comment There are no stated special exception criteria. It is probable that this section should have referenced another section of the Sammamish Zoning/Development Ordinances. This should be clarified for the purposes of further discussions.

(17) **21A.24.070** Review by independent consultant Third party review . . .

Comment Given the application requirements in the proposed ordinance, third party review of information developed by a carrier RF engineer is unnecessary. Thus, we suggest that the City delete this section. Courts and quasi-judicial hearing officers are obligated under the law to give substantial weight to information developed by a service provider, due to the fact the provider is most familiar with the operating system that is being developed. To introduce information from a comparatively uninformed opinion would serve no useful purpose, and would cause delay in processing applications and unnecessary expense to providers.

Again, we very much appreciate the opportunity to review and comment on the proposed Sammamish telecommunication ordinance. Should you have questions or wish to meet and discuss any section or provision of the proposed ordinance, please do not hesitate to contact me or my Zoning Supervisor, Thomas Slade at (425) 770-0025.

Sincerely,

Tung Bui
VoiceStream Wireless
Executive Director
(425) 245-8864

Bill No. 7c

AGENDA BILL

CITY OF SAMMAMISH
CITY COUNCIL

Subject:
228th Ave. Phase 1C survey

Meeting Date: October 04, 2000

Date Submitted: September 28, 2000

Originating Department: Public Works

Clearances:

_____ **Administration** _____ **Police**

_____ **Public Works** _____ **Fire**

_____ **Building/Planning** _____ **Attorney**

Committee:

Action Required:
Authorize execution of contract

Exhibits:
A: Proposal from PACE
B: Standard City Contract Form

Budgeted Amount:

Summary Statement:
The City would like to proceed with some preliminary design for the 228th Ave. Phase 1C project. To accomplish this we will need a detailed survey of the existing road topography from NE 4th St. to SE 8th Street. Staff recommends that Council authorize the City Manager to execute a contract with Penhallegon Associates Consulting Engineers to provide the necessary survey information. This firm is currently on the City's engineering consultant roster.

Recommended Motion:
Move to authorize the City Manger to execute a contract with Penhallegon Associates Consulting Engineers to complete survey of 228th Ave. per agreement in Exhibit A.

Exhibit A

Inhallegon Associates Consulting Engineers, Inc.

Engineering

Planning

Surveying

September 28, 2000

Mr. John A. Cowling
City of Sammamish
704 - 228th Ave. NE
P.M.B. 491
Sammamish, WA 98074

Subject: **Control & Topographic Survey of 228th Ave SE and NE from SE 8th Street to NE 8th Street. See Map Attached (Revision of September 27th Proposal) Proposal No. 421.00**

Dear John,

We have viewed the project and conducted some preliminary research. Our firm and Target Surveyors before us has conducted several surveys along the route for Issaquah School District No. 411.

This project would lend itself very well to aerial mapping supplemented with ground surveys as we discussed earlier. It would be our plan to field locate and elevate the centerline and E.P.S. of the present roadway and those areas that are obscured from the aerial coverage. We would take cross sections and present that to the Aerial Company along with the control to aid in blending the contours. We would have the aerial mapping extend 150 feet each direction at road crossings. Our surveys would include an electric utility design locate and location of utilities as well as top and invert elevations of storm, sanitary and other utility manholes.

Our proposal is as follows

Purpose of Survey

Preparation of base mapping for design of a new roadway facility.

Bearings and Vertical Datum

NAD 83/91 and NAVD 88 as established by King County and other agencies if applicable.

Area of Coverage

60 feet each side of centerline and 150' each way on cross roads. In the event that the 60 feet is on a steep slope, we will extend the cross section to the top or toe.

Scope of Work

Field Surveys

- Control survey
  Recover existing control and establish additional control as needed.

Federal Way Kirkland Cle Elum

750 Sixth Street South • Kirkland, WA 98033
P. 425.827.2014 • F. 425.827.5043

Aerial Mapping

- Establish Aerial Control Panels as needed to control the project.
- Tie in aerial control panels and run bench levels to elevate control and to establish Bench Marks out of the area of future construction. Bench Marks to be established at intervals of 1000 feet or approximately every 100 feet in elevation.
- Provide Aerial Company with horizontal and vertical control with regard to pre-panels.
- Utility Locate - order electronic design locate of the utilities.

Topographic Survey

- Locate and elevate existing EP's along the route and at 50' stations and at cross streets and take cross sections to 60 feet each side of centerline and/or to top or toe of steep slopes.
- Locate and elevate existing utilities.
- Identify type and size and direction of flow.
- Elevate top and invert of storm and sanitary sewers.
- Driveways - locate and elevate driveways out to proposed right-of-way lines. Aerial mapping will be relied upon for elevations needed past those lines.

Base Map Preparation

- Plans - Sheet Size & Scale 24 x 36 sheets at a scale of 1" = 20'

The plan sheets will show all data located including horizontal and vertical control points, 2 foot interval contours, existing roadways, edge of pavement and driveways, elevations, utilities, property lines, house addresses that are within the 70 feet of topographic corridor and other pertinent surface features.

- Centerline stationing will be identified on the base mapping at every 100' station and major monument. In the field only major monuments at section and quarter corners will be marked with stationing.

Procedure:

Task 1: Research and Administration

- Research will be conducted in public and private records for survey information
- The most recent deeds for the site and adjoining parcels will be ordered.
- All information gathered will be reviewed by the Project Manager and field crew

Task 2: Field Survey

- The existing survey control will be recovered.
- A traverse will be run to tie into needed monuments and property corners.
- Vertical control will be run and a topographic survey will be conducted.

Task 3: Computations & Drafting

- The control traverse will be checked and reduced.
- The relationship of property lines to control traverse will be computed.
- All surveyed information will be drafted in AutoCAD on 24 x 36 sheet at 1" = 20' unless otherwise instructed
- Products: Prints and disk

Estimate of Hours and Cost for Tasks 1 through 3

Position	$/Hour	Hours	Cost
Principal Surveyor	96.00	10	$ 960.00
Survey Project Manager	88.00	15	$1,320.00
Senior Computer Tech	75.00	10	$ 750.00
Survey Technician I	61.00	80	$4,880.00
Senior CAD Drafter	68.00	10	$ 680.00
Senior Party Chief	68.00	56	$3,808.00
Instrument Person	48.00	56	$2,688.00
Senior Office Tech	48.00	2	$ 96.00

Compilation of Costs

	Totals
Task 1, 2, & 3	$15,182.00
Outside Consultant	
Aerial mapping fee	$ 5,390.00
Electronic Utility Locate 30 Hrs @ $77/Hr	$ 2,310.00
Expenses, mapping, reprographics and recording fees	$ 118.00
Total	**$23,000.00**

These fees are to be considered not to exceed amounts and to be used for budgetary purposes. Fees will be computed from the enclosed rate schedule.

Additional Item Costs

		Estimated Fee
L-1	Develop plan and profile sheets rather than just plan sheets	$ 610.00
A-2	Develop cross section sheets at each 50-foot interval stations and breaks	$ 1,200.00

A-3	Develop cross sections at 25-foot interval stations and breaks	$ 2,000.00
A-4	Prepare and file a Record of Survey to identify control used for the project.	$ 800.00

Items not covered by this proposal:

Locating of wetlands flags and tracing out drainage ways. Those items can be negotiated once the extent is determined.

Time Schedule

We will complete the survey in approximately four weeks of notice to proceed, unless unforeseen problems are encountered.

Data Needed from Client

As-built utility and roadway drawings if available.

Thank you for the opportunity to submit this proposal. Please sign below and return one copy to our office if this proposal is acceptable to you. Receiving a signed copy will be our notice to proceed. Do not hesitate to call if you have any questions or comments regarding this proposal.

Sincerely,

PENHALLEGON ASSOCIATES
CONSULTING ENGINEERS, INC.

Gordon S. Rector

Gordon S. Rector, P.L.S.
Director of Surveying

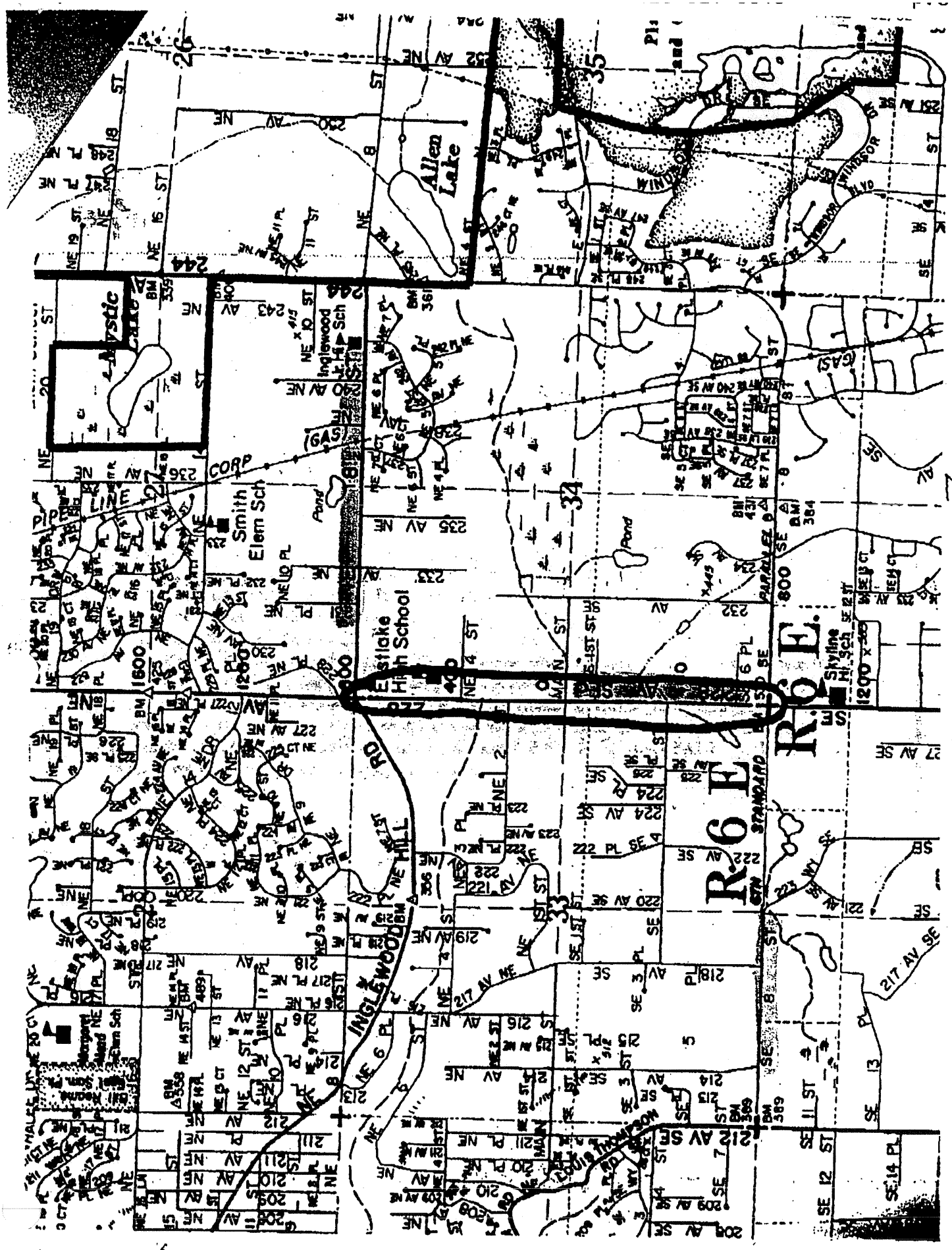
Proposal accepted by:

_____

Name Title Date

Check additional items desired:
A-1 _____
A-2 _____
A-3 _____
A-4 _____

Attachments:
- Map
- Fee Schedule



looked at proj. 9/24/00. 3-5 lane roadway with 6'± asph shoulders. Ditches along most of route. (over)

Penhallegon Associates Consulting Engineers, Inc.

Engineering

Planning

Surveying

2000 HOURLY RATE SCHEDULE (Rev. 2)

	DESCRIPTION	HOURLY RATE
1.	Expediter	$ 27.50
2.	Jr. Chain Person, Jr. Office Tech.	$ 33.00
3.	Chain Person, Office Tech.	$ 38.00
4.	Sr. Word Processor, Planning Tech., Jr. Instrument Person	$ 45.00
5.	Jr. CAD Drafter, Instrument Person, Sr. Office Tech.	$ 48.00
6.	Jr. Engineer, Designer I, Inspector, Jr. Planner, CAD Drafter I, Party Chief, Computer Tech.	$ 55.00
7.	Sr. Inspector, Planner, Engineer I, Designer II, Survey Tech I, CAD Drafter II	$ 61.00
8.	Engineer II, Sr. Party Chief, Survey Technician II, Sr. Designer, Sr. CAD Drafter	$ 68.00
9.	Sr. Engineer, Sr. Planner, Project Designer I, Project Surveyor, Sr. Computer Tech, Designer	$ 75.00
10.	Project Engineer, Project Planner, Sr. Project Surveyor, Project Designer II, Chief of Parties	$ 81.00
11.	Sr. Project Designer, Sr. Project Engineer, Sr. Project Planner, Survey Project Manager	$ 88.00
12.	Project Manager, Survey Manager, Principal Surveyor	$ 96.00
13.	Sr. Project Manager, Survey Director	$104.00
14.	Principal Engineer/Project Director	$109.00
15.	GPS with Operator	$125.00
16.	GPS Two Person Crew	$173.00
17.	Robotic Instrument with Operator	$ 88.00
18.	Robotic Instrument Two Person Crew	$136.00

REIMBURSABLES

A.	Within 30 Mile Radius *	No Charge
	Beyond 30 Mile Radius	
	Automobile	$ .35 per mile
	* On job inspection mileage will be billed	$ .35 per mile
B.	Special Equipment	As negotiated or Cost + 10%
C.	Blueprinting and Reproductions - In-house	Established In-house Rates
	Blueprinting and Reproductions - Outside	Cost + 10%
D.	Copies - In-house	$ .10/Copy
E.	Maps, reports, materials and general supplies, cost of commercial transportation, permit fees, pass-thru bills and similar items necessary for work in progress	Charged at Cost + 10%
F.	Per Diem for Out-Of-Town Work	Cost + 10%
G.	Long Distance Phone Calls	Cost + 10%
H.	Sub-Consultant	Cost + 10%
I.	Expert Witness	Rate x 1.5

Note: All payment is due within 30 days from date of invoice. Interest at 1 1/2% per month will be added on all accounts older than 60 days.

Federal Way Kirkland Cle Elum

750 Sixth Street South • Kirkland, WA 98033

P. 425.827.2014 • F. 425.827.5043

Exhibit B

CITY OF SAMMAMISH
AGREEMENT FOR SERVICES

Consultant: **Penhallegon Assoc. Consulting Engineers (PACE)**

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

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

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

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

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

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

The City shall pay Consultant:

[Check applicable method of payment]

_X_ According to the rates set forth in Exhibit "**A**"

___ A sum not to exceed $_____

___ Other (describe): _____

_____

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

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending **December 31, 2000**, 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 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.

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 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 coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City

Verification of Coverage

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

8. Record Keeping and Reporting.

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

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

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

10. Termination.

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

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

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

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

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

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

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

13. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform

services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

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

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

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

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

City Manager
City of Sammamish
704 228th Avenue NE, PMB 491
Sammamish, Washington 98053
Phone number: (425) 898-0660

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

Penhallegon Associates Consulting Engineers
750 Sixth Street South
Kirkland, WA 98033
Phone Number: (425) 827-5043

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

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

CITY OF SAMMAMISH, WASHINGTON	CONSULTANT
By:_____	By:_____
Title: City Manager	Title:_____
Date:_____	Date:_____

Attest/Authenticated:

_____

City Clerk

Approved As To Form:

_____

City Attorney

[INSERT EXHIBIT A – SCOPE OF SERVICES]

EXHIBIT B
City of Sammamish
Billing Invoice

To: City of Sammamish
704 228th Avenue NE, PMB 491
Sammamish, Washington 98053
Phone: (425) 898-0660
FAX: (425) 898-0669

Invoice Number:_____ Date of Invoice:_____

Consultant:_____
Mailing Address:_____
_____

Telephone: ( ) _____

Contract Period:_____ Reporting Period:_____

Amount requested this invoice: $_____

Attach itemized description of services provided.

Specific Program:_____

_____
Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	$_____
Previous payments	$_____
Current request	$_____
Balance remaining	$_____

Approved for Payment by: _____ Date: _____

EXHIBIT C
CITY OF SAMMAMISH
704 228th Avenue NE, PMB 491
Sammamish, WA 98053
Phone: (425) 898-0660
FAX: (425) 898-0669

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.: _____

Social Security No.: _____

Print Name: _____

Title: _____

Business Name: _____

Business Address: _____

Business Phone: _____

_____ _____

Date Authorized Signature (Required)

City of Sammamish Washington
704 - 228th AVENUE NE • PMB 491 • SAMMAMISH, WASHINGTON 98053 • PHONE 425-898-0660 • FAX 425-898-0669

September 15, 2000

Tom Meagher
Legal Advertising Representative
King County Journal Newspapers
P. O. Box 90130
Bellevue, 98009-9230

Re: Legal Notice for City of Sammamish

Dear Tom:

Please publish the enclosed legal notice in the Tuesday September 19, 2000 edition of the Eastside Journal. Thank you.

Sincerely,

Melonie Anderson

Melonie Anderson
City Clerk

City of Sammamish Washington

704 - 228th AVENUE NE • PMB 491 • SAMMAMISH, WASHINGTON 98053 • PHONE 425-898-0660 • FAX 425-898-0669

CITY OF SAMMAMISH
LEGAL NOTICE

Notice is hereby given that the Sammamish City Council will hold a public hearing on Wednesday, October 4, 2000, 7:30 pm at the Sammamish City Council Chambers, 486 228th Avenue NE. The purpose of this public hearing is to receive public comment on proposed modifications to the Interim Telecommunications ordinance. Citizens may comment on these documents at this public hearing or submit written comments addressed to the City Clerk, 704 228th Avenue NE, PMB 491, Sammamish, WA 98074 prior to the public hearing. Additional information relating to this meeting may be obtained from the Office of the City Clerk, (425) 836-7904.

MELONIE ANDERSON
CITY CLERK

Published Eastside Journal: September 19, 2000

TRANSMISSION VERIFICATION REPORT

TIME : 09/15/2000 11:24

DATE,TIME	09/15 11:23
FAX NO./NAME	EASTSIDE LEGALS
DURATION	00:00:34
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

Interim trail DEIS Comments
By Mark Cross, AICP
June 11, 2000

Received at Reg. Mtg.
Oct. 4, 2000
Public Comment
M. Anderson

June 11, 2000

Ms. Cheryl Fambles,
Director, King County DCFM
King County Admin Building
500 Fourth Ave., Room 320
Seattle, WA 98104

SUBJECT: Comments on Draft EIS, East Lake Sammamish Interim Use Trail and Resource Protection Plan.

Dear Ms. Fambles,
I have read the Draft EIS and reviewed the appendices. Based on these documents, my 14 years living in the current City of Sammamish and my professional background as a land use planner, I have the following comments.

I agree and support the proposed action of interim use of the 'railbed'. I agree with the conclusions of the draft EIS that the alternative 1 alignment along East Lake Sammamish Parkway and East Lake Sammamish Shore Lane is too dangerous. The EIS understates the relative safety differences of the two options. An example of this understatement is the lack of reference to the poor road geometrics of East Lake Sammamish Shore Lane at the intersection with East Lake Sammamish Parkway. Once East Lake Sammamish Shore Lane is made a one-way southbound street to accommodate the alternative trail alignment, all vehicles wanting to travel north on East Lake Sammamish Parkway will have to make a difficult and dangerous turn. Both the vertical and horizontal alignments are poor. My main comment and suggestion is that the Final EIS include a more thorough traffic engineering analysis of the road crossings envisioned with the proposed action 'railbed' route and the alternative 1 route.

SAFETY ISSUE ANALYZED

The relative safety provided by the proposed action 'railbed' option is far superior to (Alternative 1, bypass). Here is why:

1. The proposed action railbed option does NOT include pedestrian movement along the shoulder of East Lake Sammamish Parkway. The Alternative 1 option includes the use of the East Lake Sammamish Parkway for two way pedestrian and bicycle movement for 4,000 to 5,000 feet. This is extremely dangerous given that the only separation between the automobile and trail users will be a painted stripe. Jersey barriers would provide protection, but there is not the paved surface width to allow for this along the proposed route.

2. Driveways along East Lake Sammamish Parkway and of East Lake Sammamish Lane are wider at the road in ALL CASES than they are when they cross the railbed. All of the driveway flair in width at the road access points. The proposed railbed option crosses the driveways at their narrowest points. (See attached colored drawings copied from the wetlands appendices, sheets 36 to 44.) Note how the driveways widen as they meet the roadway.
3. The Alternative Option 1 has pedestrians and bicyclists crossing 28 driveways. At 30 feet in width each along the roadway, that is 840 feet of distance that pedestrians and bicyclists are mixed with vehicles within the driveway apron areas. The 6 crossings along the railbed proposed alternative are just 24 feet wide each because they do not flare to meet the street access and thus pedestrians and bicyclists are only mixed with pedestrians for approximately 144 feet of driveway width. The alternative option thus includes not only 4,000 feet of East Lake Sammamish Parkway exposure but also includes approximately 700 lineal feet of additional feet of driveway crossings!
4. As the driveways move from the waterfront to the streets along the Option 1 alternative route, they pick up the traffic of additional houses and thus the Option 1 alternative mixes the pedestrian and bicycle traffic with approximately twice as much vehicular traffic as does the railbed option. (See attached wetlands appendices panels 35 to 44) houses shown in red are houses that generate traffic across the alternative one route that do not provide ANY traffic across the railbed option. (Any discrepancies in numbers or locations due to my lack of physical access to the railbed route)
5. In several locations along East Lake Sammamish Place, driveways and parking are unrestricted and constitute large undefined access points for vehicular movement. Several of these existing driveways and parking areas would have to be structured and restricted to make pedestrian and bicycle movement even reasonably safe. I do not see any evidence that residents along East Lake Sammamish Shore Lane are willing to see the one way traffic pattern be established or the current open parking or wide driveway conditions changed.
6. Parking is allowed along East Lake Sammamish Parkway. Several houses along the alternative route rely on "on street" parking. Less of this type of parking would be lost to the neighborhood with the railbed option.
7. The traditional pattern of picking up mail out of the driver's window of vehicles along East Lake Sammamish would have to be curtailed with the Alternative route option 1. It was right in the area of SE26th Street where a resident picked up mail in just this way and then hit our family car broadside in 1993 trying to maneuver to the driveway. The driver of this car was cited for failing to yield the right of way, but the damage was already done. This kind of maneuver is always risky and would have to be ended completely with the Alternative Option 1. Are the City and County really ready to do this?

existing regional trail system. I look to King County to provide leadership in providing for the extension of the regional trail along the existing rail bed.

- I expect that safety for trail users and nearby residents will be given primary consideration in planning for both interim and permanent use of the trail system
- The proposed East Lake Sammamish Trail is a logical extension of the hugely popular Burke Gilman trail and will link Issaquah to Redmond.
- The proposed gravel surface for the interim trail will allow for safe use by pedestrians and lower speed bikes due to its coarser texture as compared to asphalt. It is much harder for a bike to surprise pedestrians from behind on a gravel surface.
- Based on walking Alternative Route 1 and analyzing the proposed rail bed option (which I am not allowed to inspect), from aerial photos and the wetland atlas contained in the appendices, I support the proposed action railbed option for three primary reasons.
    1. The railbed option, as compared to the bypass Alternative 1, provides far greater safety for pedestrians, bicyclists and motorists.
    2. The railbed option provides appropriate public access to scenic public property including publicly owned waterfront consistent with State, King County and City of Sammamish Shoreline Master Programs.
    3. Interim use will not occur until the end of the third summer since King County purchased the rail line. Three summers is enough time to allow for adequate design and implementation of a gravel surface along the route including the incorporation of design and operational features to meet the concerns of neighbors.
- A careful review of the draft environmental document does not reveal substantial impacts to the environment or neighbors that cannot be mitigated.
- The County and City both have obligations under the policies of the State Shoreline Management Act to provide public access to publicly owned waterfront. (See wetlands atlas panels 37, 38 and 39. Long-term lease of publicly owned waterfront for exclusive private use combined with long-term prohibition in public access is inconsistent with the State Shoreline Management Act and locally adopted Shoreline Master Programs of King County and the cities of Issaquah, Redmond and Sammamish.
- The no action option is not appropriate in that adding several years to the time bicycles and pedestrians are forced to conflict with high speed automobile traffic is unacceptably hazardous given the interim use option along the railbed is legally available.
- The physical topographic constraints of East Lake Sammamish make placement of the trail along the road edge unfeasible and hugely expensive as compared to the railbed alternative. If East Lake Sammamish Parkway were expanded, safety consideration would have to be given to a center turn lane in any event. A center turn lane is required

8. The EIS wetlands mapping in the appendix on panels 37, 38 and 39 show that the County now owns hundreds of feet of waterfront property. If there were an overriding safety or environmental issue that would suggest limiting all human access, that would be a strong reason to deny the public and private owners access. In the absence of that issue, it is unconscionable for the County or the City to lease publicly owned waterfront for exclusive private use and to deny the public even the right to walk or ride their bikes nearby. Allowing long-term use of public waterfront for private docks and the removal of native vegetation for no other reason than view enhancement while denying the public the right to pass by is just not consistent with State law or good public policy.
9. Additional areas along the railbed route are available to mitigate the placement of gravel. Adjacent residents to non-native species have converted many areas along the route. Adjacent residents have also prevented the growth of native species along lake frontage now owned by the county where re-vegetation could help in the survival of threatened species of salmon and lake living kokanee.
10. The County Parks Department, in renewing permits for private use of County property, should limit the leases to parking, access and boat docks. All permits should have provisions that prohibit the use of pesticides or herbicides on County property. Ban the use of "Weed and Feed" type products on County Property especially in these areas near Lake Sammamish. This will improve the environment and water quality that I am sure all of the residents of the County want to improve.
11. The vertical and horizontal geometrics of East Lake Sammamish Shore Lane as it intersects with East Lake Sammamish Parkway do not meet City or County standards. This dangerous intersection cannot accommodate both the pedestrian and bicycle traffic anticipated with the trail and the one way circulation pattern would create difficult turning movements for vehicles.

I have added color to the wetlands mapping panels included in the appendix to the Draft EIS panels 36 to 44. See attached. Driveways are yellow. Houses that cross the railbed for access are in green, houses that do not cross the railbed but do access the Alternative 1 bypass alternative route are in red. Note the number of red houses. This shows how many more houses generate vehicle trips that conflict with bicycle and pedestrian movements under the Alternative 1 option as compared to the 'railbed' alignment. The sections of East Lake Sammamish Parkway and East Lake Sammamish Shore Lane where trail users would be closer to vehicular movements as compared to the 'railbed' alignment are shown in a dashed red line.

Conclusions:

- We look to King County to plan, design and construct regional facilities of all kinds. The East Lake Sammamish Trail is a logical extension of the

with the road cross-sections adopted both by the City of Sammamish and King County.

- The latest traffic volumes available for East Lake Sammamish are contained in the newly adopted City of Sammamish Interim Transportation Plan. See attached. These numbers reinforce the fact that traffic volumes continue to grow along East Lake Sammamish and thus continue to degrade safety for motorized and non-motorized users of this transportation corridor. It is also fair to conclude that the safety pedestrians, bicycles and vehicles along East Lake Sammamish will continue to deteriorate.

King County is the appropriate agency to be planning and constructing regional facilities. The proposed trail is a very appropriate extension of an existing, very successful, regional trail facility. The railbed route is the only safe route for both interim and final trail construction due to the physical constraints on widening East Lake Sammamish Parkway and East Lake Sammamish Shore Lane. The natural flare in driveway aprons as they approach streets means that alternative alignments that follow streets are always going to include wider crossings by pedestrians and bicycles and thus more conflict with vehicles.

Finally, the Proposed Action of trail construction along the existing railbed is much safer than the alternative Option 1, which exposes trail users and vehicles to greatly expanded dangers and conflicts. The proposed opening of the trail to interim use in fall of 2001 will be three summers after the County acquired this public parkland. Three summers is long enough.

Thank you for your consideration,
Sincerely,

Mark Cross

Mark Cross, AICP and Family
247-208th Ave. NE
Sammamish, WA 98053
425-836-0289
Attachments

c. King County Council
City of Sammamish Council

CC: CM
PW
CD
EIS Trail File

Received at
Regular Meeting
Oct. 4, 2000
Public Comment
from C. Kilroy
N. Anderson

William E. Haro & Associates

William E. Haro, P.E.

2111 239th Place SE • Sammamish • WA 98075
Phone: 425.392.7288 • Fax: 425.427.8617

Public Safety and Liability Impacts Associated with Opening the Proposed East Lake Sammamish Interim Trail.

The following comments are specifically directed at the negative public safety aspects of the proposed action to open an interim trail along East Lake Sammamish in the manner proposed by King County in their August 25, 2000, Final Environmental Impact Statement. I base these comments from over 25 years of experience as a traffic engineer with the City of Bellevue directly responsible for the safe and efficient design, construction and operation of transportation systems, including pedestrian and bicycle facilities. In addition, my past four years, as a consulting engineer, have been spent conducting safety and liability studies for cities and counties in Washington State, including King County, and testifying as an expert witness on traffic accident cases involving public lawsuits.

Notice of the safety concerns of this project has clearly been given to King County through public testimony. I have personally provided analysis of safety concerns during the scoping process and in reference to the DEIS for the Interim Plan. These safety concerns have also been documented in the County's own analysis associated with the preparation of the Environmental Impact Statement for this project. Unfortunately, the proposals for mitigation of these safety concerns are inadequate. I can only believe that this is as a result of the project "being a low cost, interim approach", with little, if any, planning and consideration of alternatives. As a direct result of this approach, the public could be placed at serious risk. King County's liability is increased further when a pedestrian and bicycle accident does occur since the County was forewarned and has the ability to prevent these accidents from happening with low cost solutions resulting from proper planning.

The traffic safety and liability concerns associated with this project occur primarily at driveway crossings. The final EIS even states "...there is a potential for conflicts between trail users and vehicles at intersections with roadways and driveways" (page 1-5). Unfortunately it does not describe clearly the full nature and seriousness of these conflicts. It goes further to state that "...trail user and property owner safety are the most frequently received scoping comments" (page 3-88). The EIS states that adequate sight distance between vehicles and users of the trail would be limited due to the close proximity of the railbed to East Lake Sammamish Parkway and that sight distance limitations exist at approximately 39 of the estimated 52 total railbed driveway crossings (page 3-104).

My field investigation of these sight obstructions showed that they are associated with steep driveways, berms of dirt, dense landscaping, the possibility of parked cars, and driveway crossings at extreme angles with the railbed. Sight lines for trail users, including many who would very likely be children, are equally limited. The County's "interim" solution to addressing these sight obstructions is the posting of stop signs and warning signs for vehicles, pedestrians, and bicycles. The EIS states that over 280 traffic control and trail etiquette signs would be

installed with the proposed project. Refer to Figure 3.7-5 of the final EIS for a perspective on the use of this signage.

My experience has shown me that the use of stop signs and warning signs to mitigate safety issues in circumstances such as these will be grossly inadequate. Traffic control signs are only effective when drivers, pedestrians or bicycles can clearly perceive their benefit and/or they are sufficiently enforced by the police. The County should not depend on these signs to keep trail users, especially children, safe. Vehicles leaving the Parkway at speeds over 35 MPH, entering driveways at steep grades with little or no sight distance at the railbed, will eventually collide with a pedestrian or bicycle. Even at low speeds, collisions involving a vehicle and a pedestrian or bicyclist can result in a major injury or even a death.

Stop signs used on driveways in this manner will not prevent accidents since they quickly become unnecessary in the eyes of many drivers and trail users. I recently confirmed this behavior of disregard for traffic control signs on less severe trail intersections on the Burke-Gilman trail. My experience as a liability expert confirms that signs will serve only to assist in assessing blame after the fact. No amount of signing is going to make these crossings safe. The sight obstructions that are present today will not be improved under any of the proposals in the Final EIS for this project. Adequate sight lines must be provided or the trail rerouted to a safe area for crossings. Available rights of way exist in this corridor for trail relocation to provide safe crossings. Proper planning and design can result in making these crossings safe and reduce liability risks to King County.

"Alternative 1" identifies a route that utilizes portions of East Lake Sammamish Parkway and East Lake Sammamish Place to bypass one section of private properties that would be bisected by the proposed project. The intent of "Alternative 1" is to utilize the shoulders of these roadways without any separation from traffic other than a white painted edge-line. The Final EIS calls for relocating the centerline of East Lake Sammamish in this section to establish an eight-foot wide shoulder on one side and two to three feet on the other side. This alternative is unrealistic since it would promote walking with your back to traffic in a shared lane with bicycles also coming from behind you. This alternative route could serve as a safe solution with proper planning and construction. Unfortunately, "Alternative 1" - the *only* alternative presented in the Final EIS other than the "No Action" alternative, is an incomplete solution as designed in the Final EIS.

The County, and possibly adjacent Cities, could be held responsible in part for accidents associated with an inadequate design. The risk exposure increases further because there has been clear notice of both design defects and reasonable, relatively low-cost solutions that can reduce the risk of these accidents from happening. This is unfortunate, because with proper planning and design, a safe multi-purpose trail could be constructed on the east side of Lake Sammamish.

My recommendation is for the County to proceed with a more thorough planning process that will allow further consideration of design alternatives for a safer permanent trail.

William E Haro

William E. Haro, P.E.

SAMMAMISH CITY COUNCIL AGENDA CALENDAR

All Regular Meetings Are Held At 7:30 pm In The City Hall Council Chambers. Study Sessions begin at 6:30 pm Unless Otherwise Noted

This document changes frequently, and is for planning purposes only.
Refer to the City Council agenda for definite times and issues.

OCTOBER 4, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

Public Hearing	Telecommunications Ordinance		Community Development	:30
Ordinance	First Reading: Telecommunications		Community Development	:30
Ordinance	First Reading: Establishing a Land Use Mediation Program		Community Development	:30
Resolution	Fire Services, asset distribution		Administration	:15
Total				*1:45*

OCTOBER 11, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

Ordinance	Modification to Tree Cutting Ordinance	9/20	Community Development	:30
Ordinance	Administrative Procedures		Administration	:30

OCTOBER 18, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

	Hardship Exceptions-Virginia Evans/Lein		Community Development	:30
Ordinance	Civil Penalty for Clearing/Grading, amending Chapter 23.32.010	9/20	Community Development	:45
Interlocal	WRIA-District 8 EIS		Community Development	:30

OCTOBER 25, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

Report	Community Center Task Force		Parks	

NOVEMBER 1, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

Public Hearing	First Reading of 2001-2002 City Budget Ordinance			
	Emergency Plan		Public Safety	
Ordinance	Modification to Tree Cutting Ordinance		Community Development	:30

NOVEMBER 8, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

NOVEMBER 15, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

Public Hearing	Second Reading of 2001-2002 City Budget		Finance	
Public Hearing	2001 Property Tax Levy			
Ordinance	2001 Property Tax Levy		Finance	

NOVEMBER 29, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

Discussion	Budget Presentation		Administration	1:00

DECEMBER 6, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

Ordinance	2001-2002 City Budget		Finance	

DECEMBER 13, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

DECEMBER 20, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

Last printed 9/29/00 1:43 PM

DECEMBER 27, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

	Cancelled			

ITEMS TO BE SCHEDULED - COUNCIL REQUESTED

TYPE	ITEM	COMMITTEE DATE	LIAISON	TIME
	Restrictions on Parking Cars at Intersections		Haworth	

ITEMS TO BE SCHEDULED - STAFF

TYPE	ITEM	COMMITTEE DATE	LIAISON	TIME
Ordinance	Developer Deposit Fee		Public Works	
Interlocal	Shared Use Agreement-Issaquah School District		Parks	
Public Hearing	Building Moratorium Extension		Community Development	
	Storm Water Comprehensive Plan	9/20	Public Works	

Commercial Development Solutions
Consultants to the Real Estate Industry

Received at Reg. Mtg.
Oct. 4, 2000
Public Hearing
M. Anderson

October 4, 2000

City Council
City of Sammamish
704 228th Avenue NE, PMB 491
Sammamish, Washington 98074

RE: Proposed Wireless Telecommunications Ordinance

Dear Mayor Barry and Councilmembers,

Thank you for allowing me to comment on the proposed Wireless Telecommunications Ordinance on behalf of my client, Metricom Inc, this evening at your public hearing.

Metricom provides its customers with a wireless data communications system through its product called Ricochet, which is essentially a wireless modem. To make the product work, a series of small microcell radio units are located throughout a community which transmit the data and provide access to the Internet. These radio units are attached to street light arms, are powered by the solar panel on the street light, and are the size of a shoebox (12" x 7.2" x 4"). These radios transmit data between themselves and also communicate with a Wired Access Point (WAP), which is an antenna (with up to 16 panels) located so as to cover a large area. Metricom currently has 43 radio units and one WAP located within the City of Sammamish.

On behalf of Metricom, I offer the following comments and suggestions for improving the draft ordinance before you:

1. Section 21A.26.020.B.2 Priority of Locations

   What does the adjective "appropriate" mean in reference to rights-of-way? This subsection identifies location of WCFs in the right-of-way as the second highest priority for the City. The word "appropriate" should be deleted. Either it's in the right-of-way or it's not.

2. Section 21A.26.020.C Co-location

   A. This section addresses co-location of facilities and states that this is encouraged. It states "attachment of antennas to existing nonresidential structures…is preferable to installation of new wireless support structures…" This is good and should be encouraged. However, the rest of the section goes on to discourage the use of co-location by allowing the City to require a

Post Office Box 70372 ▪ Seattle, Washington 98107
206.286.8575 ▪ Mobile 206.601.4951 ▪ lisa@cdspermits.com ▪ Fax 206.286.8426

feasibility study. These are very costly and very time-consuming. The part of the section beginning with the third sentence in paragraph 2 ("The City may request....") through the end of the section should be deleted. Sections 26.030.D.7 and 26.040.D.1 already require an applicant to explain why they are not using co-location, if they aren't.

B. If this wording in the section is retained, it should be modified so that the feasibility study is clearly not required if an applicant is co-locating on existing towers and wireless support structures, as called for in the first sentence of Section 26.020.C. An applicant should not have to demonstrate the feasibility of other sites, if the applicant is locating when the City encourages location.

2. Section 21A.26.020.D Permit Processing Requirements

A. The terms listed in Subsection 1 should be defined in the ordinance. It is very hard to understand what applies to what when the terms are not clearly defined. For example, the term "broadcast and relay towers" is not defined, and yet later language implies that this includes monopoles. Is this true? In any case, the terms used should be defined.

B. In Subsection 1.d, Type II and Type III permits are required for Wireless Communications Facilities. Where are the "fewer standards and simplified permit procedures" which are the incentives for co-location promised in Section 26.020.C? There should be a clear identification of a simplified permit procedure when an applicant is co-locating on an existing structure.

3. Section 21A.26.030.D.2 Wireless Communications Facilities

This section deals with the development standards to WCFs and specifically with the height and size of these facilities. In general, the ordinance lists location of antennas in the right-of-way as the second highest priority location (SMC 21A.26.020.B). But beyond that mention, it does not discuss standards for use of the right-of-way. For example, this Section 21A.26.030.D.2 addresses height of WCFs above "roofs" but does not mention allowed height above structures in the right-of-way. Is this an oversight or is any structure located in the right-of-way permitted?

4. Section 21A.26.070 Review by Independent Consultant – Third Party Review

A. This section discusses a technical review of applications received. In Subsection A, rather than saying "in certain instances," the times when a technical review is warranted should be clearly spelled out. The current wording is too vague.

B. First, in the first sentence of Subsection B, the word "may" should be replaced with "shall" so that selection of the expert is by mutual agreement. Second, the second and third sentences (beginning with "The expert review" and ending with "by the provider.") should be deleted. They are confusing and contradict the list of subjects the expert reviewer should address.

5. Housekeeping

A. Section 21A.26.020.D.3 references "Subsection (D)(2)(a)"; I suggest you delete the reference to "(a)", as it limits the elements in a complete application to just the site plan.

B. Section 21A.26.030.Dand Section 21A.26.040.D reference "SMC 21A.26.050(2) through (7)"; I suggest the correct references are "(B) through (G)."

C. Section 21A.26.030.D.8 and Section 21A.26.040.D.10 both say above-ground equipment shelters "shall not exceed 240 square feet (eg 12 feet by 20 feet)." This appears to be referring to the ground area covered by the equipment shelter. Adding clarifying language would make this clear ("shall not exceed *a footprint of* 240 square feet"). Otherwise, it is confusing.

D. The title for Section 21A.26.060.D.1 includes the words "Other Antenna." What does this mean? To what antennas does this refer?

E. Section 21A.26.060.D.3.a and b refer to meeting "the special exception criteria" for residential and commercial locations at which the height limit is exceeded. There is no special exception criteria listed in these sections. Should the wording be "the special *general* exception criteria" and refer the General Criteria listed in Subsection "C"?

Thank you very much for the opportunity to provide these comments to you on behalf of Metricom, Inc. Metricom looks forward to a continued good relationship with the City of Sammamish and to serving our Sammamish customers. If you have questions or wish additional information, please contact me at 206-286-8575.

Sincerely,

Lisa Verner
Principal

C: Karen Kirkpatrick, Metricom, Inc.