

**Title 14**  
**Public Works and Transportation**

*(Note: Title 14 and its subsequent chapters are not included in these proposed changes due to existing ordinances proposing to add two new chapters, 14A.10 and 14A.15.)*

**Exhibit A**  
**Chapter 16.15**  
**CLEARING AND GRADING**

Sections:	
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**16.15.010 Purpose.**

(1) This chapter is intended to regulate clearing and removal of vegetation, excavation, grading, and earthwork construction including cuts and fills, gravel pits, and dumping operations within the City of Sammamish in order to protect public health, safety, and welfare by:

- (a) Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
- (b) Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- (c) Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
- (d) Protecting sensitive areas from adverse clearing and grading activities;
- (e) Preventing damage to property and harm to persons caused by excavations and fills;
- (f) Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and
- (g) Providing penalties for the violation of this chapter.

(2) This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for penalties for the violation of this chapter. (Ord. O99-29 § 1)

**16.15.020 Definitions.**

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

- (1) "Applicant" is a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit, or approval.
- (2) "Bench" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
- (3) "Berm" is a mound or raised area used for the purpose of screening a site or operation.
- (4) "Civil engineer" means a professional engineer registered in the state of Washington to practice in the field of civil works.
- (5) "Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any other means.
- (6) "Compaction" is the densification of a fill by mechanical means.
- (7) "Cutting" is the severing of the main trunk or stems from close to or at the soil surface or at a point up to 25 percent of the total vegetation height.
- (8) "Director" means the director of the department of community development.
- (9) "Earth material" is any rock, natural soil, or any combination thereof.
- (10) "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.
- (11) "Excavation" is the removal of earth material.
- (12) "Fill" is a deposit of earth material placed by mechanical means.
- (13) "Grade" means the elevation of the ground surface.
  - (a) "Existing grade" is the grade prior to grading.
  - (b) "Rough grade" is the stage at which the grade approximately conforms to the approved plan as required in SMC 16.15.070.
  - (c) "Finish grade" is the final grade of the site that conforms to the approved plan as required in SMC 16.15.070.

(14) "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.

(15) "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.

(16) "Reclamation" means the final grading and land restoration of a site.

(17) "Shorelines" means those lands defined as shorelines in the State Shorelines Management Act of 1971.

(18) "Site" is any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted where a public street or way may intervene.

(19) "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

(20) "Soil engineer" means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

(21) "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

(22) "Terrace" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

(23) "Tidelands" means that portion of the land that is covered and uncovered by the ebb and flood tide.

(24) "Tree" is a large woody perennial plant usually with a single main stem or trunk and generally over 12 feet tall at maturity.

(25) "Understory" is the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees.

(26) "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. (Ord. O99-29 § 1)

**16.15.030 Administration.**

The director is authorized to enforce the provisions of this chapter.

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

(2) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause

to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he or she shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care, or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor. (Ord. O99-29 § 1)

#### **16.15.040 Hazards.**

Whenever the director determines that an existing site, as a result of clearing or grading, excavation, embankment, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the clearing, grading, excavation, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein restore the site affected by such clearing or grading or repair or eliminate such excavation or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter. (Ord. O99-29 § 1)

#### **16.15.050 Clearing and grading permit required – Exceptions.**

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

(1) An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material

from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

(2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;

(3) Any grading within a publicly owned road right-of-way;

(4) Clearing or grading by a public agency for the following routine maintenance activities:

(a) Roadside ditch cleaning provided the ditch does not contain salmonids;

(b) Pavement maintenance;

(c) Normal grading of gravel shoulders;

(d) Maintenance of culverts;

(e) Maintenance of flood control or other approved surface water management facilities;

(f) Routine clearing within road right-of-way;

(5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a sensitive area as regulated in Chapter 21A.50 SMC;

(6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;

(7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;

(8) Within sensitive areas, as regulated in Chapter 21A.50 SMC, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

(a) Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;

(b) Emergency tree removal to prevent imminent danger or hazard to persons or property;

(c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;

(d) Normal and routine maintenance of existing public parks and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in sensitive areas. For the purpose of this subsection, a park is defined as: any real property managed for public use that has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit;

(e) Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;

(f) Pruning and limbing of vegetation for public utilities; provided, that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in sensitive areas as regulated in Chapter 21A.50 SMC. (Ord. O99-29 § 1)

#### **16.15.060 Applications – Complete applications.**

(1) For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this chapter shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:

- (a) For clearing and grading permits:
  - (i) A legal description of the property;
  - (ii) A 1:1,000 scale vicinity map with a north arrow;
  - (iii) Grading plans including:
    - (A) Horizontal and vertical scale;
    - (B) Size and location of existing improvements within 50 feet of the project, indicating which improvements will remain and which improvements will be removed;
    - (C) Existing and proposed contours at maximum five-foot intervals, and extending for 100 feet beyond the project edge;
    - (D) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and
    - (E) Temporary and permanent erosion-sediment control facilities;
  - (iv) The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the state of Washington:
    - (A) Permanent drainage facilities;
    - (B) Structures to be built or construction proposed in landslide hazard areas; and

- (C) Proposed construction or placement of a structure.
- (b) A completed environmental checklist, if required by Chapter 20.15 SMC, State Environmental Policy Act Procedures.
- (c) Satisfaction of all requirements for grading permits under SMC 16.15.070.
- (2) Applications found to contain material errors shall not be deemed complete until such material errors are corrected.
- (3) The director may waive specific submittal requirements determined to be unnecessary for review of an application. (Ord. O99-29 § 1)

#### **16.15.070 Permit requirements.**

Except as exempted in SMC 16.15.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

(1) Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the permit process and procedures chapter of SMC Title 20. In addition to the requirements of SMC 20.05.040 every application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made;
- (b) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed site;
- (c) Identify and describe those sensitive areas as defined in Chapter 21A.50 SMC on or adjacent to the site;
- (d) Indicate the estimated quantities of work involved;
- (e) Identify any clearing restrictions contained in SMC 16.15.120 wildlife habitat corridors pursuant to Chapter 21A.30 SMC, critical drainage areas established by administrative rule or property-specific development standards pursuant to Chapter 21A.85 SMC;
- (f) Be accompanied by plans and specifications as required in subsections (2) and (3) of this section;
- (g) Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without

meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

- (i) The name of the agency or public or private utility is shown on the application as the applicant;
- (ii) The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
- (iii) The form designating the applicant is submitted to the department prior to permit issuance; and
- (h) Give such other information as may be required by the director.

(2) Plans and Specifications. When required by the director, each application for a grading permit shall be accompanied by six sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, the director may require additional studies prepared by a qualified soils specialist. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

(3) Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the plans will conform to the provisions of this chapter and all other relevant laws, rules, regulations, and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the name of the person by whom the plans were prepared. The plans shall include the following minimum information:

- (a) General vicinity of the proposed site;
- (b) Property limits and accurate contours of existing ground and details of terrain and area drainage;
- (c) Limiting dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels, and related construction;
- (d) Location of all proposed cleared areas;
- (e) Location of any open space tracts or conservation easements if required pursuant to:

- (i) SMC 16.15.120;
  - (ii) Chapter 21A.30 SMC;
  - (iii) Critical drainage area; or
  - (iv) Property-specific development standards pursuant to Chapter 21A.85 SMC;
  - (f) Calculations of the total proposed area cleared on site as a percentage of the total site area;
  - (g) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
  - (h) A determination of whether drainage review applies to the project pursuant to Chapter 9.04 KCC as adopted by Chapter 15.05 SMC, and, if applicable, all drainage plans and documentation consistent with King County surface water design manual requirements;
  - (i) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 50 feet of the property or that may be affected by the proposed grading operations;
  - (j) Other information as may be required by the director; and
  - (k) If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in Chapter 21A.50 SMC, provide information as required by that chapter.
- (4) Granting of Permits.
- (a) The director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the interim comprehensive plan, the shoreline master program, and the development code.
  - (b) After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed

every two years, or less if a shorter approval and/or renewal period is specified by the director.

(c) No grading permit shall be issued until approved by federal, state, and local agencies having jurisdiction by laws or regulations.

(d) Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.

(e) The permits from the director shall be required regardless of any permits issued by any other department of City government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 23.40 SMC. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon. (Ord. O99-29 § 1)

#### **16.15.080 Liability insurance required – Exception.**

The permittee shall maintain a liability policy in the amount of \$100,000 per individual, \$300,000 per occurrence, and \$50,000 property damage, and shall name the City of Sammamish as an additional insured. Exception: Liability insurance requirements may be waived for projects involving less than 10,000 cubic yards. Liability insurance shall not be required of other public agencies. (Ord. O99-29 § 1)

#### **16.15.090 Operating conditions and standards of performance.**

(1) Any activity that will clear, grade, or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources, and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation

requirements in the City's erosion and sediment control standards.

(2) Cuts and fills shall conform to the following provisions unless otherwise approved by the director:

(a) Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

(b) Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (1) of this section.

(c) Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush, and car bodies.

(d) Fill Material. Except in an approved sanitary landfill, only earth materials that have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used.

(e) Drainage. Provisions shall be made to:

(i) Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

(ii) Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the City engineer.

(f) Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

(g) Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud, and traffic circulation.

(h) Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the director.

(i) Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

(j) Fencing. Fencing, where required by the director, to protect life, limb, and property, shall be installed with lockable gates that must be closed and locked when not working the site. The fence must be no less

than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(k) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

(l) Excavations to Water-Producing Depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(i) The depth of the excavations must not be less than two feet measured below the low water mark.

(ii) All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

(iii) All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least 25 feet.

(iv) In no event shall the term “water-producing depth” as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

(v) The intent of this provision is to allow reclamation of the land that will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

(m) Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 7:00 p.m. (Ord. O99-29 § 1)

#### **16.15.100 Shorelines.**

(1) Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.

(2) No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state, and local authority.

(3) For grading that requires a shoreline management substantial development permit, the conditions of the

shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter. (Ord. O99-29 § 1)

#### **16.15.110 Enforcement.**

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

(2) If clearing inconsistent with the purposes and requirements of this chapter has occurred on a site, the City shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director shall require appropriate restoration of the site under an approved restoration plan that shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the department, the director shall order restoration using funds authorized by the City council for this purpose and seek restitution from the property owner through liens or other available legal methods. (Ord. O99-29 § 1)

#### **16.15.120 Clearing standards.**

(1) For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

(a) The sensitive areas code, Chapter 21A.50 SMC, and its adopted administrative rules;

(b) Property-specific development standards pursuant to Chapter 21A.85 SMC;

(c) Critical drainage area designations identified by adopted administrative rule; and

(d) Wildlife habitat corridors pursuant to Chapter 21A.30 SMC.

(e) Shoreline Management Plan, SMC Chapter 25.

(2) Within sensitive areas designated pursuant to Chapter 21A.50 SMC, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:

(a) Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures; provided, that cleared areas and/or areas of compacted soils associated with these uses and facilities do not exceed eight percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;

(b) Utilities and utility easements, including surface water facilities; provided, that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using county-approved best management practices to minimize disturbance; and

(c) Removal of dangerous and/or damaged trees.

(3) Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st:

(a) Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the King County surface water design manual will be prevented from leaving the construction site through a combination of the following:

(i) Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;

(ii) Limitations on activities and the extent of disturbed areas; and

(iii) Proposed erosion and sedimentation control measures.

(b) The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.

(c) Clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department that shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best

management practices may be approved or required on-site by the inspector.

(d) If, during the course of construction, silt-laden runoff exceeding standards in the King County surface water design manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.

(e) If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.

(f) The following activities are exempt from the seasonal clearing and grading requirements of this subsection:

(i) Routine maintenance and necessary repair of erosion and sediment control facilities;

(ii) Routine maintenance of public facilities or existing utility structures as provided by SMC 21A.50.050;

(iii) Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;

(iv) Typical landscaping activities of existing single-family residences that do not require a permit; and

(v) Public agency response to emergencies that threaten the public health, safety, and welfare. (Ord. O99-29 § 1)

**Exhibit B  
Chapter 19.05  
GENERAL PROVISIONS**

Sections:

- 19.05.010 Relationship to comprehensive plan and Growth Management Act.
- 19.05.020 Financial guarantees authorized.
- 19.05.030 Administration.

**19.05.010 Relationship to comprehensive plan and Growth Management Act.**

This title is hereby enacted to be consistent with and implement the interim comprehensive plan in accordance with Chapter 36.70A RCW. (Ord. O99-29 § 1)

**19.05.020 Financial guarantees authorized.**

Notwithstanding any other provision of this title, the director is authorized to require all applicants issued permits or approvals under the provisions of the title to post financial guarantees consistent with the provisions of SMC Title 27A. The issuing company shall have an A-or better rating. (Ord. O99-29 § 1)

**19.05.030 Administration.**

The department is authorized to develop and adopt administrative rules and regulations under the procedures specified in Chapter 2.55 SMC, Rules of City Departments, for the purpose of implementing and enforcing the provisions of this title. (Ord. O99-29 § 1)

**Chapter 19.10  
PLATS AND CONDOMINIUMS**

**Sections:**

- 19.10.010 Declaration of need.
- 19.10.020 Approval.

**19.10.010 Declaration of need.**

The City of Sammamish council declares and finds that the City of Sammamish has a need for regulation of new plats and condominiums. (Ord. O99-29 § 1)

**19.10.020 Approval.**

It shall be mandatory that all new plats and condominiums and any amendments thereto being processed for approval by the legally constituted approving bodies concerned therewith shall be edited and approved by the King County division of records and elections. (Ord. O99-29 § 1)

**Exhibit C  
Chapter 19.15  
DEFINITIONS**

Sections:

- 19.15.010 Generally.
- 19.15.020 Access panhandle.
- 19.15.030 Access tract.
- 19.15.040 Acres, five.
- 19.15.050 Acres, 10.
- 19.15.060 Acres, 20.
- 19.15.070 Active recreation.
- 19.15.080 Alley.
- 19.15.090 Alteration.
- 19.15.100 Applicant.
- 19.15.110 Binding site plan.
- 19.15.120 Bond.
- 19.15.130 Buffer strip.
- 19.15.140 Crosswalkway.
- 19.15.150 Cul-de-sac.
- 19.15.160 Dedication.
- 19.15.170 Department.
- 19.15.180 Development engineer.
- 19.15.190 Director.
- 19.15.200 Easement.

19.15.210	Final plat.
19.15.220	Homeowners' association.
19.15.230	Improvements.
19.15.240	Land surveyor.
19.15.250	Material error.
19.15.260	Neighborhood park.
19.15.270	Owner.
19.15.280	Ownership interest.
19.15.290	Person.
19.15.300	Plat, preliminary.
19.15.310	Private road.
19.15.320	Reservation.
19.15.330	Separate lot.
19.15.340	Shall.
19.15.350	Short plat, final.
19.15.360	Short plat, preliminary.
19.15.370	Short subdivision.
19.15.380	Street.
19.15.390	Subdivision.
19.15.400	Tract.

**19.15.010 Generally.**

(1) Tense. Words used in the present tense include the future.

(2) Singular Words. Words in the singular number include the plural and words in the plural include the singular. (Ord. O99-29 § 1)

**19.15.020 Access panhandle.**

“Access panhandle” means a strip of land having a width narrower than that of the lot, tract, or parcel to be served thereby and designed for the purpose of providing access to a lot, tract, or parcel. (Ord. O99-29 § 1)

**19.15.030 Access tract.**

“Access tract” means a piece of real property with dimensions less than the minimum zone requirement, jointly owned by the fee owners of more than one lot that abuts the tract and that is intended to provide ingress, egress, or utility access. (Ord. O99-29 § 1)

**19.15.040 Acres, five.**

“Five acres” means five acres or 1/128th of the section in which the property is located, including, in addition, up to 30 feet, but no more than one-half of the right-of-way of any perimeter public street. (Ord. O99-29 § 1)

**19.15.050 Acres, 10.**

“Ten acres” means 10 acres or 1/64th of the section in which the property is located, including, in addition, up to 30 feet, but no more than one-half of the right-of-way of any perimeter public street. (Ord. O99-29 § 1)

**19.15.060 Acres, 20.**

“Twenty acres” means 20 acres or 1/32nd of the section in which the property is located, including, in addition, up to 30 feet, but not more than one-half of any perimeter public street. (Ord. O99-29 § 1)

**19.15.070 Active recreation.**

“Active recreation” shall mean and include all outdoor recreational activities which involve field and court games, such as but not limited to football, soccer, rugby, tennis, baseball, and softball. (Ord. O99-29 § 1)

**19.15.080 Alley.**

“Alley” means a strip of land dedicated to public use, less than 21 feet wide, between property lines, which provides access to adjacent properties. (Ord. O99-29 § 1)

**19.15.090 Alteration.**

“Alteration” means the modification of a previously recorded plat or short plat, or any portion thereof, which results in the revision of interior lot lines, the addition of new lots or more land, deletion of existing lots, or the removal of plat or lot restrictions or dedications. (Ord. O99-29 § 1)

**19.15.100 Applicant.**

“Applicant” means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. O99-29 § 1)

**19.15.110 Binding site plan.**

“Binding site plan” means a plan drawn to scale processed in accordance with the provisions of this title and Chapter 58.17 RCW, which:

(1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas,

surveyed topography, water bodies, drainage features, and building envelopes;

(2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the director or the hearing examiner;

(3) Contains provisions requiring any development or division of land to be in conformity with the approved site plan. (Ord. O99-29 § 1)

**19.15.120 Bond.**

“Bond” means a surety bond, cash deposit, escrow account assignment of savings, irrevocable letter of credit or other means acceptable to, or required by, the manager to guarantee work is in compliance with all applicable City requirements. (Ord. O99-29 § 1)

**19.15.130 Buffer strip.**

“Buffer strip” means an area or strip of land located and planted with trees and shrubs to provide a screen between residential (single-family and multi-family) areas and business, commercial, and industrial areas. Parks, and playgrounds are sometimes used as buffers. (Ord. O99-29 § 1)

**19.15.140 Crosswalkway.**

“Crosswalkway” means a right-of-way dedicated to public use, 10 feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties. (Ord. O99-29 § 1)

**19.15.150 Cul-de-sac.**

“Cul-de-sac” means a short street having one end open to traffic and being permanently terminated by a vehicle turnaround. (Ord. O99-29 § 1)

**19.15.160 Dedication.**

“Dedication” shall mean a conveyance of land to the City of Sammamish, or a non-profit organization approved by the City where the owner of the land transfers it to some public use through a clause or covenant in a deed or some other instrument of conveyance or on a duly filed plat. (Ord. O99-29 § 1)

**19.15.170 Department.**

“Department” means the department of community development. (Ord. O99-29 § 1)

**19.15.180 Development engineer.**

“Development engineer” means the department employee or consultant authorized to oversee the review, conditioning, inspection, and acceptance of right-of-way use permits, road, and drainage projects constructed pursuant to permits administered by the department. The development engineer may be the City engineer. The development engineer shall be a professional civil engineer registered and licensed under the laws of the state of Washington. (Ord. O99-29 § 1)

**19.15.190 Director.**

“Director” means the director of the department of community development or the director of the department of public works, as appropriate. (Ord. O99-29 § 1)

**19.15.200 Easement.**

“Easement” means a grant by the property owner of the use of a strip of land by the public, corporation, or persons for specific purposes. (Ord. O99-29 § 1)

**19.15.210 Final plat.**

“Final plat” means a map or chart of a subdivision of land that has been accurately surveyed, and such survey has been marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified, and that has been approved in accordance with this title. (Ord. O99-29 § 1)

**19.15.220 Homeowners’ association.**

“Homeowners’ association” shall mean any combination or grouping of persons or any association, corporation, or other entity that represents homeowners residing in a short subdivision or subdivision; provided, that a homeowners’ association need not have any official status as a separate legal entity under the laws of the state of Washington. (Ord. O99-29 § 1)

**19.15.230 Improvements.**

“Improvements” refers to streets, with or without curbs or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, and other appropriate items. (Ord. O99-29 § 1)

**19.15.240 Land surveyor.**

“Land surveyor” means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW,

Professional Engineers Registration Act. (Ord. O99-29 § 1)

**19.15.250 Material error.**

“Material error” means an error in fact or an omission of substantive information in preliminary subdivision or short subdivision applications, or supplementary studies, supplied to the county, which would constitute the basis for a decision. (Ord. O99-29 § 1)

**19.15.260 Neighborhood park.**

“Neighborhood park” means a small park of five to 10 acres in size that is designed to serve the open space and recreational needs of the immediately surrounding residents within a radius of approximately one-half to one mile. (Ord. O99-29 § 1)

**19.15.270 Owner.**

“Owner” means a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them. (Ord. O99-29 § 1)

**19.15.280 Ownership interest.**

“Ownership interest” means having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor. (Ord. O99-29 § 1)

**19.15.290 Person.**

“Person” means and includes an individual, firm, copartnership, association, corporation, governmental agency, or political subdivision. (Ord. O99-29 § 1)

**19.15.300 Plat, preliminary.**

“Preliminary plat” means an accurate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, tracts, and other elements of a subdivision consistent with the requirements of this title and Chapter 58.17 RCW, Plats – Subdivisions – Dedications. The preliminary plat shall be the basis for the approval or disapproval of the subdivision’s general layout. (Ord. O99-29 § 1)

**19.15.310 Private road.**

“Private road” means a private vehicular access provided for by an access tract, easement, or other legal means, which serves two or more lots. (Ord. O99-29 § 1)

**19.15.320 Reservation.**

“Reservation” shall mean the act by which the grantor of land creates and reserves to a homeowners’ association, through a clause or covenant in a deed or some other instrument of conveyance or on a duly filed plat map, some right or interest that had no previous existence as such. (Ord. O99-29 § 1)

**19.15.330 Separate lot.**

“Separate lot” means a physically separate and distinct parcel of property, which has been created through one of the following processes:

- (1) The lot was created in compliance with the subdivision or short subdivision laws in effect at the time of creation of the lot;
- (2) The lot has been recognized as a lot pursuant to SMC 19.20.080, Lots created in violation of this title; or
- (3) The lot is a portion of a lot created through the processes cited in subsections (1) or (2) of this section that is separated from the remainder of the lot by one of the following:
  - (a) A public road right-of-way; o

(b) Shorelines as defined in SMC 25.10.450; or  
 (c) Another separate lot, or a tract as defined in SMC 19.15.400, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to SMC 19.20.010. (Ord. O99-29 § 1)

**19.15.340 Shall.**

“Shall” is mandatory and not directory. (Ord. O99-29 § 1)

**19.15.350 Short plat, final.**

“Final short plat” means an accurate map of a short subdivision. (Ord. O99-29 § 1)

**19.15.360 Short plat, preliminary.**

“Preliminary short plat” means a map indicating a proposed short subdivision of land. (Ord. O99-29 § 1)

**19.15.370 Short subdivision.**

“Short subdivision” means the administrative approval of the division or redivision of land into four or fewer lots for the purpose of sale or transfer of ownership pursuant to Chapter 19.35 SMC. A short subdivision also may include any number of tracts for ingress, egress, utilities, open space preservation, or other approved public purpose. (Ord. O99-29 § 1)

**19.15.380 Street.**

“Street” means a right-of-way dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties. (Ord. O99-29 § 1)

**19.15.390 Subdivision.**

“Subdivision” is the division or redivision of land into two or more lots for the purpose of sale, lease, or transfer of ownership, except as provided by the short subdivision of two to four lots. (Ord. O99-29 § 1)

**19.15.400 Tract.**

“Tract” is land reserved for special uses such as open space, surface water retention, utilities, or access. Tracts are not counted as lots nor considered as residential building sites. (Ord. O99-29 § 1)

**Exhibit D  
 Chapter 19.20  
 GENERAL PRINCIPLES OF  
 ACCEPTABILITY\***

Sections:

- 19.20.010 Applicability.
- 19.20.020 Applications – Modifications to proposal.
- 19.20.030 Conformance of streets to approved plan.
- 19.20.040 Interest of public welfare.
- 19.20.050 Frontage on high volume trafficways.
- 19.20.060 Boundary line adjustments.
- 19.20.070 Boundary line correction.
- 19.20.080 Lots created in violation of this title.
- 19.20.090 Connection of streets with highway.
- 19.20.100 New streets and rights-of-way.
- 19.20.110 Parks, playgrounds and recreation spaces.
- 19.20.120 Conformance to development code.
- 19.20.130 Variances and exceptions.
- 19.20.140 Future use of streets – Intersection angles and grades.

\*Deposit of bond pending improvement, see Chapter 19.25 SMC.

**19.20.010 Applicability.**

This title shall apply to all divisions of land into two or more lots or tracts, for the purpose of sale, lease or transfer of ownership. Except as provided herein the provisions of this title shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose.
- (2) Any division of land into lots or tracts each one of which is 20 acres or larger, or in the case of zone classifications requiring a minimum lot area greater than 20 acres, each of which complies with the lot area requirements of that classification. Once the original parcel is subdivided into its maximum number of lots or tracts allowed under this section, no additional subdivision of these lots or tracts shall be done except through the subdivision or short subdivision process.
- (3) Any division of land made by testamentary provisions or the laws of descent. Any development on lots created by this means must comply with all applicable development regulations, including zoning.

(4) Any division of land into lots or tracts consistent with RCW 58.17.040(7) for which a residential condominium binding site plan has been recorded in accordance with the provisions set forth in Chapter 19.55 SMC, Residential Condominium Binding Site Plan Review Process.

(5) Any transfer of land to a public body, or any division of land solely for the installation of electric power, telephone, water supply, sewer service, or other utility facilities of a similar or related nature; provided, that no more than four lots are created; and provided further, that any remaining lot or lots that are not consistent with City of Sammamish zoning, access, or health requirements shall not be considered as building sites by the City.

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any additional lot, tract, parcel, site, or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site, provided the adjustment is reviewed and approved as set forth in SMC 19.20.060 or 19.20.070.

(7) Any conveyance of land by a partial fulfillment deed pursuant to a real estate contract; provided, that the entire lot within the original real estate contract shall be recognized as a single legal building site until the property is subdivided in compliance with this title, and that there shall be no retransfer of any lot created by partial fulfillment deed without compliance with this title.

(8) Any division of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a binding site plan for the use of the land as a mobile home park has been approved by the director in accordance with the provisions of Chapter 21A.30 SMC.

(9) Divisions of land by binding site plan into lots or tracts classified for industrial or commercial use pursuant to Chapter 19.50 SMC. (Ord. O99-29 § 1)

#### **19.20.020 Applications – Modifications to proposal.**

(1) Modifications required by the City to a pending application shall not be deemed a new application.

(2) An applicant-requested modification occurring either before or after issuance of the permit shall be

deemed a new application for the purpose of establishing time periods when such modification would result in a substantial increase in a project's impacts as determined by the department. Such substantially increased impacts may include increases in residential density, a greater than 10% increase in trips generated or traffic generation or a greater than 10 percent increase in building square footage.

(3) Modifications that would result in reductions in impacts may not trigger a requirement to submit a new application. (Ord. O99-29 § 1)

#### **19.20.030 Conformance of streets to approved plan.**

If a preliminary plat for the area has been approved by the hearing examiner, the street layout shall be in general conformance thereto. (Ord. O99-29 § 1)

#### **19.20.040 Interest of public welfare.**

The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area and the applicant shall present evidence to this effect when requested by the hearing examiner. (Ord. O99-29 § 1)

#### **19.20.050 Frontage on high volume trafficways.**

Frontage on high volume trafficways shall be provided with parallel service streets or such other medium of access as may be appropriate to the conditions. (Ord. O99-29 § 1)

#### **19.20.060 Boundary line adjustments.**

(1) Any proposed adjustment of boundary lines must be reviewed and approved by the director prior to the transfer of property ownership of land between adjacent separate lots. The purpose of the director's review is to determine if the proposed division meets the exemption requirements of SMC 19.20.010(6). In order to determine if the boundary line adjustment is exempt, the director shall examine the development code, shoreline management program, applicable board of health rules and regulations, and, in addition for developed lots, Uniform Fire and Building Codes.

(2) Initial adjustment approvals shall expire if the authorized deeds transferring property ownership, together with a copy of the approved boundary adjustment, are not recorded within one year of adjustment approval.

(3) Revisions of approved boundary line adjustments may be permitted within the one year approval period without a new application only if the authorized adjustment and the deeds transferring ownership have not been recorded. Modifications of recorded adjustments will require the review and approval of a new application package. (Ord. O99-29 § 1)

**19.20.070 Boundary line correction.**

Any proposed adjustment of boundary lines that meets the criteria established in this section may be reviewed and approved by the director using the procedures specified in this section.

(1) Boundary line correction review procedures may be applied to lot line adjustments that meet all of the following criteria:

(a) A survey by a land surveyor as defined by SMC 19.15.240 determines that:

(i) The current legal description incorrectly identifies a property line location that is inconsistent with a location recognized by property owners through established use; or

(ii) There is a defect in the recorded legal description that creates gaps or overlaps between existing lot lines.

(b) All affected property owners agree with the proposed legal description resulting from the proposed lot line correction.

(2) Adjustments meeting the criteria established for boundary line corrections as specified in subsection (1) of this section will be reviewed by the department as follows:

(a) Applications made to the department shall include:

(i) A completed application form containing information sufficient to enable the department review of the proposed adjustment;

(ii) A survey map prepared by a licensed land surveyor showing:

(A) The existing incorrect and proposed correct lot line(s); and

(B) The existing incorrect and proposed correct legal description; and

(C) Text designating the proposed lot line(s) and the corresponding corrected legal description as the legal property line(s); and

(iii) A notarized affidavit signed by all affected property owners stating that they agree to the proposed adjustment described within the survey map; and

(iv) The payment of applicable fees.

(b) The department shall review the complete application package submitted and approve or deny the proposed correction in accordance with the substantive provisions of SMC 19.20.010(6).

(3) Boundary line correction approvals shall expire if a copy of the approved boundary correction is not recorded within one year of approval. (Ord. O99-29 § 1)

**19.20.080 Lots created in violation of this title.**

(1) For purposes of this title, an “innocent purchaser” shall mean an individual who has purchased real property for value, has not received actual notice that the lot has not been legally created as provided in SMC 19.15.330, and has not previously been granted innocent purchaser status by the City. All contiguous lots created in violation of this title and that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.

(2) An innocent purchaser of a lot created in violation of the City’s subdivision requirements, who files a notarized affidavit of innocent purchase with the department on forms satisfactory to the director shall be treated as follows for purposes of determining zoning compliance and for establishing eligibility for building permits and future subdivisions:

(a) A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area and lot width;

(b) Innocent purchaser lots that do not meet current zoning requirements, but that did meet zoning requirements in effect at the time that they were created, will be treated the same as legally created substandard lots as provided in the City’s development code; and

(c) Innocent purchaser lots that do not meet current zoning requirements and that did not meet the zoning requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits. (Ord. O99-29 § 1)

**19.20.090 Connection of streets with highway.**

No plan for the replatting, subdivision, or dedication of any area shall be approved by the department unless the streets shown therein are connected by

surfaced road or street (according to City specifications) to an existing dedicated street. (Ord. O99-29 § 1)

**19.20.100 New streets and rights-of-way.**

Where the City's transportation plan indicates the necessity of a new right-of-way of a required width or portion thereof for street purposes, in order to complete the articulation of the City street pattern, whether within a new plat, new subdivision, or along the boundaries of a new plat, new subdivision or new lot, such required right-of-way or portion thereof shall be dedicated to the City by the filing of a plat. (Ord. O99-29 § 1)

**19.20.110 Parks, playgrounds and recreation spaces.**

If required by Chapter 21A.30 SMC, all plats shall provide recreation space for leisure, play, and sport activities. (Ord. O99-29 §1)

**19.20.120 Conformance to development code.**

(1) All final plats shall conform with the use, density, dimensional, and other standards of the development code in effect at the time of application. No lot or portion of a lot shall be subdivided, sold, or its ownership transferred in violation of such standards.

(2) Covenants, as to use and resale binding all future owners of lots, more restrictive than the requirements of the development code, may be shown on the plat. (Ord. O99-29 § 1)

**19.20.130 Variances and exceptions.**

Variations and exceptions from the dimensional standards and improvement requirements, as herein set forth, may be approved by the department in those instances where it is deemed that hardship, topography, or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of these regulations and requirements. (Ord. O99-29 § 1)

**19.20.140 Future use of streets – Intersection angles and grades.**

(1) Due regard should be given in every case to the topography of the area, the use of the street for utility purposes and its future use for rapid traffic purposes.

(2) When any streets or alleys intersect with high volume traffic routes or at angles that may prove

dangerous, the grades shall be given special approval requirements.

(3) Streets shall be required to intersect one another at an angle as near to a right angle as is practicable in each specific case. (Ord. O99-29 § 1)

**Exhibit E**  
**Chapter 19.40**  
**PRELIMINARY PLAT\***

Sections:

19.40.010 Standard for treatment of unrecorded plats and dedications – Applicant to show water supply and distribution, and method of sewage disposal.

19.40.020 Complete applications.

19.40.030 Hearing on preliminary plats.

19.40.040 Qualifications governing approval of plat.

\*Preliminary plat to be prepared by registered surveyor or engineer. See SMC 19.60.020.

**19.40.010 Standard for treatment of unrecorded plats and dedications – Applicant to show water supply and distribution, and method of sewage disposal.**

(1) Unrecorded Plats. An existing unrecorded plat shall be treated as a preliminary plat with due regard for the legal rights of any persons who may have purchased lots therein.

(2) Dedications – Explanations. Applicants are notified that dedications are absolute, and no reservations or exceptions for any purpose whatsoever will be permitted, whether in dedication or upon the face of the plat.

(3) Water Supply. The applicant of every proposed plat must show that the area to be platted is provided with a public domestic supply and distribution system within or external to the plat installed according to plans approved by the county department of health. If there is no established water supply system in the district to which the pieces or parcels of land in the plat may be connected, the applicant must set aside a favorable park or other area of suitable size upon which shall be located a community deep well or wells that shall be set aside for community use, or the applicant must show that there is a potential water supply accessible to and provided for each lot or tract in the plat or subdivision. Such water supply and distribution system, community well or wells or water supply to be constructed on such areas shall be of such depth and design as to amply protect the water supply and all plans shall be approved by the King County department of health.

(4) Sources of water supply (or note stating source).

(5) Method of sewage disposal (with letter of approval from the King County health department). (Ord. O99-29 § 1)

**19.40.020 Complete applications.**

The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in SMC 20.05.040, Application requirements.

**19.40.030 Hearing on preliminary plats.**

Hearings on preliminary plats shall be conducted pursuant to procedures established in the City's administrative procedures, SMC Title 20, for Type 3 applications.

**19.40.040 Qualifications governing approval of plat.**

(1) Preliminary Approval. Hearing examiner approval of the preliminary plat shall furnish a firm basis upon which the applicant may proceed with development of the subdivision and preparation of the final plat subject only to all the conditions of preliminary approval imposed on the preliminary plat.

(2) Revisions. The department may approve minor changes or revisions as are deemed necessary to the interests and needs of the community, consistent with the adopted policies and standards of the City.

(3) Engineering Details. Subsequent approval of the engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities by the City engineer will be required prior to the approval of the final plat.

(4) Approval Time. For all plats receiving preliminary approval such approval shall be effective for a period of 60 months.

(5) Prior to final plat approval, the City staff shall provide the City Council with a staff report documenting that all the conditions of the plat approval have been met. (Ord. O99-29 § 1)

**Exhibit F  
Chapter 19.45  
FINAL PLAT**

Sections:

- 19.45.010 Approval, drawing and recording.
- 19.45.020 Information required to be shown on plat – Compliance with county health regulations.
- 19.45.030 Standards for plat meander lines along bodies of water, setting of monuments, property descriptions, and signatures.
- 19.45.040 Protective deed covenants.
- 19.45.050 Certificates – Required forms.

**19.45.010 Approval, drawing and recording.**

(1) Approval and Drawing. After approval of the preliminary plat by the department and the fulfillment of the requirements of these regulations and any other requirements specified by the department, one drawing of the final plat of the subdivision, 18 inches by 22 inches in size, allowing one-half inch for a border, shall be submitted to the director for approval.

A final plat shall be drawn on the best grade of paper. If more than one sheet is required, each sheet, including the index sheet, shall be of the above specified size. The index sheet must show the entire subdivision with street and highway names and block numbers.

(2) Recording. Upon approval by the City council, the final plat shall be recorded with the county records and elections division auditor. (Ord. O99-29 § 1)

**19.45.020 Information required to be shown on plat – Compliance with county health regulations.**

(1) Identification and Description.

(a) Name of subdivision;

(b) Location by section, township, and range, or by other legal description;

(c) The name and seal of the registered engineer or the registered land surveyor;

(d) Scale (same as preliminary plat) shown graphically, date, and north point. The scale of the final plat shall be such that all distances and bearings can be clearly and legibly shown thereon in their proper proportions. Plats unduly cramped and whose essential data cannot be clearly read will not be approved.

(2) Delineation.

- (a) Boundary of plat, based on an accurate traverse, with angular and lineal dimensions;
  - (b) Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys. The name of a street shall be approved by the City engineer;
  - (c) True courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat;
  - (d) Municipal, township, city, or section lines accurately tied to the lines of the subdivision by distances and courses;
  - (e) Radii, internal angles, points of curvature, tangent bearings, and lengths of all areas;
  - (f) All easements for rights-of-way provided for public services or utilities;
  - (g) All lot and block numbers and lines with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions;
  - (h) Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and 24 inches long, with a metal marker cast in the center. One such monument shall be placed at each street intersection, at locations to complete a continuous line of sight, and at such other locations as required by the City engineer;
  - (i) All plat meander lines or reference lines along bodies of water shall be established above the high water line of such water;
  - (j) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication, and of any area to be reserved by deed covenant for common uses of all property owners;
  - (k) Building setback lines accurately shown with dimensions.
- (l) Other information as deemed appropriate by the director and as set forth in an official submittal requirements checklist.
- (3) Sanitary Conditions. All rules, regulations or orders of the Seattle-King County health department applicable to the property shall be effective.
- (4) Conditions of Approval. All conditions of approval shall be recorded on the final plat submitted to the City Council. (Ord. O99-29 § 1)

**19.45.030 Standards for plat meander lines** along bodies of water, setting of monuments, property descriptions, and signatures.

- (1) Plat Meander Lines. When a subdivision borders on a body of water a plat meander line shall be established along the shore not more than 20 feet back from the ordinary high water mark of such body of water.
- (2) Monuments. It is intended that all monuments shall be set after the grading of the streets. In case the plat is approved before the grading is complete, the grading shall be done and the monuments shall be set before the release of the road guarantee bond.
- (3) Property Description. A description of property platted shall be the same as that recorded in preceding transfer of said property or that portion of said transfer covered by plat. Should this description be cumbersome and not technically correct, a true and exact description shall be shown upon plat together with original description. The correct description shall state: "The intent of the above description is to embrace all the following described property."
- (4) Signatures. All signatures shall be in india ink or other ink of equal density. No interlineations will be permitted. (Ord. O99-29 § 1)

**19.45.040 Protective deed covenants.**

A typewritten or typeprinted copy of the protective deed covenants shall accompany the final plat. (Ord. O99-29 § 1)

**19.45.050 Certificates – Required forms.**

The following certificates shall be stated on the final plat:

- (1) Dedication with notarized acknowledgment, by owner or owners, of the adoption of the plat and the dedication of streets and other public areas. In case of corporation, proper acknowledgment shall be used;
- (2) Plat restrictions;
- (3) Certification by registered surveyor to the effect that the plat represents a survey made by him or her and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct;
- (4) Proper forms for the approvals of the City engineer, of the department director, and of the City council with space for signatures;
- (5) Approval by signature of county records and elections division, as to filing for record.

Each and all of the above forms including the description shall be printed with india ink in distinct, legible lettering and shall be substantially in the form of the sample plat filed in the records and elections division. (Ord. O99-29 § 1)

**Exhibit G**  
**Chapter 19.50**  
**BINDING SITE PLAN**

Sections:	
19.50.010	Purpose.
19.50.020	Applicability.
19.50.030	Complete applications.
19.50.040	Approval.
19.50.050	Recording and binding effect.
19.50.060	Amendment, modification and vacation.

**19.50.010 Purpose.**

The purpose of this chapter is to create a permit for dividing commercially zoned property, as authorized by RCW 58.17.035. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to lot access, interior circulation, open space, landscaping and drainage, facility maintenance, and coordinated parking. (Ord. O99-29 § 1)

**19.50.020 Applicability.**

(1) Any applicant seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease, or transfer of ownership of commercially zoned property is required to apply for, complete, and have approved a binding site plan prior to any property division, as provided in Chapter 58.17 RCW and as required by this chapter.

(2) The site that is subject to the binding site plan shall consist of one or more contiguous lots legally created.

(3) The site that is subject to the binding site plan may be reviewed independently for fully developed sites, concurrently with a commercial site development permit application for undeveloped land, or in conjunction with a valid commercial site development permit.

(4) The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon. (Ord. O99-29 § 1)

**19.50.030 Complete applications.**

The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in SMC 20.05.040, Application requirements.

**19.50.040 Approval.**

(1) The director shall consider and base his or her decision to approve with or without conditions, deny, or return the application for modifications, based on:

(a) A finding that the newly created lots will continue to function and operate as one site, for fully developed sites; or

(b) Conformity of the proposed site plan with the adopted rules and regulations as represented in the approved commercial site development plan, if the binding site plan is being considered with a commercial site development plan.

(2) If the director denies the application or otherwise orders the site plan returned, the plan shall be returned to the applicant.

(3) The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

(4) The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City.

(5) The director may authorize sharing of open space, parking, access, and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, easements, or other similar mechanisms.

(6) The decision of the director shall be final. (Ord. O99-29 § 1)

**19.50.050 Recording and binding effect.**

(1) Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those

items prescribed by RCW 58.09.060, Records of Survey, Contents – Record of Corner, Information.

(2) The approved binding site plan recording forms shall include the following, in the format prescribed by the director:

(a) Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

(b) Signature and stamp of the land surveyor who prepared the binding site plan;

(c) Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;

(d) Reference to all agreements or covenants required as a condition of approval;

(e) Notarized signatures of all persons having an ownership or security interest in the land being divided;

(f) Approval of the City engineer;

(g) Approval of the King County assessor; and

(h) Approval of the director.

(3) The director shall examine and sign the approved binding site plan if it conforms with the commercial site development permit or the approved site plan and all conditions of approval. Binding site plans shall be recorded with the King County records and elections division with a record of survey. A copy of the documents stamped with the recording number shall be sent by the division to the King County department of assessments and to the applicant.

(4) Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

(5) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan or without binding site plan approval shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW. (Ord. O99-29 § 1) 19.50.060 Amendment, modification and vacation.

Except as provided in SMC 19.20.010, amendment, modification, and vacation of a binding site plan shall

be accomplished by following the same procedure and satisfying the same laws, rules, and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision. (Ord. O99-29 § 1)

**Exhibit H**  
**Chapter 20.15**  
**STATE ENVIRONMENTAL POLICY**  
**ACT PROCEDURES**

Sections:	
20.15.010	Definitions and abbreviations.
20.15.020	Lead agency.
20.15.030	Purpose and general requirements.
20.15.040	Categorical exemptions and threshold determinations.
20.15.050	Planned actions.
20.15.060	Environmental impact statements and other environmental documents.
20.15.070	Comments and public notice.
20.15.080	Use of existing environmental documents.
20.15.090	Substantive authority.
20.15.100	SEPA/GMA integration.
20.15.110	Ongoing actions.
20.15.120	Responsibility as consulted agency.
20.15.130	Appeals.
20.15.140	Department procedural rules.

**20.15.010 Definitions and abbreviations.**

(1) The City of Sammamish adopts by reference the definitions contained in WAC 197-11-700 through 197-11-799. In addition, the following definitions are adopted for this chapter:

- (a) "City council" means the Sammamish City council.
- (b) "Department" means the City of Sammamish department of community development.
- (c) "Director" means the director of the department of community development.

(2) The following abbreviations are used in this chapter:

- (a) SEPA – State Environmental Policy Act.
- (b) DNS – Determination of nonsignificance.
- (c) DS – Determination of significance.
- (d) EIS – Environmental impact statement. (Ord. O99-29 § 1)

**20.15.020 Lead agency.**

The procedures and standards regarding lead agency responsibility contained in WAC 197-11-050 and 197-11-922 through 197-11-948 are adopted, subject to the following:

(1) The department shall serve as the lead agency and the director shall serve as the responsible official for all SEPA activity by the City of Sammamish. (Ord. O99-29 § 1)

**20.15.030 Purpose and general requirements.**

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

(1) Pursuant to WAC 197-11-055(4), the department shall adopt rules and regulations pursuant to Chapter 2.55 SMC establishing a process for environmental review at the conceptual stage of permit applications that require detailed project plans and specifications (i.e., building permits and PUDs). This process shall not become effective until it has been reviewed by the council.

(2) The optional provision of WAC 197-11-060(3)(c) is adopted.

(3) Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

(4) The director may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees. (Ord. O99-29 § 1)

**20.15.040 Categorical exemptions and threshold determinations.**

(1) The City of Sammamish adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

(a) The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

(i) The construction or location of any residential structures of up to four dwelling units;

(ii) The construction of an office, school, commercial, recreational, service, or storage building with up to 4,000 square feet of gross floor area, and with associated parking facilities designed for up to 20 automobiles;

(iii) The construction of a parking lot designed for up to 20 automobiles;

(iv) Any fill or excavation of up to 100 cubic yards throughout the total lifetime of the fill or excavation; provided, however, that if the proposed action is to remove from or replace fill in a sensitive area to correct a violation, the threshold shall be 500 cubic yards.

(b) The determination of whether a proposal is categorically exempt shall be made by the department.

(2) The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

(a) If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures that were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

(b) If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. (Ord. O99-29 § 1)

**20.15.050 Planned actions.**

The procedures and standards of WAC 197-11-164 through 197-11-172 are adopted regarding the designation of planned actions. (Ord. O99-29 § 1)

**20.15.060 Environmental impact statements and other environmental documents.**

The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

(1) Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

(2) Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the department shall be responsible for preparation and content of EISs and other

environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services, or otherwise participate in the preparation of required environmental documents.

(3) Consultants or subconsultants selected by the City to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

(4) The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. Pursuant to Chapter 2.55 SMC, the department shall promulgate administrative rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter.

(5) All costs of preparing the environmental document shall be borne by the applicant. Pursuant to Chapter 2.55 SMC, the department shall promulgate administrative rules that establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.

(6) In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to

suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

(7) The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within 270 days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided, that the additional time shall not exceed 90 days unless agreed to by the applicant.

(8) The following periods shall be excluded from the 270-day time period for issuing a final environmental impact statement:

(a) Any time period during which the applicant has failed to pay required environmental review fees to the department;

(b) Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement; and

(c) Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement. (Ord. O99-29 § 1)

#### **20.15.070 Comments and public notice.**

(1) The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.

(2) For purposes of WAC 197-11-510, public notice shall be required as provided in this title. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this

chapter but are not classified as land use permit decisions in this title.

(3) The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure. (Ord. O99-29 § 1)

**20.15.080 Use of existing environmental documents.**

The procedures and standards of WAC 197-11-600 through 197-11-640 are adopted regarding use of existing environmental documents. (Ord. O99-29 § 1)

**20.15.090 Substantive authority.**

(1) The procedures and standards of WAC 197-11-650 through 197-11-660 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.

(2) For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City of Sammamish's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240 and subsection (3) of this section:

(a) The policies of the State Environmental Policy Act, RCW 43.21C.020.

(b) The City's comprehensive plan, and surface water management program basin plans, as specified in Chapters 24.15 and 24.20 SMC.

(c) The Sammamish development code, as adopted in SMC Title 21A.

(d) The City's shoreline management master plan, as adopted in SMC Title 25.

(e) The King County surface water runoff policy, as adopted by reference in Chapter 9.04 KCC as adopted by Chapter 15.05 SMC.

(f) The City's public works standards and transportation regulations, as adopted in SMC Title 14.

(g) The City's noise ordinance, Chapter 8.15 SMC.

(3) Substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below, or unusual circumstances exist. In cases where the City has

adopted the following regulations to systematically avoid or mitigate adverse impacts (Chapter 21A.25 SMC, Development Standards – Density and Dimensions; Chapter 21A.30 SMC, Development Standards – Design Requirements; Chapter 21A.35 SMC, Development Standards – Landscaping and Irrigation; Chapter 21A.40 SMC, Development Standards – Parking and Circulation; Chapter 21A.45 SMC, Development Standards – Signs; Chapter 21A.50 SMC, Environmentally Sensitive Areas; Chapter 21A.55 SMC, Development Standards – Communication Facilities; Chapter 21A.60 SMC, Development Standards – Adequacy of Public Facilities and Services), those standards and regulations will normally constitute adequate mitigation of the impacts of new development. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the foregoing regulations, will be subject to site-specific or project-specific SEPA mitigation.

(4) Any decision to approve, deny, or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts (or lack thereof) as identified in an environmental checklist, EIS, threshold determination, other environmental document including a department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation that supports the SEPA decision and, if mitigation beyond existing development regulations is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.

(5) This chapter shall not be construed as a limitation on the authority of the City to approve, deny, or condition a proposal for reasons based upon other statutes, ordinances, or regulations. (Ord. O99-29 § 1)

**20.15.100 SEPA/GMA integration.**

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-210 through WAC 197-11-235 are hereby adopted. (Ord. O99-29 § 1)

**20.15.110 Ongoing actions.**

Unless otherwise provided herein, the provisions of Chapter 197-11 WAC shall be applicable to all elements of SEPA compliance, including the modification or supplementation of an EIS, initiated after the effective date of the ordinance. (Ord. O99-29 § 1)

**20.15.120 Responsibility as consulted agency.**

All requests from other agencies that the City of Sammamish consult on threshold investigations, the scope process, EISs, or other environmental documents shall be submitted to the department. The department shall be responsible for coordination with other affected City officials and for compiling and transmitting the City's response to such requests for consultation. (Ord. O99-29 § 1)

**20.15.130 Appeals.**

(1) Appeals of threshold determinations or the adequacy of a final EIS are procedural SEPA appeals that are conducted by the hearing examiner pursuant to the provisions of SMC 20.10.070, subject to the following:

(a) Only one appeal of each threshold determination shall be allowed on a proposal.

(b) As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

(c) An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

(d) An appeal of a DNS for actions classified as land use permit decisions in SMC 20.05.020 must be filed within 21 calendar days following notice of the decision as provided in SMC 20.05.090. For actions not classified as land use permit decisions in SMC 20.05.020, no administrative appeal of a DNS is permitted.

(e) Administrative appeals of the adequacy of a final EIS are permitted for actions classified as Type 2, 3 or 4 land use permit decisions in SMC 20.05.020, except Type 1 decisions for which the department has issued a threshold determination. Such appeals must be filed within 21 calendar days following notice of the decision or recommendation as provided in SMC 20.05.090.

(f) The hearing examiner shall make a final decision on all procedural SEPA determinations. The hearing

examiner's decision may be appealed to superior court as provided in SMC 20.10.250(1).

(2) The hearing examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

(3) Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the department may adopt procedures under which an administrative appeal shall not be provided if the director finds that consideration of an appeal would be likely to cause the department to violate a compliance, enforcement, or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action. (Ord. O99-29 § 1)

**20.15.140 Department procedural rules.**

(1) The department may prepare rules and regulations pursuant to Chapter 2.55 SMC for the implementation of SEPA, Chapter 197-11 WAC, and this chapter.

(2) The rules and regulations prepared by the department shall not become effective until approved by council motion. (Ord. O99-29 § 1)

**Exhibit I**  
**Chapter 21A.15**  
**TECHNICAL TERMS AND LAND USE**  
**DEFINITIONS**

## Sections:

21A.15.005	Scope of chapter.	21A.15.182	Channel relocation and stream meander areas.
21A.15.007	Abandoned vehicle.	21A.15.185	Church, synagogue, or temple.
21A.15.010	Accessory living quarters.	21A.15.190	Classrooms, school.
21A.15.015	Accessory use, commercial.	21A.15.195	Clearing.
21A.15.020	Accessory use, residential.	21A.15.205	Cogeneration.
21A.15.027	Adjustment factor.	21A.15.210	Communication facility, major.
21A.15.035	Adult use facility.	21A.15.215	Communication facility, minor.
21A.15.040	Agricultural product sales.	21A.15.217	Community identification sign.
21A.15.050	Airport/heliport.	21A.15.220	Community residential facility (CRF).
21A.15.055	Alley.	21A.15.223	Commuter parking lot.
21A.15.057	Alternative water sources.	21A.15.225	Compensatory storage.
21A.15.060	Amusement arcades.	21A.15.230	Conditional use permit.
21A.15.065	Animal, small.	21A.15.235	Conference center.
21A.15.067	Antenna.	21A.15.245	Consolidation.
21A.15.070	Applicant.	21A.15.247	Construction and trades.
21A.15.072	Application rate.	21A.15.250	Construction cost per student, school.
21A.15.073	Artist studio.	21A.15.252	Conversion factor.
21A.15.075	Auction house.	21A.15.255	Critical drainage area.
21A.15.080	Base flood.	21A.15.260	Critical facility.
21A.15.085	Base flood elevation.	21A.15.262	Daily care.
21A.15.090	Bed and breakfast guesthouse.	21A.15.265	Daycare.
21A.15.095	Beehive.	21A.15.270	Deciduous.
21A.15.097	Berm.	21A.15.275	Density credit, transfer (TDC).
21A.15.100	Billboard.	21A.15.280	Department.
21A.15.110	Biologist.	21A.15.285	Department and variety store.
21A.15.115	Book, stationery, video, and art supply store.	21A.15.290	Destination resort.
21A.15.120	Broadleaf tree.	21A.15.295	Developer or applicant.
21A.15.122	Buffer.	21A.15.300	Development activity.
21A.15.125	Building.	21A.15.310	Development proposal.
21A.15.135	Building envelope.	21A.15.315	Development proposal site.
21A.15.140	Building facade.	21A.15.320	Direct traffic impact.
21A.15.145	Building, hardware, and garden materials store.	21A.15.325	Director.
21A.15.150	Bulk gas storage tank.	21A.15.330	Dormitory.
21A.15.155	Bulk retail.	21A.15.335	Drop box facility.
21A.15.160	Campground.	21A.15.340	Drug store.
21A.15.165	Capacity, school.	21A.15.345	Dwelling unit.
21A.15.170	Capital facilities plan, school.	21A.15.350	Dwelling unit, accessory.
21A.15.172	Catastrophic collapse.	21A.15.355	Dwelling unit, apartment.
21A.15.175	Cattery.	21A.15.365	Dwelling unit, single detached.
21A.15.180	Cemetery, columbarium or mausoleum.	21A.15.370	Dwelling unit, townhouse.
		21A.15.375	Earth station.
		21A.15.380	Effective radiated power.
		21A.15.390	Electrical substation.
		21A.15.392	Emergency.
		21A.15.395	Energy resource recovery facility.
		21A.15.400	Enhancement.
		21A.15.405	Equipment, heavy.
		21A.15.410	Erosion.

21A.15.415	Erosion hazard areas.	21A.15.640	Interim recycling facility.
21A.15.420	Evergreen.	21A.15.642	Irrigation efficiency.
21A.15.425	Examiner.	21A.15.645	Jail.
21A.15.430	Fabric shop.	21A.15.655	Jewelry store.
21A.15.435	Facilities standard.	21A.15.658	Joint use driveway.
21A.15.440	Factory-built commercial building.	21A.15.660	Kennel.
21A.15.445	Fairground.	21A.15.662	Kitchen or kitchen facility.
21A.15.450	Family.	21A.15.665	Landfill.
21A.15.455	Federal Emergency Management Agency (FEMA) floodway.	21A.15.667	Landscape water features.
21A.15.460	Feed store.	21A.15.670	Landscaping.
21A.15.465	Fence.	21A.15.675	Landslide.
21A.15.467	Financial guarantee.	21A.15.680	Landslide hazard areas.
21A.15.470	Flood fringe.	21A.15.685	Level of service (LOS), traffic.
21A.15.475	Flood hazard areas.	21A.15.690	Light equipment.
21A.15.480	Flood insurance rate map.	21A.15.695	Livestock.
21A.15.485	Flood insurance study for King County.	21A.15.700	Livestock, large.
21A.15.490	Flood protection elevation.	21A.15.705	Livestock, small.
21A.15.495	Floodplain.	21A.15.710	Livestock sales.
21A.15.500	Floodproofing.	21A.15.715	Loading space.
21A.15.505	Floodway, zero-rise.	21A.15.725	Lot.
21A.15.510	Florist shop.	21A.15.730	Lot line, interior.
21A.15.520	Forest practice.	21A.15.735	Marina.
21A.15.525	Forest product sales.	21A.15.740	Material error.
21A.15.530	Forest research.	21A.15.745	Microwave.
21A.15.535	Furniture and home furnishings store.	21A.15.750	Mitigation.
21A.15.540	General business service.	21A.15.751	Mitigation bank.
21A.15.545	Geologist.	21A.15.752	Mitigation banking.
21A.15.550	Geotechnical engineer.	21A.15.755	Mobile home.
21A.15.555	Golf course.	21A.15.760	Mobile home park.
21A.15.560	Grade span.	21A.15.765	Monitoring.
21A.15.565	Grading.	21A.15.770	Monuments, tombstones, and gravestones sales.
21A.15.570	Grazing area.	21A.15.775	Motor vehicle, boat, and mobile home dealer.
21A.15.575	Groundcover.	21A.15.782	Mulch.
21A.15.580	Hazardous household substance.	21A.15.790	Native vegetation.
21A.15.585	Hazardous substance.	21A.15.795	Naturalized species.
21A.15.590	Heavy equipment and truck repair.	21A.15.797	Net buildable area.
21A.15.595	Helistop.	21A.15.800	Nonconformance.
21A.15.597	Historic resource.	21A.15.810	Non-ionizing electromagnetic radiation (NIER).
21A.15.600	Hobby, toy, and game shop.	21A.15.815	Noxious weed.
21A.15.605	Home industry.	21A.15.817	Off-street required parking lot.
21A.15.610	Home occupation.	21A.15.820	Open-work fence.
21A.15.615	Household pets.	21A.15.825	Ordinary high water mark.
21A.15.620	Hydroelectric generation facility.	21A.15.830	Outdoor performance center.
21A.15.625	Impervious surface.	21A.15.832	Overspray.
21A.15.630	Improved public roadways.	21A.15.835	Park.
21A.15.635	Individual transportation and taxi.	21A.15.840	Park service area.
21A.15.637	Infiltration rate.		

21A.15.845	Parking lot aisle.	21A.15.1050	Self-service storage facility.
21A.15.850	Parking lot unit depth.	21A.15.1060	Senior citizen.
21A.15.855	Parking space.	21A.15.1062	Senior citizen assisted housing.
21A.15.860	Parking space angle.	21A.15.1065	Sensitive areas.
21A.15.865	Party of record.	21A.15.1070	Setback.
21A.15.870	Peak hour.	21A.15.1075	Shelters for temporary placement.
21A.15.875	Permanent school facilities.	21A.15.1085	Sign.
21A.15.880	Personal medical supply store.	21A.15.1090	Sign, awning.
21A.15.885	Pet shop.	21A.15.1095	Sign, changing message center.
21A.15.890	Photographic and electronic shop.	21A.15.1100	Sign, community bulletin board.
21A.15.895	Plant associations of infrequent occurrence.	21A.15.1105	Sign, directional.
21A.15.897	Plant factor.	21A.15.1110	Sign, freestanding.
21A.15.899	Potable water.	21A.15.1115	Sign, fuel price.
21A.15.900	Private.	21A.15.1120	Sign, incidental.
21A.15.905	Private stormwater management facility.	21A.15.1125	Sign, indirectly illuminated.
21A.15.910	Professional office.	21A.15.1130	Sign, monument.
21A.15.915	Public agency.	21A.15.1135	Sign, off-premises directional.
21A.15.920	Public agency animal control facility.	21A.15.1140	Sign, on-premises.
21A.15.925	Public agency archive.	21A.15.1145	Sign, permanent residential development identification.
21A.15.930	Public agency or utility office.	21A.15.1150	Sign, portable.
21A.15.935	Public agency or utility yard.	21A.15.1155	Sign, projecting.
21A.15.940	Public agency training facility.	21A.15.1160	Sign, time and temperature.
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21A.15.950	Reasonable use.	21A.15.1170	Site.
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21A.15.980	Regional utility corridor.	21A.15.1205	Specified sexual activities.
21A.15.985	Relocatable facilities cost per student.	21A.15.1210	Sporting goods store.
21A.15.990	Relocatable facility.	21A.15.1215	Sports club.
21A.15.1000	Restoration.	21A.15.1220	Stable.
21A.15.1005	Retail, comparison.	21A.15.1225	Standard of service, school districts.
21A.15.1010	Retail, convenience.	21A.15.1230	Steep slope hazard areas.
21A.15.1011	Retaining wall.	21A.15.1235	Stream functions.
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21A.15.1015	Salmonid.	21A.15.1245	Street.
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21A.15.1025	School district.	21A.15.1255	Structure.
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21A.15.1035	Schools, elementary, and middle/junior high.	21A.15.1265	Submerged land.
21A.15.1040	Schools, secondary or high school.	21A.15.1270	Substantial improvement.
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21A.15.1320	Transmission support structure.
21A.15.1325	Transmitter building.
21A.15.1330	Transportation system management (TSM).
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21A.15.1375	Warehousing and wholesale trade.
21A.15.1380	Wastewater treatment facility.
21A.15.1382	Water budget.
21A.15.1385	Water dependent use.
21A.15.1390	Wet meadows, grazed.
21A.15.1395	Wetland edge.
21A.15.1400	Wetland, forested.
21A.15.1405	Wetland functions.
21A.15.1410	Wetland, isolated.
21A.15.1415	Wetlands.
21A.15.1420	Wetpond.
21A.15.1425	Wildlife shelter.
21A.15.1430	Work release facility.
21A.15.1432	Wrecked, dismantled, or inoperative vehicle.
21A.15.1435	Yard or organic waste processing facility.

**21A.15.005 Scope of chapter.**

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in Chapter 21A.20 SMC. The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC). See Chapter 21A.05 SMC for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 21A.25 through 21A.85 SMC. (Ord. O99-29 § 1)

**21A.15.007 Abandoned vehicle.**

“Abandoned vehicle” means any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. (Ord. O99-29 § 1)

**21A.15.010 Accessory living quarters.**

“Accessory living quarters” means living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate dwelling unit. (Ord. O99-29 § 1)

**21A.15.015 Accessory use, commercial.**

“Accessory use, commercial” means:

(1) A use that is subordinate and incidental to a commercial use, including, but not limited to, the following uses:

- (a) Administrative offices;
- (b) Employee exercise facilities;
- (c) Employee food service facilities;
- (d) Incidental storage of raw materials and finished products sold or manufactured on-site;
- (e) Business owner or caretaker residence;
- (f) Cogeneration facilities; and
- (g) Ground maintenance facilities.

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. O99-29 § 1)

**21A.15.020 Accessory use, residential.**

“Accessory use, residential” means:

(1) A use, structure, or activity that is subordinate and incidental to a residence including, but not limited to, the following uses:

- (a) Accessory living quarters and dwellings;
- (b) Fallout/bomb shelters;
- (c) Keeping household pets;
- (d) On-site rental office;
- (e) Pools, private docks, piers;
- (f) Antennas for private telecommunication services;
- (g) Storage of yard maintenance equipment;

(h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;

(i) Greenhouses.

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. O99-29 § 1)

**21A.15.027 Adjustment factor.**

“Adjustment factor” means a factor that, when applied to the reference evapotranspiration, adjusts for plant factors and irrigation efficiently. (Ord. O99-29 § 1)

**21A.15.035 Adult use facility.**

“Adult use facility” means an enterprise predominantly involved in the selling, renting, or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance, or activity distinguished or characterized by a predominant emphasis on the depiction, simulation, or relation to “specified sexual activities” as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panorams, peep shows, or topless or nude dancing. (Ord. O99-29 § 1)

**21A.15.040 Agricultural product sales.**

“Agricultural product sales” means the retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. (Ord. O99-29 § 1)

**21A.15.050 Airport/heliport.**

“Airport/heliport” means any runway, landing area, or other facility, excluding facilities for the primary use of the individual property owner that are classified as helistops, designed or used by public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:

- (1) Taxiways;
- (2) Aircraft storage and tie-down areas;
- (3) Hangars;
- (4) Servicing; and
- (5) Passenger and air freight terminals. (Ord. O99-29 § 1)

**21A.15.055 Alley.**

“Alley” means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation. (Ord. O99-29 § 1)

**21A.15.057 Alternative water sources.**

“Alternative water sources” means stored rainwater or treated or recycled wastewater of a quality suitable for uses such as landscape irrigation. Such water is not considered potable. (Ord. O99-29 § 1)

**21A.15.060 Amusement arcades.**

“Amusement arcades” means a building or part of a building in which five or more pinball machines, video games, or other such player-operated amusement devices (excluding juke boxes or gambling-related machines) are operated. (Ord. O99-29 § 1)

**21A.15.065 Animal, small.**

“Animal, small” means any animal other than livestock or animals considered to be predatory or wild that are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting, or exhibition. (Ord. O99-29 § 1)

**21A.15.067 Antenna.**

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. (Ord. O99-29 § 1)

**21A.15.070 Applicant.**

“Applicant” means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. O99-29 § 1)

**21A.15.072 Application rate.**

“Application rate” means the depth of water applied to an area expressed in inches per hour. (Ord. O99-29 § 1)

**21A.15.073 Artist studio.**

“Artist studio” means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts, including, but not limited to, acting, dancing, singing, drawing, painting, and sculpting. (Ord. O99-29 § 1)

**21A.15.075 Auction house.**

“Auction house” means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events. (Ord. O99-29 § 1)

**21A.15.080 Base flood.**

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” (Ord. O99-29 § 1)

**21A.15.085 Base flood elevation.**

“Base flood elevation” means the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929. (Ord. O99-29 § 1)

**21A.15.090 Bed and breakfast guesthouse.**

“Bed and breakfast guesthouse” means a dwelling unit or accessory building within which bedrooms are available for paying guests. (Ord. O99-29 § 1)

**21A.15.095 Beehive.**

“Beehive” means a structure designed to contain one colony of honey bees (*Apis mellifera*). (Ord. O99-29 § 1)

**21A.15.097 Berm.**

“Berm” means a constructed area of compacted earth. (Ord. O99-29 § 1)

**21A.15.100 Billboard.**

“Billboard” means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which

the billboard is located; excluding off-premises directional, or temporary real estate signs. (Ord. O99-29 § 1)

**21A.15.110 Biologist.**

“Biologist” means a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience. (Ord. O99-29 § 1)

**21A.15.115 Book, stationery, video, and art supply store.**

“Book, stationery, video, and art supply store” means an establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video, and art supplies, including only uses located in SIC Industry Nos.:

- (1) 5942 – Book stores;
- (2) 5943 – Stationery stores;
- (3) 5999 – Architectural supplies and artists’ supply and materials stores;
- (4) 7841 – Video tape rental;
- (5) 5735 – Record, compact disc, and prerecorded tape stores; and
- (6) 5736 – Musical instrument stores. (Ord. O99-29 § 1)

**21A.15.120 Broadleaf tree.**

“Broadleaf tree” means a tree characterized by leaves that are broad in width and may include both deciduous and evergreen species. (Ord. O99-29 § 1)

**21A.15.122 Buffer.**

“Buffer” means a designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards, or a designated area contiguous to a stream or wetland intended to protect the stream or wetland and be an integral part of the stream or wetland ecosystem. (Ord. O99-29 § 1)

**21A.15.125 Building.**

“Building” means any structure having a roof. (Ord. O99-29 § 1)

**21A.15.135 Building envelope.**

“Building envelope” means area of a lot that delineates the limits of where a building may be placed on the lot. (Ord. O99-29 § 1)

**21A.15.140 Building facade.**

“Building facade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation. (Ord. O99-29 § 1)

**21A.15.145 Building, hardware, and garden materials store.**

“Building, hardware, and garden materials store” means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies, including, but not limited to, uses located in SIC Major Group No. 52, Building materials, hardware, garden supply; excluding mobile home dealers. (Ord. O99-29 § 1)

**21A.15.150 Bulk gas storage tank.**

“Bulk gas storage tank” means a tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. (Ord. O99-29 § 1)

**21A.15.155 Bulk retail.**

“Bulk retail” means an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments offer a variety of lines of merchandise including but not limited to food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics. (Ord. O99-29 § 1)

**21A.15.160 Campground.**

“Campground” means an area of land developed for recreational use in temporary occupancy, such as tents or recreational vehicles without hook-up facilities. (Ord. O99-29 § 1)

**21A.15.165 Capacity, school.**

“Capacity, school” means the number of students a school district’s facilities can accommodate district-wide, based on the district’s standard of service, as determined by the school district. (Ord. O99-29 § 1)

**21A.15.170 Capital facilities plan, school.**

“Capital facilities plan, school” means a district’s facilities plan adopted by the school board consisting of:

- (1) A forecast of future needs for school facilities based on the district’s enrollment projections;
- (2) The long-range construction and capital improvements projects of the district;
- (3) The schools under construction or expansion;
- (4) The proposed locations and capacities of expanded or new school facilities;
- (5) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
- (6) Any other long-range projects planned by the district;
- (7) The current capacity of the district’s school facilities based on the districts adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and
- (8) An inventory showing the location and capacity of existing school facilities. (Ord. O99-29 § 1)

**21A.15.172 Catastrophic collapse.**

“Catastrophic collapse” means the collapse of the ground surface by overburden caving into underground voids created by mining. Catastrophic collapse does not include the effects from trough subsidence. (Ord. O99-29 § 1)

**21A.15.175 Cattery.**

“Cattery” means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months. (Ord. O99-29 § 1)

**21A.15.180 Cemetery, columbarium or mausoleum.**

“Cemetery, columbarium or mausoleum” means land or structures used for interment of the dead or their remains. For purposes of the code, pet cemeteries are considered a subclassification of this use. (Ord. O99-29 § 1)

**21A.15.182 Channel relocation and stream meander areas.**

“Channel relocation and stream meander areas” means those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels. (Ord. O99-29 § 1)

**21A.15.185 Church, synagogue, or temple.**

“Church, synagogue, or temple” means a place where religious services are conducted, including those uses located in SIC Industry No. 866 and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. (Ord. O99-29 § 1)

**21A.15.190 Classrooms, school.**

“Classrooms, school” means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms. (Ord. O99-29 § 1)

**21A.15.195 Clearing.**

“Clearing” means the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means. (Ord. O99-29 § 1)

**21A.15.205 Cogeneration.**

“Cogeneration” means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes. (Ord. O99-29 § 1)

**21A.15.210 Communication facility, major.**

“Communication facility, major” means a communication facility for transmission and reception of:

- (1) UHF and VHF television signals; or
- (2) FM or AM radio signals. (Ord. O99-29 § 1)

**21A.15.215 Communication facility, minor.**

“Communication facility, minor” means a communication facility for transmission and reception of:

- (1) Two-way and/or citizen band (CB) radio signals;
- (2) Point-to-point microwave signals;
- (3) Cellular radio signals;
- (4) Signals through FM radio translators; or
- (5) Signals through FM radio boosters under 10 watts effective radiated power (ERP). (Ord. O99-29 § 1)

**21A.15.217 Community identification sign.**

“Community identification sign” means a sign identifying the location of a community or geographic area such as unincorporated activity centers or rural towns designated by the comprehensive plan or communities recognized and delineated by a recognized unincorporated area council. (Ord. O99-29 § 1)

**21A.15.220 Community residential facility (CRF).**

“Community residential facility (CRF)” means living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation, and medical supervision; excluding drug and alcohol detoxification which is classified in SMC 21A.20.050 as health services. CRFs are further classified as follows:

- (1) CRF-I – Nine to 10 residents and staff;
- (2) CRF-II – 11 or more residents and staff.

If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. (Ord. O99-29 § 1)

**21A.15.223 Commuter parking lot.**

“Commuter parking lot” means vehicle parking specifically for the purpose of access to a public transit system or for users of carpools or vanpools. (Ord. O99-29 § 1)

**21A.15.225 Compensatory storage.**

“Compensatory storage” means new, excavated storage volume equivalent to any flood storage which is eliminated by building filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-

foot contour intervals that are hydraulically connected to the floodway through their entire depth. (Ord. O99-29 § 1)

**21A.15.230 Conditional use permit.**

“Conditional use permit” means permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses. (Ord. O99-29 § 1)

**21A.15.235 Conference center.**

“Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants. (Ord. O99-29 § 1)

**21A.15.245 Consolidation.**

“Consolidation” means the relocation to a consolidated transmission structure of the main transmit antennas of two or more FCC broadcast licensees, which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit antennas. (Ord. O99-29 § 1)

**21A.15.247 Construction and trades.**

“Construction and trades” means establishments that provide services related to construction of buildings and infrastructure, and other improvements to property. Such establishments include SIC Major Group Nos. 15 – 17, and SIC Industry Group No. 078, Landscape and horticultural services. (Ord. O99-29 § 1)

**21A.15.250 Construction cost per student, school.**

“Construction cost per student, school” means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. O99-29 § 1)

**21A.15.252 Conversion factor.**

“Conversion factor” means a number that converts the water budget allowance from acre-inches per acre per year to gallons per square foot per year or cubic feet per year. (Ord. O99-29 § 1)

**21A.15.255 Critical drainage area.**

“Critical drainage area” means an area that has been formally determined by the King County surface water management department to require more restrictive regulation than countywide standards afford in order to mitigate severe flooding, drainage, erosion, or sedimentation problems that result from the cumulative impacts of development and urbanization. (Ord. O99-29 § 1)

**21A.15.260 Critical facility.**

“Critical facility” means a facility necessary to protect the public health, safety, and welfare and that is defined under the occupancy categories of “essential facilities,” “hazardous facilities,” and “special occupancy structures” in the Uniform Building Code. Critical facilities also include nursing homes, public roadway bridges, and sites for hazardous substance storage or production, not including the temporary storage of consumer products containing hazardous substances intended for household use or for retail sale on the site. (Ord. O99-29 § 1)

**21A.15.262 Daily care.**

“Daily care” means medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis. (Ord. O99-29 § 1)

**21A.15.265 Daycare.**

“Daycare” means an establishment for group care of nonresident adults or children.

(1) Daycare shall include only SIC Industry No. 835, Child daycare services, SIC Industry No. 8322, Adult daycare centers, and the following:

- (a) Adult daycare, such as adult day health centers or social daycare as defined by the Washington State Department of Social and Health Services;
- (b) Nursery schools for children under minimum age for education in public schools;
- (c) Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and

(d) Programs covering after-school care for school children.

(2) Daycare establishments are subclassified as follows:

(a) Daycare I – a maximum of 12 adults or children in any 24-hour period; and

(b) Daycare II – over 12 adults or children in any 24-hour period. (Ord. O99-29 § 1)

**21A.15.270 Deciduous.**

“Deciduous” means a plant species with foliage that is shed annually. (Ord. O99-29 § 1)

**21A.15.275 Density credit, transfer (TDC).**

“Density credit, transfer (TDC)” means the ability to transfer potentially buildable dwelling units from an eligible sending site to an eligible receiving site as provided in this code. (Ord. O99-29 § 1)

**21A.15.280 Department.**

“Department” means the City’s department of community development. (Ord. O99-29 § 1)

**21A.15.285 Department and variety store.**

“Department and variety store” means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, home furnishings, housewares, including only uses located in SIC Major Group and Industry Nos.:

(1) 53 – General merchandise;

(2) 5947 – Gift, novelty, and souvenir shops; and

(3) 5948 – Luggage and leather goods stores. (Ord. O99-29 § 1)

**21A.15.290 Destination resort.**

“Destination resort” means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment, and other conveniences for guests of the resort. (Ord. O99-29 § 1)

**21A.15.295 Developer or applicant.**

“Developer” or “applicant” means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed. (See Applicant, SMC 21A.15.070.) (Ord. O99-29 § 1)

**21A.15.300 Development activity.**

“Development activity” means any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities. (Ord. O99-29 § 1)

**21A.15.310 Development proposal.**

“Development proposal” means any activities requiring a permit or other approval from the City of Sammamish relative to the use or development of land. (Ord. O99-29 § 1)

**21A.15.315 Development proposal site.**

“Development proposal site” means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City of Sammamish to carry out a development proposal. (Ord. O99-29 § 1)

**21A.15.320 Direct traffic impact.**

“Direct traffic impact” means any increase in vehicle traffic generated by a proposed development that equals or exceeds 10 peak hour, peak direction vehicle trips on any roadway or intersection. (Ord. O99-29 § 1)

**21A.15.325 Director.**

“Director” means the director of the City of Sammamish department of community development or his/her designee. (Ord. O99-29 § 1)

**21A.15.330 Dormitory.**

“Dormitory” means a residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking recreation, or bathing facilities. (Ord. O99-29 § 1)

**21A.15.335 Drop box facility.**

“Drop box facility” means a facility used for receiving solid waste and recyclable from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. (Ord. O99-29 § 1)

**21A.15.340 Drug store.**

“Drug store” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including only uses located in SIC Industry Group and Industry Nos.:

- (1) 591 – Drug stores and proprietary stores;
- (2) 5993 – Tobacco stores and stands; and
- (3) 5999 – Cosmetics stores. (Ord. O99-29 § 1)

**21A.15.345 Dwelling unit.**

“Dwelling unit” means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling’s occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing, and mobile homes. (Ord. O99-29 § 1)

**21A.15.350 Dwelling unit, accessory.**

“Dwelling unit, accessory” means a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling, or contained within a separate structure that is accessory to the primary dwelling unit on the premises. (Ord. O99-29 § 1)

**21A.15.355 Dwelling unit, apartment.**

“Dwelling unit, apartment” means a dwelling unit contained in a building consisting of two or more dwelling units that may be stacked, or one or more dwellings with nonresidential uses. (Ord. O99-29 § 1)

**21A.15.365 Dwelling unit, single detached.**

“Dwelling unit, single detached” means a detached building containing one dwelling unit. (Ord. O99-29 § 1)

**21A.15.370 Dwelling unit, townhouse.**

“Dwelling unit, townhouse” means a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls. (Ord. O99-29 § 1)

**21A.15.375 Earth station.**

“Earth station” means a communication facility that transmits and/or receives signals to and from an

orbiting satellite using satellite dish antennas. (Ord. O99-29 § 1)

**21A.15.380 Effective radiated power.**

“Effective radiated power” means the product of the antenna power input and the numerical antenna power gain. (Ord. O99-29 § 1)

**21A.15.390 Electrical substation.**

“Electrical substation” means a site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users. (Ord. O99-29 § 1)

**21A.15.392 Emergency.**

“Emergency” means an occurrence during which there is imminent danger to the public health, safety, and welfare, or which poses an imminent risk to property, as a result of a natural or manmade catastrophe as so declared by the director. (Ord. O99-29 § 1)

**21A.15.395 Energy resource recovery facility.**

“Energy resource recovery facility” means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis, or any other means of using the heat of combustion of solid waste. (Ord. O99-29 § 1)

**21A.15.400 Enhancement.**

“Enhancement” means an action that increases the functions and values of a stream, wetland, or other sensitive area or buffer. (Ord. O99-29 § 1)

**21A.15.405 Equipment, heavy.**

“Equipment, heavy” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;
- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;

- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. (Ord. O99-29 § 1)

**21A.15.410 Erosion.**

“Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow. (Ord. O99-29 § 1)

**21A.15.415 Erosion hazard areas.**

“Erosion hazard areas” means those areas in the City underlain by soils that are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Soil Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of River Wash (Rh) or Coastal Beaches (Cb) and the following when they occur on slopes 15 percent or steeper:

- (1) The Alderwood gravely sandy loam (AgD);
- (2) The Alderwood and Kitsap soils (AkF);
- (3) The Beausite gravely sandy loam (BeD and BeF);
- (4) The Kitsap silt loam (KpD);
- (5) The Ovall gravely loam (OvD and OvF);
- (6) The Ragnar fine sandy loam (RaD); and
- (7) The Ragnar-Indianola Association (RdE). (Ord. O99-29 § 1)

**21A.15.420 Evergreen.**

“Evergreen” means a plant species with foliage that persists and remains green year-round. (Ord. O99-29 § 1)

**21A.15.425 Examiner.**

“Examiner” means the hearing examiner as established by Chapter 20.10 SMC. (Ord. O99-29 § 1)

**21A.15.430 Fabric shop.**

“Fabric shop” means an establishment engaged in the retail sale of sewing supplies and accessories, including only uses located in SIC Industry Nos.:

- (1) 5949 – Sewing, needlework, and piece goods stores; and

- (2) Awning shops, banner shops, and flag shops found in 5999. (Ord. O99-29 § 1)

**21A.15.435 Facilities standard.**

“Facilities standard” means the space required by grade span, and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district’s capital facilities plan. (Ord. O99-29 § 1)

**21A.15.440 Factory-built commercial building.**

“Factory-built commercial building” means any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site, and designed or used for nonresidential human occupancy. (Ord. O99-29 § 1)

**21A.15.445 Fairground.**

“Fairground” means a site permanently designated and improved for holding a county fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

- (1) Carnivals;
- (2) Circuses;
- (3) Expositions;
- (4) Animal shows; and
- (5) Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. (Ord. O99-29 § 1)

**21A.15.450 Family.**

“Family” means one or more persons (but not more than six unrelated persons) living together as a single housekeeping unit. For the purposes of this code, children with familial status within the meaning of Title 42 United States Code, Section 360(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 360(h) will not be counted as unrelated persons. (Ord. O99-29 § 1)

**Federal Emergency Management Agency (FEMA) floodway.**

“Federal Emergency Management Agency (FEMA) floodway” means the channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot. (Ord. O99-29 § 1)

**21A.15.460 Feed store.**

“Feed store” means an establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production. (Ord. O99-29 § 1)

**21A.15.465 Fence.**

“Fence” means a barrier for the purpose of enclosing space or separating lots, composed of:

(1) Masonry or concrete walls, excluding retaining walls; or

(2) Wood, metal, or concrete posts connected by boards, rails, panels, wire or mesh. (Ord. O99-29 § 1)

**21A.15.467 Financial guarantee.**

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the interim Sammamish development code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and or other forms of financial security acceptable to the director. For the purposes of this title, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered subcategories of financial guarantee. (Ord. O99-29 § 1)

**21A.15.470 Flood fringe.**

“Flood fringe” means that portion of the floodplain outside of the zero-rise floodway that is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water. (Ord. O99-29 § 1)

**21A.15.475 Flood hazard areas.**

“Flood hazard areas” means those areas in the City of Sammamish subject to inundation by the base flood and those areas subject to risk from channel relocation or stream meander including, but not limited to, streams, lakes, wetlands, and closed depressions. (Ord. O99-29 § 1)

**21A.15.480 Flood insurance rate map.**

“Flood insurance rate map” means the official map on which the Federal Insurance Administration has delineated some areas of flood hazard. (Ord. O99-29 § 1)

**21A.15.485 Flood insurance study for King County.**

“Flood insurance study for King County” means the official report provided by the Federal Insurance Administration that includes flood profiles and the flood insurance rate map. (Ord. O99-29 § 1)

**21A.15.490 Flood protection elevation.**

“Flood protection elevation” means an elevation that is one foot above the base flood elevation. (Ord. O99-29 § 1)

**21A.15.495 Floodplain.**

“Floodplain” means the total area subject to inundation by the base flood. (Ord. O99-29 § 1)

**21A.15.500 Floodproofing.**

“Floodproofing” means adaptations that will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. (Ord. O99-29 § 1)

**21A.15.505 Floodway, zero-rise.**

“Floodway, zero-rise” means the channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on the flood insurance study for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive area special study. (Ord. O99-29 § 1)

**21A.15.510 Florist shop.**

“Florist shop” means an establishment engaged in the retail sale of flowers and plants, including only uses located in SIC Industry Nos.:

(1) 5992 – Florists; and

(2) 5999 – Artificial flowers. (Ord. O99-29 § 1)

**21A.15.520 Forest practice.**

“Forest practice” means any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter 79.06 RCW for which a forest practice permit is required, together with:

- (1) Fire prevention, detection and suppression; and
- (2) Slash burning or removal. (Ord. O99-29 § 1)

**21A.15.525 Forest product sales.**

“Forest product sales” means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- (1) Trees;
- (2) Wood chips;
- (3) Logs;
- (4) Fuel wood;
- (5) Cones;
- (6) Christmas trees;
- (7) Berries;
- (8) Herbs; or
- (9) Mushrooms. (Ord. O99-29 § 1)

**21A.15.530 Forest research.**

“Forest research” means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including only uses located in SIC Industry Nos.:

- (1) 8731 – Commercial physical and biological research;
- (2) 8733 – Noncommercial research organizations; and
- (3) 8734 – Testing laboratories. (Ord. O99-29 § 1)

**21A.15.535 Furniture and home furnishings store.**

“Furniture and home furnishings store” means an establishment engaged in the retail sale of household furniture and furnishings for the home, including only uses located in SIC Major Group and Industry Nos.:

- (1) 57 – Home furniture, furnishings, and equipment stores, except Industry Group No. 573; and
- (2) Baby carriages, cake decorating supplies, hot tubs, picture frames (ready-made), swimming pools (above-ground, not site-built), telephone stores and typewriter stores found in 5999. (Ord. O99-29 § 1)

**21A.15.540 General business service.**

“General business service” means an establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including only uses located in SIC Major Group Nos.:

- (1) 60 – Depository institutions;
- (2) 61 – Nondepository credit institutions;
- (3) 62 – Security and commodity brokers, dealers, exchanges, and services;
- (4) 63 – Insurance carriers;
- (5) 65 – Real estate, except 653 (Real estate agents and directors);
- (6) 67 – Holding and other investment offices;
- (7) 7299 – Miscellaneous personal services, not elsewhere classified;
- (8) 73 – Business services, except Industry Group and Industry Nos.:
  - (a) 7312 – Outdoor advertising services; and
  - (9) 86 – Membership organizations, including administrative offices of organized religions found in 8661, but excluding churches and places of worship. (Ord. O99-29 § 1)

**21A.15.545 Geologist.**

“Geologist” means a person who has earned at least a Bachelor of Science degree in the geological sciences from an accredited college or university or who has equivalent educational training and at least four years of professional experience. (Ord. O99-29 § 1)

**21A.15.550 Geotechnical engineer.**

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer by the state of Washington who has at least four years of professional employment as a geotechnical engineer. (Ord. O99-29 § 1)

**21A.15.555 Golf course.**

“Golf course” means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to:

- (1) A driving range;
- (2) Miniature golf;
- (3) Pro shops;
- (4) Caddyshack buildings;
- (5) Swimming pools, tennis courts and other related recreational facilities;
- (6) Restaurants;
- (7) Office and meeting rooms; and
- (8) Related storage facilities. (Ord. O99-29 § 1)

**21A.15.560 Grade span.**

“Grade span” means the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school. (Ord. O99-29 § 1)

**21A.15.565 Grading.**

“Grading” means any excavation, filling, removing the duff layer or any combination thereof. (Ord. O99-29 § 1)

**21A.15.570 Grazing area.**

“Grazing area” means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year. (Ord. O99-29 § 1)

**21A.15.575 Groundcover.**

“Groundcover” means living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion. (Ord. O99-29 § 1)

**21A.15.580 Hazardous household substance.**

“Hazardous household substance” means a substance as defined in RCW 70.105.010. (Ord. O99-29 § 1)

**21A.15.585 Hazardous substance.**

“Hazardous substance” means a substance as defined in RCW 70.105.010. (Ord. O99-29 § 1)

**21A.15.590 Heavy equipment and truck repair.**

“Heavy equipment and truck repair” means the repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, lifts, but excluding automobiles and pick-up trucks under 10,000 pounds, recreational vehicles, boats and their trailers. (Ord. O99-29 § 1)

**21A.15.595 Helistop.**

“Helistop” means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities. (Ord. O99-29 § 1)

**21A.15.597 Historic resource.**

“Historic resource” means a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture. (Ord. O99-29 § 1)

**21A.15.600 Hobby, toy, and game shop.**

“Hobby, toy, and game shop” means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including only uses located in SIC Industry Nos.:

- (1) 5945 – Hobby, toy and game shops; and
- (2) 5999 – Autograph and philatelist supply stores, coin shops, and stamps, philatelist-retail (except mail order). (Ord. O99-29 § 1)

**21A.15.605 Home industry.**

“Home industry” means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. O99-29 § 1)

**21A.15.610 Home occupation.**

“Home occupation” means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. O99-29 § 1)

**21A.15.615 Household pets.**

“Household pets” means small animals that are kept within a dwelling unit. (Ord. O99-29 § 1)

**21A.15.620 Hydroelectric generation facility.**

“Hydroelectric generation facility” means an establishment for the generation of electricity using water sources. (Ord. O99-29 § 1)

**21A.15.625 Impervious surface.**

“Impervious surface,” for purposes of this title, means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates including, but not limited to, roofs, swimming pools, and areas that are paved, graveled or made of packed or oiled earthen materials such as roads, walkways, or parking areas and excluding landscaping, surface

water flow control, and water quality treatment facilities, access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of requirements to site features over which the applicant has no control. (Ord. O99-29 § 1)

**21A.15.630 Improved public roadways.**

“Improved public roadways” means public road rights-of-way that have been improved with at least two travel lanes and are maintained by either the City of Sammamish or the state of Washington. (Ord. O99-29 § 1)

**21A.15.635 Individual transportation and taxi.**

“Individual transportation and taxi” means an establishment engaged in furnishing individual or small group transportation by motor vehicle, including only uses located in SIC Industry Group and Industry Nos.:

- (1) 412 – Taxicabs; and
- (2) 4119 – Local passenger transportation, not elsewhere classified. (Ord. O99-29 § 1)

**21A.15.637 Infiltration rate.**

“Infiltration rate” means the rate of water entry into the soil expressed in inches per hour. (Ord. O99-29 § 1)

**21A.15.640 Interim recycling facility.**

“Interim recycling facility” means a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

- (1) Drop boxes;
- (2) Source-separated, organic waste processing facilities; and
- (3) Collection, separation and shipment of glass, metal, paper or other recyclables. (Ord. O99-29 § 1)

**21A.15.642 Irrigation efficiency.**

“Irrigation efficiency” means the coefficient of the amount of water beneficially used divided by the amount of water applied. This coefficient is derived from actual measurements and an evaluation of the general characteristics of the type of irrigation system and management practices proposed. (Ord. O99-29 § 1)

**21A.15.645 Jail.**

“Jail” means a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. (Ord. O99-29 § 1)

**21A.15.655 Jewelry store.**

“Jewelry store” means an establishment engaged in the retail sale of a variety of jewelry products, including only uses located in SIC Industry Nos.:

- (1) 5944 – Jewelry stores; and
- (2) Gem stones and rock specimens found in 5999. (Ord. O99-29 § 1)

**21A.15.658 Joint use driveway.**

“Joint use driveway” means a jointly owned and/or maintained vehicular access to two residential properties. (Ord. O99-29 § 1)

**21A.15.660 Kennel.**

“Kennel” means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. (Ord. O99-29 § 1)

**21A.15.662 Kitchen or kitchen facility.**

“Kitchen or kitchen facility” means an area within a building intended for the preparation and storage of food and containing:

- (1) An appliance for the refrigeration of food;
- (2) An appliance for the cooking or heating of food; and
- (3) A sink. (Ord. O99-29 § 1)

**21A.15.665 Landfill.**

“Landfill” means a disposal site or part of a site at which refuse is deposited. (Ord. O99-29 § 1)

**21A.15.667 Landscape water features.**

“Landscape water features” means a pond, pool or fountain used as a decorative component of a development. (Ord. O99-29 § 1)

**21A.15.670 Landscaping.**

“Landscaping” means live vegetative materials required for a development. Said materials provided along the boundaries of a development site are

referred to as perimeter landscaping. (Ord. O99-29 § 1)

**21A.15.675 Landslide.**

“Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. (Ord. O99-29 § 1)

**21A.15.680 Landslide hazard areas.**

“Landslide hazard areas” means those areas in the City of Sammamish subject to severe risks of landslides, including the following:

- (1) Any area with a combination of:
  - (a) Slopes steeper than 15 percent;
  - (b) Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
  - (c) Springs or groundwater seepage;
- (2) Any area that has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;
- (3) Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
- (4) Any area that shows evidence of or is at risk from snow avalanches; or
- (5) Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments. (Ord. O99-29 § 1)

**21A.15.685 Level of service (LOS), traffic.**

“Level of service (LOS), traffic” means a quantitative measure of traffic congestion identified by a declining letter scale (A – F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the City engineer. LOS “A” indicates free flow of traffic with no delays while LOS “F” indicates jammed conditions or extensive delay. (Ord. O99-29 § 1)

**21A.15.690 Light equipment.**

“Light equipment” means hand-held tools and construction equipment, such as chain saws, wheelbarrows, and post-hole diggers. (Ord. O99-29 § 1)

**21A.15.695 Livestock.**

“Livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:

- (1) Cattle;
- (2) Riding and draft horses;
- (3) Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as pets or small animals;
- (4) Sheep; and
- (5) Goats. (Ord. O99-29 § 1)

**21A.15.700 Livestock, large.**

“Livestock, large” means cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. O99-29 § 1)

**21A.15.705 Livestock, small.**

“Livestock, small” means hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca, and other livestock generally weighing under 500 pounds. (Ord. O99-29 § 1)

**21A.15.710 Livestock sales.**

“Livestock sales” means the sale of livestock but not including auctions. (Ord. O99-29 § 1)

**21A.15.715 Loading space.**

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers. (Ord. O99-29 § 1)

**21A.15.725 Lot.**

“Lot” means a physically separate and distinct parcel of property, which has been created pursuant to SMC Title 19, Subdivisions. (Ord. O99-29 § 1)

**21A.15.730 Lot line, interior.**

“Lot line, interior” means lot lines that delineate property boundaries along those portions of the property that do not abut a street. (Ord. O99-29 § 1)

**21A.15.735 Marina.**

“Marina” means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and

yachts; and accessory facilities including, but not limited to:

- (1) Showers;
- (2) Toilets; and
- (3) Self-service laundries. (Ord. O99-29 § 1)

**21A.15.740 Material error.**

“Material error” means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application. (Ord. O99-29 § 1)

**21A.15.745 Microwave.**

“Microwave” means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). (Ord. O99-29 § 1)

**21A.15.750 Mitigation.**

“Mitigation” means the use of any or all of the following actions listed in descending order of preference:

- (1) Avoiding the impact by not taking a certain action;
- (2) Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected sensitive area or buffer;
- (4) Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute sensitive areas and environments; and
- (6) Monitoring the impact and taking appropriate corrective measures. (Ord. O99-29 § 1)

**21A.15.751 Mitigation bank.**

“Mitigation bank” means a property that has been protected in perpetuity, and approved by appropriate City, state, and federal agencies expressly for the purpose of providing compensatory mitigation in advance of authorized impacts through restoration, creation, and/or enhancement of wetlands, and in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources. (Ord. O99-29 § 1)

**21A.15.752 Mitigation banking.**

“Mitigation banking” means a system for providing compensatory mitigation in advance of authorized wetland impacts of development in the City in which credits are generated through restoration, creation, and/or enhancement of wetlands, and in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources. (Ord. O99-29 § 1)

**21A.15.755 Mobile home.**

“Mobile home” means a structure transportable in one or more sections; that in the traveling mode is eight body feet or more in width or 32 body feet or more in length; or when erected on site is 320 square feet or more in area; built on a permanent chassis; designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities; which contains plumbing, heating, air-conditioning and electrical systems; and shall include any structure that meets all the requirements of this section, or of Chapter 296-150B WAC, except the size requirements for which the manufacturer voluntarily complies with the standards and files the certification required by the Department of Housing and Urban Development (HUD). (Ord. O99-29 § 1)

**21A.15.760 Mobile home park.**

“Mobile home park” means a development with two or more improved pads or spaces designed to accommodate mobile homes. (Ord. O99-29 § 1)

**21A.15.765 Monitoring.**

“Monitoring” means evaluating the impacts of development proposals on biologic, hydrologic, and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data. (Ord. O99-29 § 1)

**21A.15.770 Monuments, tombstones, and gravestones sales.**

“Monuments, tombstones, and gravestones sales” means the retail sale of custom stonework products including only uses located in SIC Industry No. 5599, Monuments, finished to custom order, tombstones and gravestones finished. (Ord. O99-29 § 1)

**21A.15.775 Motor vehicle, boat, and mobile home dealer.**

“Motor vehicle, boat, and mobile home dealer” means an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, boats, or mobile homes, including only uses located in SIC Major Group and Industry Group Nos.:

(1) 55 – Automotive dealers and gasoline service stations, except:

- (a) 553 – Auto and home supply stores;
- (b) 554 – Gasoline service stations; and

(2) Aircraft dealers found in 5599:

- (a) 527 – Mobile home dealers; and
- (b) Yacht brokers found in 7389. (Ord. O99-29 § 1)

**21A.15.782 Mulch.**

“Mulch” means any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation. (Ord. O99-29 § 1)

**21A.15.790 Native vegetation.**

“Native vegetation” means vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to naturally occur on the site. (Ord. O99-29 § 1)

**21A.15.795 Naturalized species.**

“Naturalized species” means non-native species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest. (Ord. O99-29 § 1)

**21A.15.797 Net buildable area.**

“Net buildable area” means the “site area” less the following areas:

(1) Areas within a project site that are required to be dedicated for public rights-of-way in excess of 60 feet in width;

(2) Sensitive areas and their buffers to the extent they are required by the City to remain undeveloped;

(3) Areas required for stormwater control facilities other than facilities that are completely underground, including but not limited to retention/ detention ponds, biofiltration swales and setbacks from such ponds and swales;

(4) Areas required by the City to be dedicated or reserved as on-site recreation areas;

(5) Regional utility corridors;

(6) Other areas, excluding setbacks, required by the City to remain undeveloped. (Ord. O99-29 § 1)

**21A.15.800 Nonconformance.**

“Nonconformance” means any use, improvement or structure established in conformance with the City’s rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of the code due to changes in the code or its application to the subject property. (Ord. O99-29 § 1)

**21A.15.810 Non-ionizing electromagnetic radiation (NIER).**

“Non-ionizing electromagnetic radiation (NIER)” means electromagnetic radiation of low photon energy unable to cause ionization. (Ord. O99-29 § 1)

**21A.15.815 Noxious weed.**

“Noxious weed” means any plant that is highly destructive, competitive, or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC. (Ord. O99-29 § 1)

**21A.15.817 Off-street required parking lot.**

“Off-street required parking lot” means parking facilities constructed to meet the off-street parking requirements of Chapter 21A.40 SMC for land uses located on a lot separate from the parking facilities. (Ord. O99-29 § 1)

**21A.15.820 Open-work fence.**

“Open-work fence” means a fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. (Ord. O99-29 § 1)

**21A.15.825 Ordinary high water mark.**

“Ordinary high water mark” means the mark found by examining the bed and banks of a stream, lake, or tidal water and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. (Ord. O99-29 § 1)

**21A.15.830 Outdoor performance center.**

“Outdoor performance center” means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. (Ord. O99-29 § 1)

**21A.15.832 Overspray.**

“Overspray” means irrigation water applied beyond the landscape area. (Ord. O99-29 § 1)

**21A.15.835 Park.**

“Park” means a site designed or developed for recreational use by the public including, but not limited to:

- (1) Indoor facilities, such as:
  - (a) Gymnasiums;
  - (b) Swimming pools; or
  - (c) Activity centers;
- (2) Outdoor facilities, such as:
  - (a) Playfields;
  - (b) Fishing areas;
  - (c) Picnic and related outdoor activity areas; or
  - (d) Approved campgrounds;
- (3) Areas and trails for:
  - (a) Hikers;
  - (b) Equestrians;
  - (c) Bicyclists; or
  - (d) Off-road recreational vehicle users;
- (4) Recreation space areas required under SMC 21A.30.140;
- (5) Play areas required under SMC 21A.30.160; and
- (6) Facilities for on-site maintenance. (Ord. O99-29 § 1)

**21A.15.840 Park service area.**

“Park service area” means established by the department, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area. (Ord. O99-29 § 1)

**21A.15.845 Parking lot aisle.**

“Parking lot aisle” means that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited. (Ord. O99-29 § 1)

**21A.15.850 Parking lot unit depth.**

“Parking lot unit depth” means the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle. (Ord. O99-29 § 1)

**21A.15.855 Parking space.**

“Parking space” means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. (Ord. O99-29 § 1)

**21A.15.860 Parking space angle.**

“Parking space angle” means reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked. (Ord. O99-29 § 1)

**21A.15.865 Party of record.**

“Party of record” means a person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official City record on a specific development proposal. (Ord. O99-29 § 1)

**21A.15.870 Peak hour.**

“Peak hour” means the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection. (Ord. O99-29 § 1)

**21A.15.875 Permanent school facilities.**

“Permanent school facilities” means facilities of a school district with a fixed foundation that are not relocatable facilities. (Ord. O99-29 § 1)

**21A.15.880 Personal medical supply store.**

“Personal medical supply store” means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, including only uses located in SIC Industry Nos.:

- (1) 5995 – Optical goods stores; and
- (2) 5999 – Hearing aids and orthopedic and artificial limb stores. (Ord. O99-29 § 1)

**21A.15.885 Pet shop.**

“Pet shop” means an establishment engaged in the retail sale of pets, small animals, pet supplies, or grooming of pets, including only uses located in SIC Industry No. 5999, Pet shops. (Ord. O99-29 § 1)

**21A.15.890 Photographic and electronic shop.**

“Photographic and electronic shop” means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including only uses located in SIC Industry No.:

- (1) 5946 – Camera and photographic supply stores;
- (2) 5999 – Binoculars and telescopes;
- (3) 5731 – Radio, television, and consumer electronics stores; and
- (4) 5734 – Computer and computer software stores. (Ord. O99-29 § 1)

**21A.15.895 Plant associations of infrequent occurrence.**

“Plant associations of infrequent occurrence” means one or more plant species of a landform type that does not often occur in the City because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons. (Ord. O99-29 § 1)

**21A.15.897 Plant factor.**

“Plant factor” means a factor that when multiplied by reference evapotranspiration estimates the amount of water used by plants. (Ord. O99-29 § 1)

**21A.15.899 Potable water.**

“Potable water” means water suitable for human consumption. (Ord. O99-29 § 1)

**21A.15.900 Private.**

“Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. (Ord. O99-29 § 1)

**21A.15.905 Private stormwater management facility.**

“Private stormwater management facility” means a surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites

specifically served by such structure. (Ord. O99-29 § 1)

**21A.15.910 Professional office.**

“Professional office” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific, or other academic discipline as opposed to manual skills, and that does not involve outside storage or fabrication, or on-site sale or transfer of commodities, including only the following SIC Major Group and Industry Nos.:

- (1) 64 – Insurance agents, brokers and service;
- (2) 653 – Real estate agents and directors;
- (3) 7291 – Income tax return preparation services;
- (4) 81 – Legal services;
- (5) 871 – Engineering, architectural and surveying services;
- (6) 872 – Accounting, auditing and bookkeeping services; and
- (7) 874 – Management and public relations services. (Ord. O99-29 § 1)

**21A.15.915 Public agency.**

“Public agency” means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government. (Ord. O99-29 § 1)

**21A.15.920 Public agency animal control facility.**

“Public agency animal control facility” means a facility for the impoundment and disposal of stray or abandoned small animals. (Ord. O99-29 § 1)

**21A.15.925 Public agency archive.**

“Public agency archive” means a facility for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials. (Ord. O99-29 § 1)

**21A.15.930 Public agency or utility office.**

“Public agency or utility office” means an office for the administration of any governmental or utility

activity or program, with no outdoor storage and including, but not limited to uses located in SIC Major Group, Industry Group and Industry Nos.:

- (1) 91 – Executive, legislative, and general government, except finance;
- (2) 93 – Public finance, taxation, and monetary policy;
- (3) 94 – Administration of human resource programs;
- (4) 95 – Administration of environmental quality and housing program;
- (5) 96 – Administration of economic programs;
- (6) 972 – International affairs;
- (7) 9222 – Legal counsel and prosecution; and
- (8) 9229 – Public order and safety. (Ord. O99-29 § 1)

**21A.15.935 Public agency or utility yard.**

“Public agency or utility yard” means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. (Ord. O99-29 § 1)

**21A.15.940 Public agency training facility.**

“Public agency training facility” means an establishment or school for training state and local law enforcement, fire safety, National Guard or transit personnel and facilities including but not limited to:

- (1) Dining and overnight accommodations;
- (2) Classrooms;
- (3) Shooting ranges;
- (4) Auto test tracks; and
- (5) Fire suppression simulations. (Ord. O99-29 § 1)

**21A.15.945 Radio frequency.**

“Radio frequency” means the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or hertz (Hz). (Ord. O99-29 § 1)

**21A.15.950 Reasonable use.**

“Reasonable use” means a legal concept articulated by federal and state courts in regulatory taking cases. (Ord. O99-29 § 1)

**21A.15.955 Receiving site.**

“Receiving site” means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of

permanently securing and dedicating to the City of Sammamish, or another qualifying agency, the development potential of an associated sending site. (Ord. O99-29 § 1)

**21A.15.960 Recreational vehicle (RV).**

“Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping, travel, or seasonal use that has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

- (1) Travel trailer;
- (2) Folding camping trailer;
- (3) Park trailer;
- (4) Truck camper;
- (5) Park trailer;
- (6) Motor home; and
- (7) Multi-use vehicle. (Ord. O99-29 § 1)

**21A.15.965 Recreational vehicle parks.**

“Recreational vehicle parks” means the use of land upon which two or more recreational vehicle sites, including hook-up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. (Ord. O99-29 § 1)

**21A.15.970 Recyclable material.**

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. (Ord. O99-29 § 1)

**21A.15.972 Reference evapotranspiration (Eto).**

“Reference evapotranspiration (Eto)” means a standard measurement of environmental parameters that affect the water use of plants. (Ord. O99-29 § 1)

**21A.15.975 Regional stormwater management facility.**

“Regional stormwater management facility” means a surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the surface water management (SWM) division or a project proponent. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems. (Ord. O99-29 § 1)

**21A.15.980 Regional utility corridor.**

“Regional utility corridor” means a right-of-way tract or easement other than a street right-of-way that contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual lots or developments are not regional utility corridors. (Ord. O99-29 § 1)

**21A.15.985 Relocatable facilities cost per student.**

“Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. O99-29 § 1)

**21A.15.990 Relocatable facility.**

“Relocatable facility” means any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities. (Ord. O99-29 § 1)

**21A.15.1000 Restoration.**

“Restoration” means returning a stream, wetland, other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible. (Ord. O99-29 § 1)

**21A.15.1005 Retail, comparison.**

“Retail, comparison” provides for the sale of comparison goods and services and is centrally located in the community. (Ord. O99-29 § 1)

**21A.15.1010 Retail, convenience.**

“Retail, convenience” provides for daily living goods, is easy to access and use and is close to residential neighborhoods. (Ord. O99-29 § 1)

**21A.15.1011 Retaining wall.**

“Retaining wall” means any wall used to resist the lateral displacement of any material. (Ord. O99-29 § 1)

**21A.15.1012 Runoff.**

“Runoff” means water not absorbed by the soil in the landscape area to which it is applied. (Ord. O99-29 § 1)

**21A.15.1015 Salmonid.**

“Salmonid” means a member of the fish family Salmonidae, including:

- (1) Chinook, coho, chum, sockeye and pink salmon;
- (2) Rainbow, steelhead and cutthroat salmon;
- (3) Brown trout;
- (4) Brook and dolly varden char;
- (5) Kokanee; and
- (6) Whitefish. (Ord. O99-29 § 1)

**21A.15.1020 School bus base.**

“School bus base” means an establishment for the storage, dispatch, repair, and maintenance of coaches and other vehicles of a school transit system. (Ord. O99-29 § 1)

**21A.15.1025 School district.**

“School district” means any school district whose boundaries include the City of Sammamish. (Ord. O99-29 § 1)

**21A.15.1030 School district support facility.**

“School district support facility” means uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities. (Ord. O99-29 § 1)

**21A.15.1035 Schools, elementary, and middle/junior high.**

“Schools, elementary, and middle/junior high” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. (Ord. O99-29 § 1)

**21A.15.1040 Schools, secondary or high school.**

“Schools, secondary or high school” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. (Ord. O99-29 § 1)

**21A.15.1045 Seismic hazard areas.**

“Seismic hazard areas” means those areas in the City subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow groundwater table or of other seismically induced settlement. (Ord. O99-29 § 1)

**21A.15.1050 Self-service storage facility.**

“Self-service storage facility” means an establishment containing separate storage spaces that are leased or rented as individual units. (Ord. O99-29 § 1)

**21A.15.1060 Senior citizen.**

“Senior citizen” means a person aged 62 or older. (Ord. O99-29 § 1)

**21A.15.1062 Senior citizen assisted housing.**

“Senior citizen assisted housing” means housing in a building consisting of two or more dwelling units or sleeping units restricted to occupancy by at least one senior citizen per unit, and may include the following support services, as deemed necessary:

- (1) Food preparation and dining areas;
- (2) Group activity areas;
- (3) Medical supervision; and
- (4) Similar activities. (Ord. O99-29 § 1)

**21A.15.1065 Sensitive areas.**

“Sensitive areas” means any of those areas in the City that are subject to natural hazards or those land features that support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Sensitive areas include erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams and wetlands. (Ord. O99-29 § 1)

**21A.15.1070 Setback.**

“Setback” means the minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures. (Ord. O99-29 § 1)

**21A.15.1075 Shelters for temporary placement.**

“Shelters for temporary placement” means housing units within the City that provide housing to persons on a temporary basis for a duration not to exceed four weeks. (Ord. O99-29 § 1)

**21A.15.1085 Sign.**

“Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. (Ord. O99-29 § 1)

**21A.15.1090 Sign, awning.**

“Sign, awning” means a sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. (Ord. O99-29 § 1)

**21A.15.1095 Sign, changing message center.**

“Sign, changing message center” means an electrically controlled sign that contains advertising messages that changes at intervals of three minutes or greater. (Ord. O99-29 § 1)

**21A.15.1100 Sign, community bulletin board.**

“Sign, community bulletin board” means a permanent sign used to notify the public of community events and public services, and which contains no commercial advertising. (Ord. O99-29 § 1)

**21A.15.1105 Sign, directional.**

“Sign, directional” means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. (Ord. O99-29 § 1)

**21A.15.1110 Sign, freestanding.**

“Sign, freestanding” means a sign standing directly upon the ground or having one or more supports

standing directly upon the ground, and being detached from any building or fence. (Ord. O99-29 § 1)

**21A.15.1115 Sign, fuel price.**

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. O99-29 § 1)

**21A.15.1120 Sign, incidental.**

“Sign, incidental” means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- (1) Restrooms;
- (2) Hours of operation;
- (3) Acceptable credit cards;
- (4) Property ownership or management;
- (5) Phone booths; and
- (6) Recycling containers. (Ord. O99-29 § 1)

**21A.15.1125 Sign, indirectly illuminated.**

“Sign, indirectly illuminated” means a sign that is illuminated entirely from an external artificial source. (Ord. O99-29 § 1)

**21A.15.1130 Sign, monument.**

“Sign, monument” means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. (Ord. O99-29 § 1)

**21A.15.1135 Sign, off-premises directional.**

“Sign, off-premises directional” means a sign that contains no advertising of a commercial nature that is used to direct pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 660 feet of the sign. (Ord. O99-29 § 1)

**21A.15.1140 Sign, on-premises.**

“Sign, on-premises” means a sign that displays a message that is incidental to and directly associated with the use of the property on which it is located. (Ord. O99-29 § 1)

**21A.15.1145 Sign, permanent residential development identification.**

“Sign, permanent residential development identification” means a permanent sign identifying the

residential development upon which the sign is located. (Ord. O99-29 § 1)

**21A.15.1150 Sign, portable.**

“Sign, portable” means a sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building. (Ord. O99-29 § 1)

**21A.15.1155 Sign, projecting.**

“Sign, projecting” means any sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground. (Ord. O99-29 § 1)

**21A.15.1160 Sign, time and temperature.**

“Sign, time and temperature” means an electrically controlled sign that contains messages for date, time, and temperature, which changes at intervals of one minute or less. (Ord. O99-29 § 1)

**21A.15.1165 Sign, wall.**

“Sign, wall” means any sign painted on, or attached directly to and supported by, a building or structure, with the exposed face of the sign on a plane parallel to the portion of the building or structure to which it is attached, projecting no more than one foot from the building or structure, including window signs that are permanently attached. (Ord. O99-29 § 1)

**21A.15.1170 Site.**

“Site” means a single lot, or two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this title. (Ord. O99-29 § 1)

**21A.15.1172 Site area.**

“Site area” means the total horizontal area of a project site, less the following:

- (1) Areas below the ordinary high water mark;
- (2) Areas that are required to be dedicated on the perimeter of a project site for public rights-of-way. (Ord. O99-29 § 1)

**21A.15.1175 Site cost per student.**

“Site cost per student” means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district’s facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. O99-29 § 1)

**21A.15.1177 SITUS file.**

“SITUS file” means information on an individual parcel of land, including its size, known extent of existing development, known environmental constraints, approval conditions and other site-specific information; a SITUS file is a King County file. (Ord. O99-29 § 1)

**21A.15.1190 Source-separated organic material.**

“Source-separated organic material” means vegetative material, scrap lumber or wood, or other materials that provide a source for recycled or composted products. This does not include chemically treated wood products and/or toxic organic substances. (Ord. O99-29 § 1)

**21A.15.1195 Special use permit.**

“Special use permit” means a permit granted by the City to locate a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. (Ord. O99-29 § 1)

**21A.15.1200 Specialized instruction school.**

“Specialized instruction school” means establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

- (1) Art;
- (2) Dance;
- (3) Music;
- (4) Cooking;
- (5) Driving; and
- (6) Pet obedience training. (Ord. O99-29 § 1)

**21A.15.1205 Specified sexual activities.**

“Specified sexual activities” means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia,

pubic region, buttock, or female breast. (Ord. O99-29 § 1)

**21A.15.1210 Sporting goods store.**

“Sporting goods store” means an establishment engaged in the retail sale of sporting goods and equipment, including only uses located in SIC Industry Nos.:

- (1) 5941 – Sporting goods stores and bicycle shops; and
- (2) 5999 – Tent shops and trophy shops. (Ord. O99-29 § 1)

**21A.15.1215 Sports club.**

“Sports club” means an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including only uses located in SIC Industry Nos.:

- (1) 7991 – Physical fitness facilities; and
- (2) 7997 – Membership sports and recreation clubs. (Ord. O99-29 § 1)

**21A.15.1220 Stable.**

“Stable” means a structure or facility in which horses or other livestock are kept for:

- (1) Boarding;
- (2) Training;
- (3) Riding lessons;
- (4) Breeding;
- (5) Rental; or
- (6) Personal use. (Ord. O99-29 § 1)

**21A.15.1225 Standard of service, school districts.**

“Standard of service, school districts” means the standard adopted by each school district that identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities that are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, “transitional facilities” shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that

the “necessary financial commitments” as defined in Chapter 21A.60 SMC are in place to complete the permanent facilities called for in the capital plan. (Ord. O99-29 § 1)

**21A.15.1230 Steep slope hazard areas.**

“Steep slope hazard areas” means those areas in the City on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

(1) The toe of a slope is a distinct topographic break in slope that separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

(2) The top of a slope is a distinct, topographic break in slope that separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet. (Ord. O99-29 § 1)

**21A.15.1235 Stream functions.**

“Stream functions” means natural processes performed by streams including functions that are important in facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic, terrestrial, and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments, and other organic matter. (Ord. O99-29 § 1)

**21A.15.1240 Streams.**

“Streams” means those areas in the City where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water run-off devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. For the purpose of this definition, a defined channel or bed is an area that

demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. For the purpose of defining the following categories of streams, normal rainfall is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded at the Seattle-Tacoma International Airport:

(1) Class 1 streams, only including streams inventoried as “shorelines of the state” under the City’s interim shoreline master program, SMC Title 25, pursuant to Chapter 90.58 RCW;

(2) Class 2 streams, only including streams smaller than Class 1 streams which flow year-round during years of normal rainfall or those which are used by salmonids; and

(3) Class 3 streams, only including streams which are intermittent or ephemeral during years of normal rainfall and which are not used by salmonids. (Ord. O99-29 § 1)

**21A.15.1245 Street.**

“Street” means a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property. (Ord. O99-29 § 1)

**21A.15.1250 Street frontage.**

“Street frontage” means any portion of a lot or combination of lots that directly abut a public right-of-way. (Ord. O99-29 § 1)

**21A.15.1255 Structure.**

“Structure” means anything permanently constructed in or on the ground, or over the water; excluding fences six feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill. (Ord. O99-29 § 1)

**21A.15.1260 Student factor.**

“Student factor” means the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar

demographics, or countywide averages must be used. Student factors must be separately determined for single-family and multifamily dwelling units, and for grade spans. (Ord. O99-29 § 1)

**21A.15.1265 Submerged land.**

“Submerged land” means any land at or below the ordinary high water mark. (Ord. O99-29 § 1)

**21A.15.1270 Substantial improvement.**

“Substantial improvement” means any maintenance, repair, structural modification, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored. (Ord. O99-29 § 1)

**21A.15.1275 Temporary use permit.**

“Temporary use permit” means a permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period. (Ord. O99-29 § 1)

**21A.15.1277 Theater.**

“Theater” means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. (Ord. O99-29 § 1)

**21A.15.1278 Theatrical production services.**

“Theatrical production services” means an establishment engaged in uses located in SIC Industry No. 792, Theatrical producers (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer theaters. (Ord. O99-29 § 1)

**21A.15.1280 Tightline sewer.**

“Tightline sewer” means a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area. (Ord. O99-29 § 1)

**21A.15.1285 Trails.**

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. (Ord. O99-29 § 1)

**21A.15.1290 Transfer station.**

“Transfer station” means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment. (Ord. O99-29 § 1)

**21A.15.1295 Transit bus base.**

“Transit bus base” means an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system. (Ord. O99-29 § 1)

**21A.15.1305 Transitional housing facilities.**

“Transitional housing facilities” means housing units within the City owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. (Ord. O99-29 § 1)

**21A.15.1310 Transmission equipment.**

“Transmission equipment” means equipment, such as antennas and satellite, or point-to-point microwave dishes, that transmit or receive radio signals. (Ord. O99-29 § 1)

**21A.15.1315 Transmission line booster station.**

“Transmission line booster station” means an establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance. (Ord. O99-29 § 1)

**21A.15.1320 Transmission support structure.**

“Transmission support structure” means a pole or lattice-work structure specifically designed and intended to support antenna and related

communication equipment. The term does not include poles or lattice-work towers supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc. (Ord. O99-29 § 1)

**21A.15.1325 Transmitter building.**

“Transmitter building” means building used to contain communication transmission equipment. (Ord. O99-29 § 1)

**21A.15.1330 Transportation system management (TSM).**

“Transportation system management (TSM)” means low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips. (Ord. O99-29 § 1)

**21A.15.1335 Ultimate roadway section.**

“Ultimate roadway section” means a designation by the City that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity. (Ord. O99-29 § 1)

**21A.15.1345 Use.**

“Use” means activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use. (Ord. O99-29 § 1)

**21A.15.1350 Utility facility.**

“Utility facility” means a facility for the distribution or transmission of services to an area, including, but not limited to:

- (1) Telephone exchanges;
- (2) Water pumping or treatment stations;
- (3) Electrical substations;
- (4) Water storage reservoirs or tanks;
- (5) Municipal groundwater well-fields;
- (6) Regional stormwater management facilities;
- (7) Natural gas gate stations and limiting stations;
- (8) Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses

from which fuel is distributed directly to individual users;

(9) Sewer lift stations; and

(10) Pipes, electrical wires and associated structural supports. (Ord. O99-29 § 1)

**21A.15.1352 Vactor waste.**

“Vactor waste” means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. (Ord. O99-29 § 1)

**21A.15.1353 Vactor waste receiving facility.**

“Vactor waste receiving facility” means a facility where vactor waste is brought for treatment and storage prior to final disposal. (Ord. O99-29 § 1)

**21A.15.1355 Variance.**

“Variance” means an adjustment in the application of standards of a zoning code to a particular property. (Ord. O99-29 § 1)

**21A.15.1360 Vegetation.**

“Vegetation” means any and all plant life growing at, below or above the soil surface. (Ord. O99-29 § 1)

**21A.15.1365 Vocational school.**

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career, including only uses located in SIC Industry Group Nos.:

- (1) 824 – Vocational schools; and
- (2) 8222 – Technical institutes. (Ord. O99-29 § 1)

**21A.15.1375 Warehousing and wholesale trade.**

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public that is classified as a retail use in SMC 21A.20.070. These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423. (Ord. O99-29 § 1)

**21A.15.1380 Wastewater treatment facility.**

“Wastewater treatment facility” means a plant for collection, decontamination, and disposal of sewage, including residential, industrial, and agricultural liquid wastes, and including any physical improvement

within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended. (Ord. O99-29 § 1)

**21A.15.1382 Water budget.**

“Water budget” means the upper limit of irrigation water applied to the established landscape area. (Ord. O99-29 § 1)

**21A.15.1385 Water dependent use.**

“Water dependent use” means a land use that can only exist when the interface between wet meadows, grazed land, and water provides the biological or physical conditions necessary for the use. (Ord. O99-29 § 1)

**21A.15.1390 Wet meadows, grazed.**

“Wet meadows, grazed” means palustrine emergent wetlands typically having up to six inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed canary grass, spike rushes, bulrushes, sedges and rushes. During the growing season, the soil is often saturated but not covered with water. These meadows have been frequently used for livestock activities. (Ord. O99-29 § 1)

**21A.15.1395 Wetland edge.**

“Wetland edge” means the line delineating the outer edge of a wetland, consistent with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual in use on January 1, 1995 by the United States Army Corps of Engineers and the United States Environmental Protection Agency as implemented through and consistent with the May 23, 1994 “Washington Regional Guidance on the 1987 Wetland Delineation Manual” document issued by the Corps of Engineers and the Environmental Protection Agency. When the State of Washington, Department of Ecology, adopts a manual as required pursuant to a new Section 11 of Engrossed Senate Bill 5776, wetlands regulated under development regulations shall be delineated pursuant to said manual. (Ord. O99-29 § 1)

**21A.15.1400 Wetland, forested.**

“Wetland, forested” means a wetland that is characterized by woody vegetation at least 20 feet tall. (Ord. O99-29 § 1)

**21A.15.1405 Wetland functions.**

“Wetland functions” means natural processes performed by wetlands including functions that are important in facilitating food chain production, providing habitat for nesting, rearing, and resting sites for aquatic, terrestrial, and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and stormwater flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. (Ord. O99-29 § 1)

**21A.15.1410 Wetland, isolated.**

“Wetland, isolated” means a wetland that has a total size less than 5,000 square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function. (Ord. O99-29 § 1)

**21A.15.1415 Wetlands.**

“Wetlands” means those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas, or other artificial features intentionally created to mitigate conversions of wetlands pursuant to wetlands mitigation banking. Wetlands do not include artificial features created from nonwetland areas including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as by other documentation, such as aerial photographs, of the previous existence of wetland vegetation. When the areas of any wetlands are hydrologically connected to each other, they shall be added together to determine which of the following categories of wetlands apply:

(1) Class 1 wetlands, only including wetlands assigned the Unique/Outstanding #1 rating in the 1983

King County wetlands inventory or that meet any of the following criteria:

(a) Are wetlands that have present species listed by the federal or state government as endangered or threatened or outstanding actual habitat for those species;

(b) Are wetlands that have 40 to 60 percent permanent open water in dispersed patches with two or more classes of vegetation;

(c) Are wetlands equal to or greater than 10 acres in size and have three or more classes of vegetation, one of which is submerged vegetation in permanent open water; or

(d) Are wetlands that have present plant associations of infrequent occurrence;

(2) Class 2 wetlands, only including wetlands assigned the Significant #2 rating in the 1983 King County wetlands inventory or that meet any of the following criteria:

(a) Are wetlands greater than one acre in size;

(b) Are wetlands equal to or less than one acre in size and have three or more classes of vegetation;

(c) Are wetlands that:

(i) Are equal to or less than one acre but larger than 2,500 square feet; and

(ii) Have three or more classes of vegetation;

(d) Are forested wetlands equal to or less than one acre but larger than 2,500 square feet; or

(e) Are wetlands that have present heron rookeries or raptor nesting trees; and

(3) Class 3 wetlands, only including wetlands assigned the Lesser Concern #3 rating in the 1983 King County wetlands inventory or that meet any of the following criteria:

(a) Are wetlands equal to or less than one acre in size and have two or fewer classes of vegetation; or

(b) Are wetlands that:

(i) Are equal to or less than one acre but larger than 2,500 square feet; and

(ii) Have two or fewer classes of vegetation. (Ord. O99-29 § 1)

#### **21A.15.1420 Wetpond.**

“Wetpond” means an artificial water body constructed as a part of a surface water management system. (Ord. O99-29 § 1)

#### **21A.15.1425 Wildlife shelter.**

“Wildlife shelter” means a facility for the temporary housing of sick, wounded, or displaced wildlife. (Ord. O99-29 § 1)

#### **21A.15.1430 Work release facility.**

“Work release facility” means a facility that allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. (Ord. O99-29 § 1)

#### **21A.15.1432 Wrecked, dismantled, or inoperative vehicle.**

“Wrecked, dismantled, or inoperative vehicle” means a motor vehicle or the remains or remnant parts of a motor vehicle that is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor, and meets at least three of the following requirements:

(1) Is three years old or older;

(2) Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

(3) Is apparently inoperable;

(4) Has an approximate fair market value equal only to the approximate value of the scrap in it. (Ord. O99-29 § 1)

#### **21A.15.1435 Yard or organic waste processing facility.**

“Yard or organic waste processing facility” means a site where yard and garden wastes, including wood and land clearing debris, are processed into new products such as soil amendments and wood chips. (Ord. O99-29 § 1)

**Exhibit J**  
**Chapter 21A.20**

**PERMITTED USES**

Sections:

21A.20.010	Establishment of uses.
21A.20.020	Interpretation of land use tables.
21A.20.030	Residential land uses.
21A.20.040	Recreational/cultural land uses.
21A.20.050	General services land uses.
21A.20.060	Government/business services land uses.
21A.20.070	Retail land uses.
21A.20.080	Manufacturing land uses.
21A.20.090	Resource land uses.
21A.20.100	Regional land uses.
21A.20.010	Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding 60 days. A use that will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 21A.70 SMC. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the City of Sammamish. (Ord. O99-29 § 1)

**21A.20.020 Interpretation of land use tables.**

(1) The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.

(2) If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

(3) If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 21A.100 SMC and the general requirements of the code.

(4) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review

procedures specified in Chapter 21A.100 SMC and the general requirements of the code.

(5) If the letter “S” appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in Chapter 21A.100 SMC and the general requirements of the code.

(6) If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

(7) If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

(8) All applicable requirements shall govern a use whether or not they are cross-referenced in a section. (Ord. O99-29 § 1)

**21A.20.030 Residential land uses.**

A. Table of Residential Land Uses.

**KEY**

- P – Permitted Use
- C – Conditional Use
- S – Special Use

SIC#	Specific Land Use	Zone	Residential		Commercial		
			Urban Residential		Neighborhood Business	Community Business	Office
			R-1 -R-8	R-12 -R-18	NB	CB	O
	<b>DWELLING UNITS, TYPES</b>						
*	Single detached		P C11	P C11			
*	Townhouse		P10 C	P	P2	P2	P2
*	Apartment		P4 C3	P	P2	P2	P2
*	Mobile home park		C7	P			
	<b>GROUP RESIDENCES:</b>						
*	Community Res. Facility I		C	P	P2	P2	P2
*	Community Res. Facility II		P	P	P2	P2	P2
*	Dormitory		C5	P			
*	Senior citizen assisted Housing			P	P2	P2	P2
	<b>ACCESSORY USES:</b>						
*	Residential Accessory Uses		P6	P6	P6	P6	P6
*	Home Occupation		P	P	P	P	P
*	Home Industry		C				
	<b>TEMPORARY LODGING:</b>						
7011	Hotel/motel					P	P
*	Bed and Breakfast guesthouse		P8	P8	P8	P9	
7041	Organization hotel/lodging houses						

B. Development Conditions.

1. Except bed and breakfast guesthouses.
2. Only as part of a mixed use development subject to the conditions of Chapter 21A.30 SMC, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to the provisions of SMC 21A.25.040, 21A.30.020, 21A.30.040 and 21A.30.140.
3. Only in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21A.70 SMC.

4. Only subject to the residential density incentive provisions of Chapter 21A.75 SMC.
5. Only as an accessory to a school, college/university, or church.
6. a. Accessory dwelling units:
  - (1) Only one accessory dwelling per primary single detached dwelling unit;
  - (2) Only in the same building as the primary dwelling unit when the lot is less than 10,000 square feet in area or when there is more than one primary dwelling on a lot;
  - (3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(a) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(c) The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in Section 21A.15.450;

(d) Additions to an existing structure or the development of a newly constructed detached ADU shall be designed consistent with the existing façade, roof pitch, siding, and windows of the primary dwelling unit.

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a City right-of-way, to a waterbody or landing field, provided:

(1) No aircraft sales, service, repair, charter, or rental; and

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft.

7. Mobile home parks shall not be permitted in the R-1 zones.

8. Only as an accessory to the permanent residence of the operator, provided:

a. Serving meals to paying guests shall be limited to breakfast; and

b. The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adopted by the City of Sammamish for R-1

occupancies may accommodate up to 10 persons per night.

9. Only when part of a mixed use development, and subject to the conditions of subsection (B)(10) of this section.

10. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units.

11. Required prior to approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection (B)(7) of this section. (Ord. O99-29 § 1)

**21A.20.040 Recreational/cultural land uses.**

A. Table of Recreational/Cultural Land Uses.

**KEY**

- P – Permitted Use
- C – Conditional Use
- S – Special Use

	Zone	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use	R-1 -R-8	R-12 -R-18	NB	CB	O
	<b>PARK/RECREATION:</b>					
*	Park	P1	P1	P	P	P
*	Trails	P	P	P	P	P
*	Marina	C3	C3	P4	P	P
*	Sports Club <sup>(9)</sup>	C3	C3	C	P	
	<b>AMUSEMENT/ENTERTAINMENT:</b>					
*	Theater				P5	P5
7833	Theater, drive-in					
793	Bowling center				P	
*	Golf facility	P6	P6			
7999	Amusement and recreation services	P7, C	P7, C		P	
*	Amusement arcades				P	
	<b>CULTURAL:</b>					
823	Library	P8, C	P8, C	P	P	P
841	Museum	P8, C	P8, C	P	P	P
842	Arboretum	P	P	P	P	P
*	Conference center	P8, C	P8, C	P		P

B. Development Conditions.

1. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on sites less than 10 acres;
  - b. Lighting for structures and fields shall be directed away from residential areas;
  - c. Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in SMC 21A.30.140 and 21A.30.160. Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to SMC 21A.25.030.
2. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available prior to date of application.
3. Limited to recreation facilities subject to the following conditions and limitations:
- a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

4. Limited to day moorage.

5. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.

6. Clubhouses, maintenance buildings and equipment storage areas, and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones.

7. Limited to a golf driving range as an accessory to golf courses.
8. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21A.70 SMC.
9. Only for stand-alone sports clubs that are not part of a park. (Ord. O99-29 § 1)

**21A.20.050 General services land uses.**

## A. Table of General Services Land Uses.

**KEY**

P – Permitted Use

C – Conditional Use

S – Special Use

	Zone	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use	R-1 -R-8	R-12 -R-18	NB	CB	O
	PERSONAL SERVICES:					
72	General personal service	C21	C21	P	P	P3
7216	Drycleaning plants					
7261	Funeral home/crematory	C4	C4		P	
*	Cemetery, columbarium or mausoleum	P20, C5	P20, C5	P20	P20	P20
*	Daycare I	P6	P	P	P	P7
*	Daycare II	P8, C	P8, C	P	P	P7
074	Veterinary clinic			P9	P9	
753	Automotive repair <sup>(1)</sup>			P10	P	
754	Automotive service			P10	P	
76	Miscellaneous Repair				P	
866	Churches, synagogue, temple	P11, C	P11, C	P	P	P
83	Social services <sup>(2)</sup>	P11, C12	P11, C12	P12	P	P
*	Stable	P13, C				
*	Kennel or cattery				C	
*	Theatrical production services				P25	
*	Artist studios	P23	P23	P	P	P24
*	Interim recycling facility	P17	P17	P18	P18	
	HEALTH SERVICES:					
801-04	Office/outpatient clinic	P11, C12	P11, C12	P	P	P
805	Nursing and personal care facilities		C		P	
806	Hospital	C12	C12		P	C
807	Medical/dental lab				P	P
808-09	Miscellaneous health				P	P
	EDUCATION SERVICES:					
*	Elementary school	P	P			
*	Middle/junior high school	P	P			
*	Secondary or high school	P22	P22			
*	Vocational school	P12, C	P12, C		C	P14
*	Specialized instruction school	P15, C16	P15, C16	P	P	P14
*	School district support facility	P19, C	P19, C	C	P	P

## B. Development Conditions.

1. Except SIC Industry No. 7534, Tire retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:
  - a. 835 – Daycare services; and
  - b. 836 – Residential care, which is otherwise provided for on the residential permitted land use table.
3. Limited to SIC Industry Group and Industry Nos.:
  - a. 723 – Beauty shops;
  - b. 724 – Barber shops;
  - c. 725 – Shoe repair shops and shoeshine parlors;
  - d. 7212 – Garment pressing and agents for laundries and drycleaners;
  - e. 217 – Carpet and upholstery cleaning.
4. Only as an accessory to a cemetery.
5. Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
6. Only as an accessory to residential use, provided:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
  - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
7. Permitted as an accessory use, see commercial/industrial accessory, SMC 21A.20.060 (A).
8. Only as a re-use of a public school facility subject to the provisions of Chapter 21A.70 SMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
  - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - c. Direct access to a developed arterial street shall be required in any residential zone; and
  - d. Hours of operation may be restricted to assure compatibility with surrounding development.
9.
  - a. No burning of refuse or dead animals is allowed;
  - b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
  - c. The provisions of Chapter 21A.65 SMC relative to animal keeping are met.
10. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532, Top, body, and upholstery repair shops and paint shops, is not allowed.
11. Only as a re-use of a public school facility subject to the provisions of Chapter 21A.70 SMC.
12. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC.
13. Covered riding arenas are subject to the provisions of Chapter 21A.65 SMC and shall not exceed 20,000 square feet; provided, that stabling areas, whether attached or detached, shall not be counted in this calculation.
14. All instruction must be within an enclosed structure.
15. Only as an accessory to residential use, provided:
  - a. Students are limited to 12 per one-hour session;
  - b. All instruction must be within an enclosed structure; and
  - c. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
16. Subject to the following:
  - a. Structures used for the school and accessory uses shall maintain a minimum distance of 25 feet from property lines adjoining residential zones;
  - b. On lots over two and one-half acres:
    - (1) Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;
    - (2) Sales of food prepared in the instructional courses is permitted, provided total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school; and
    - (3) Other incidental student-supporting uses are allowed, provided such uses are found to be both compatible with and incidental to the principal use; and
  - c. On sites over 10 acres, and zoned R-1, and/or R-4:
    - (1) Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;
    - (2) Sales of food prepared in the instructional courses is permitted, provided total floor area for food sales is limited to 1,750 square feet and is located in the same structure as the school;
    - (3) Other incidental student-supporting uses are allowed, provided such uses are found to be

functionally related, subordinate, compatible with and incidental to the principal use;

(4) The use is integrated with allowable agricultural uses on the site;

(5) Advertised special events shall comply with the temporary use requirements of this chapter; and

(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than 50 percent of their prior value, may reconstruct and expand an additional 65 percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with the standards set forth in development condition (B)(20)(c) of this section and the requirements of this title.

17. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

18. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

19. Only when adjacent to an existing or proposed school.

20. Limited to columbariums accessory to a church; provided, that required landscaping and parking are not reduced.

21. Not permitted in R-1 and limited to a maximum of 5,000 square feet per establishment and subject to the additional requirements in SMC 21A.25.230.

22.a. New high schools shall be permitted in urban residential zones subject to the review process set forth in Chapter 21A.100 SMC; and

b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

23. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC or as a joint use of an existing public school facility.

24. All studio use must be within an enclosed structure.

25. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors. (Ord. O99-29 § 1)

**21A.20.060 Government/business services land uses.****A. Table of Government/Business Service Land Uses.****KEY**

P – Permitted Use

C – Conditional Use

S – Special Use

	Zone	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use	R-1-R-8	R-12 -R-18	NB	CB	O
	GOVERNMENT SERVICES:					
*	Public agency or utility office	P2, C	P2, C	P	P	P
*	Public agency achieves					P
921	Court				P3	P
9221	Police facility	P5	P5	P5	P	P
9224	Fire facility	C4	C4	P	P	P
*	Utility facility	P22, C21	P22, C21	P	P	P
*	Commuter parking lot	C, P14	C, P14	P	P	P
*	Private stormwater management facility	P6	P6	P6	P6	P6
*	Vactor waste receiving facility	P13	P13	P23	P23	P23
	BUSINESS SERVICES:					
*	Construction and trade					P7
*	Individual transportation and taxi				P18	P8
421	Trucking and courier service				P9	P10
*	Self-service storage		C11		P	P
473	Freight and cargo service					P
472	Passenger transportation service				P	P
48	Communication offices					P
482	Telegraph and other communications				P	P
*	General business service			P	P	P
*	Professional office			P	P	P
7312	Outdoor advertising service					P12
735	Miscellaneous equipment rental				P12	P12
751	Automotive rental and leasing				P	
752	Automotive parking			P15	P15	P15
	Off-street required parking lot	P24	P24	P24	P24	P24
7941	Professional sports teams/promoters					P
873	Research, development and testing					P1
	ACCESSORY USES:					
*	Commercial/industrial accessory uses			P16	P16	P
*	Helistop	C17	C17	C17	C17	C17

## B. Development Conditions.

1. Except SIC Industry No. 8732, Commercial economic, sociological, and educational research, see general business service/office.

2. a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 21A.70 SMC; or

b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

3. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC.

4. a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;

c. No outdoor storage.

5. Limited to “storefront” police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms (except in the NB zone); or

c. Long-term storage of stolen properties.

6. Private stormwater management facilities serving development proposals located on commercial zoned lands shall also be located on commercial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated “urban” in the King County comprehensive plan shall only be located in the urban area.

7. No outdoor storage of materials.

8. Limited to office uses.

9. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

10. Limited to SIC Industry No. 4215, Courier services, except by air.

11. Accessory to an apartment development of at least 12 units provided:

a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;

b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

c. The use of the facility shall be limited to dead storage of household goods;

d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units; and

h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

12. No outdoor storage.

13. Only as an accessory use to a public agency or utility yard, or to a transfer station.

14. Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;

15. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

16. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

17. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility.

18. Limited to private road ambulance services with no outside storage of vehicles.

19. Limited to two acres or less.

20.a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

21. Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.

22. Excluding bulk gas storage tanks.

23. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.

24. Provided:

a. Off-street required parking for a land use located in the urban area must be located in the urban area;

- b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
- c. Off-street required parking must be located on a lot which would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve. (Ord. O99-29 § 1)

**21A.20.070 Retail land uses.**

## A. Table of Retail Land Uses.

**KEY**

P – Permitted Use

C – Conditional Use

S – Special Use

	Zone	Residential		Commercial		
		Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use	R-1 -R-8	R-12 -R-18	NB	CB	O
*	Building, hardware and garden material			P1	P	
*	Department and variety stores	C8	C8	P3	P	
54	Food Stores	C9	C9	P	P	C
*	Agricultural product sales	P2				
553	Auto supply stores				P4	
554	Gasoline service stations			P	P	
56	Apparel and accessory stores				P	
*	Furniture and home furnishing stores				P	
58	Eating and drinking places	C10	C10	P5	P	P
*	Drug stores	C9	C9	P	P	C
592	Liquor stores				P	
593	Used goods: antiques/second hand shops				P	
*	Sporting goods and related stores				P	
*	Book, stationary, video and art supply stores	C9, 6	C9, 6	P6	P6	
*	Jewelry stores				P	
*	Hobby, toy, game shops			P	P	
*	Photographic and electronic shops			P	P	
*	Fabric shops				P	
598	Fuel dealers				C7	
*	Florist shops	C9	C9	P	P	P
*	Personal medical supply stores				P	
*	Pet shops			P	P	
*	Bulk retail				P	
*	Livestock sales	P11, 12				

## B. Development Conditions.

1. Only hardware and garden materials stores shall be permitted.
2. a. Except for hay sales, limited to products produced on-site; and  
b. Covered sales areas shall not exceed a total area of 500 square feet.

3. Limited to SIC Industry No. 5331, Variety stores, and further limited to a maximum of 2,000 square feet of gross floor area.
4. Only the sale of new or reconditioned automobile supplies is permitted.
5. Excluding SIC Industry No. 5813, Drinking places.

6. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries, or churches which conduct religious or educational classes for minors.

7. No outside storage of fuel trucks and equipment.

8. Not in R-1 and limited to SIC Industry No. 5331, Variety stores, limited to a maximum of 5,000 square feet of gross floor area, and subject to the requirements in SMC 21A.25.230.

9. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to the requirements in SMC 21A.25.230.

10. Not permitted in R-1 and excluding SIC Industry No. 5813, Drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to the requirements in SMC 21A.25.230.

11. Retail sale of livestock is permitted only as accessory to raising livestock.

12. Limited to the R-1 zone. (Ord. O99-29 § 1)

**21A.20.080 Manufacturing land uses.**

A. Table of Manufacturing Land Uses.

**KEY**

- P – Permitted Use
- C – Conditional Use
- S – Special Use

		Zone	Residential		Commercial		
			Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use		R-1 -R-8	R-12 -R-18	NB	CB	O
27	Printing and publishing				P1	P1	P1, c
32	Stone/clay/glass/concrete products					P2	
357	Computer/office equipment						C
38	Measuring and controlling instruments						C

B. Development Conditions.

1. Limited to photocopying and printing services offered to the general public.
2. Only within enclosed buildings, and as an accessory use to retail sales. (Ord. O99-29 § 1)

**21A.20.090 Resource land uses.**

A. Table of Resource Land Uses.

**KEY**

- P – Permitted Use
- C – Conditional Use
- S – Special Use

		Zone	Residential		Commercial		
			Urban Residential		Neighborhood Business	Community Business	Office
SIC#	Specific Land Use		R-1 -R-8	R-12 -R-18	NB	CB	O
	AGRICULTURE:						
01	Growing/harvesting crops		P				
02	Raising livestock and small animals		P2				
	FORESTRY:						
08	Growing and harvesting forest products		P				
*	Forest research						P1
	FISH and WILDLIFE MANAGEMENT:						
0921	Hatchery/fish preserve		C				
0273	Aquaculture		C				

B. Development Conditions.

1. Only forest research conducted within an enclosed building.
2. Large livestock allowed only in the R-1 zone. (Ord. O99-29 § 1)

**21A.20.100 Regional land uses.**

A. Table of Regional Land Uses.

**KEY**

- P – Permitted Use
- C – Conditional Use
- S – Special Use

SIC#	Specific Land Use	Zone	Residential		Commercial		
			Urban Residential		Neighborhood Business	Community Business	Office
			R-1 -R-8	R-12 -R-18	NB	CB	O
	Jail		S	S	S	S	S
01	Work release facility		S	S	S	S	S
	Public agency training facility					S1	S1
02	Hydroelectric generation facility		C9, S				
	Nonhydroelectric generation facility		C8, S	C8,S	C8,S	C8,S	C8,S
	Communication facility		C4 <sub>C</sub> , S	C4 <sub>C</sub> , S	C4 <sub>C</sub> , S	P	P
08	Earth station		C4 <sub>a</sub> , S	C4 <sub>a</sub> , S	P4 <sub>b, c</sub>	P	P
*	Oil and gas extraction		S	S	S	S	S
	Energy resource recovery facility		S	S	S	S	S
	Landfill		S	S	S	S	S
0921	Transfer Station		S	S	S	S	
0273	Wastewater treatment facility		S	S	S	S	S
	Municipal water production		S	S	S	S	S
	Airport/heliport		S	S	S	S	S
	Transit bus base		S	S	S	S	S
	School bus base		C, P3, S	C3, S	S	S	S
	Racetrack		S5	S5	S5	S	S5
	Fairground					S	
	Zoo/wildlife		S	S		S	
	Stadium/arena						
	College/University		P6, C7, S	P6, C7, S	P6, C7, S	P	P

B. Development Conditions.

1. Except weapons armories and outdoor shooting ranges.
2. Except outdoor shooting range.
3. Only in conjunction with an existing or proposed school.
4. a. Limited to no more than three satellite dish antennas.
- b. Limited to one satellite dish antenna.
- c. Limited to tower consolidations.
5. Except racing of motorized vehicles.
6. Only as a re-use of a public school facility subject to the provisions of Chapter 21A.70 SMC.
7. Only as a re-use of a surplus nonresidential facility subject to the provisions of Chapter 21A.70 SMC.

8. Limited to cogeneration facilities for on-site use only.
9. Limited to facilities that comply with the following provisions:
  - a. Any new diversion structure shall not:
    - (1) Exceed a height of eight feet as measured from the stream bed; or
    - (2) Impound more than three surface acres of water at the normal maximum surface level;
  - b. There shall be no active storage;
  - c. The maximum water surface area at any existing dam or diversion shall not be increased;
  - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained

- e. Any transmission line shall be limited to a:  
 (1) Right-of-way of five miles or less; and  
 (2) Capacity of 230 KV or less;
- f. Any new, permanent access road shall be limited to five miles or less; and
- g. The facility shall only be located above any portion of the stream used by anadromous fish. (Ord. O99-29 § 1)

**Exhibit K**  
**Chapter 21A.25**  
**DEVELOPMENT STANDARDS – DENSITY**  
**AND DIMENSIONS**

- Sections:
- 21A.25.010 Purpose.
- 21A.25.020 Interpretation of tables.
- 21A.25.030 Densities and dimensions – Residential zones.
- 21A.25.040 Densities and dimensions – Commercial zones.
- 21A.25.050 Measurement methods.
- 21A.25.060 Reserved.
- 21A.25.070 Calculations – Allowable dwelling units, lots or floor area.
- 21A.25.080 Calculations – Site area used for base density and maximum density floor area calculations.
- 21A.25.090 Calculations – Site area used for minimum density calculations.
- 21A.25.100 Minimum density adjustments for moderate slopes.
- 21A.25.110 Lot area – Prohibited reduction.
- 21A.25.120 Measurement of setbacks.
- 21A.25.130 Setbacks – Specific building or use.
- 21A.25.140 Setbacks – Livestock buildings and manure storage areas.
- 21A.25.150 Setbacks – Modifications.
- 21A.25.160 Setbacks – From regional utility corridors.
- 21A.25.170 Setbacks – From alley.
- 21A.25.180 Setbacks – Required modifications.
- 21A.25.190 Setbacks – Projections and structures allowed.
- 21A.25.200 Height – Exceptions to limits.
- 21A.25.210 Lot divided by zone boundary.
- 21A.25.220 Sight distance requirements.
- 21A.25.230 Personal services and retail uses in R-4 through R-18 zones.

**21A.25.010 Purpose.**

The purpose of this chapter is to establish basic dimensional standards for development relative to residential density and as well as specific rules for general application. The standards and rules are established to provide flexibility in project design, and maintain privacy between adjacent uses. (Ord. O99-29 § 1)

**21A.25.020 Interpretation of tables**(1) SMC 21A.25.030 and 21A.25.040 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules, exceptions, and methodologies are set forth in SMC 21A.25.050 through 21A.25.220.

(2) The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:

- (a) Residential; and
- (b) Commercial.

(3) Development standards are listed down the left side of both tables, and the zones are listed at the top.

The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard. (Ord. O99-29 § 1)

**21A.25.030 Densities and dimensions – Residential zones.**

A. Residential Zones.

Zones	Residential					
	Urban Residential					
Standards	R-1 <sup>(15)</sup>	R-4	R-6	R-8	R-12	R-18
Maximum Density DU/Acre (13)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac
Minimum Density (2)				85% (11) (16)	80% (16)	75% (16)
Minimum Lot Width	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (14)	5 ft (7)	7 ft (1)	5 ft	5 ft	5 ft (9)	5 ft (9)
Base Height (4)	35 ft	35 ft	35 ft 45 ft (12)	35 ft 45 ft (12)	60 ft	60 ft 80 ft (12)
Maximum Impervious Surface Percentage (5)	30%	55%	70%	75%	85%	85%

1. Interior setbacks may be reduced to five (5) feet pursuant to SMC 21A.25.155.
2. Also see SMC 21A.25.060.
3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;

c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;

d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.

8. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9. a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

10. Lots smaller than 0.5 acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are 0.5 acre in area or larger, the maximum impervious surface area allowed shall be at least 10,000 square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than .5 acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SMC 21A.70.170 (1)(b).

11. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area(s) of the site pursuant to SMC 21A.25.100.

12. The base height to be used only for projects as follows:

a. In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and

b. In the R-18 zone using residential density incentives and transfer of density credits pursuant to this title.

13. Density applies only to dwelling units and not to sleeping units.

14. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

15. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet the provisions of SMC 21A.30.030.

16. See SMC 21A.25.090. (Ord. O99-29 § 1)

**21A.25.040 Densities and dimensions – Commercial zones.**

## A. Commercial Zones.

Zones	Commercial		
	Neighborhood Business	Community Business	Office
Standards			
Maximum Density DU/Acre (13)	8 du/ac (1)	18 du/ac (1)	18 du/ac (1)
Minimum Lot Area			
Maximum Lot Depth/Width Ratio		10 ft (8)	10 ft (8)
Minimum Street Setback	10 ft (3)	10 ft (3)	10 ft
Minimum Interior Setback	20 ft (5)	20 ft (5)	20ft (5)
Base Height (8)	35 ft 45 ft (4)	35 ft 60 ft (4)	45 ft 60 ft (4)
Maximum Floor/Lot Ratio: Square Feet	1/1 (7)	1.5/1 (7)	2.5/1 (7)
Maximum Impervious Surface: Percentage (9)	85%	85%	75%

## B. Development Conditions.

1. These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

2. Gas station pump islands shall be placed no closer than 25 feet to street front lines.

3. This base height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

4. Required on property lines adjoining residential zones.

5. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.

6. The floor/lot ratio for mixed use developments shall conform to Chapter 21A.30 SMC.

7. Height limits may be increased when portions of the structure building which exceed the base height limit provide one additional foot of street and interior

setback for each foot above the base height limit, provided the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement; provided, that the maximum height shall not exceed 75 feet.

8. The impervious surface area for any lot may be increased beyond the total amount permitted in this

chapter subject to approval of a conditional use permit. (Ord. O99-29 § 1)

**21A.25.050 Measurement methods.**

The following provisions shall be used to determine compliance with this title:

- (1) Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround, except as provided by SMC 21A.25.170;
- (2) Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement shall not be included within the circle;
- (3) Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle that can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms;
- (4) Lot area shall be the total horizontal land area contained within the boundaries of a lot; and
- (5) Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, surface water flow control, or water quality treatment facilities. (Ord. O99-29 § 1)

**21A.25.060 Minimum urban residential density.**

Minimum density for residential development in the urban areas designated by the Comprehensive Plan shall be based on the tables in 21A.25 and adjusted as provided for in 21A.25.090-100.

**21A.25.070 Calculations – Allowable dwelling units, lots or floor area.**

Permitted number of units, or lots or floor area shall be determined as follows:

- (1) The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in SMC 21A.25.080 by the applicable residential base density number;
- (2) The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by Chapter 21A.75 or 21A.80 SMC to the base units computed under subsection (1) of this section;
- (3) The allowed floor area, which excludes structured or underground parking areas and areas housing

mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in SMC 21A.25.080; and

(4) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

- (a) Fractions of .50 or above shall be rounded up; and
- (b) Fractions below .50 shall be rounded down. (Ord. O99-29 § 1)

**21A.25.080 Calculations – Site area used for base density and maximum density floor area calculations.**

(1) All site areas may be used in the calculation of base and maximum allowed residential density or project floor area except as outlined under the provisions of subsection (2) of this section.

(2) Submerged lands shall not be credited toward base and maximum density or floor area calculations. (Ord. O99-29 § 1)

**21A.25.090 Calculations – Site area used for minimum density calculations.**

Minimum density shall be determined by:

- (1) Multiplying the base density (dwelling units/acre) as set forth in SMC 21A.25.030(A) by the net buildable area of the project site; and then
- (2) Multiplying the resulting product by the minimum density percentage set forth in SMC 21A.25.030(A) or as adjusted pursuant to the provisions of SMC 21A.25.100. (Ord. O99-29 § 1)

**21A.25.100 Minimum density adjustments for moderate slopes.**

(1) For purposes of calculating minimum density of sloped sites, the following adjustment is permitted:

Weighted Average Slope of Net Buildable Area(s) of Site	Minimum Density Factor
0% – less than 5%	85%
5% – less than 15%	83%, less 1.5% for each 1% of average slope in excess of 5%
15% – less than 40%	66%, less 2.0% for each 1% of average slope in excess of 15%

2) Weighted average slope shall be calculated as follows:

(a) The applicant shall submit a topographic survey of the net buildable area(s) of the site which identifies distinct areas within the following slope increments: zero to five percent, five to 10 percent, 10 to 15 percent, etc., up to 35 to 40 percent.

(b) Each slope increment will have a corresponding median slope value. This value is the midpoint of each slope increment. For instance, slope increments of zero to five percent and five to 10 percent shall have median values of 2.5 percent and 7.5 percent, respectively.

(c) The weighted average slope shall be determined by multiplying the number of square feet in each area by the median slope value in that area. For example, if the net buildable area portion of a site is 30,000 square feet of which there are 10,000 square feet of five to 10 percent slope and 20,000 square feet of 10 to 15 percent slope, the weighted average slope would be 10.8 percent. See the following calculation ((10,000 square feet times 7.5 percent plus 20,000 square feet times 12.5 percent) divided by 30,000 square feet equals 10.8 percent). (Ord. O99-29 § 1)

**21A.25.110 Lot area – Prohibited reduction.**

Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot. (Ord. O99-29 § 1)

**21A.25.120 Measurement of setbacks.**

(1) Interior Setback. The interior setback is measured from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

(2) Street Setback. The street setback is measured from the street right-of-way or the edge of a surface improvement which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. (Ord. O99-29 § 1)

**21A.25.130 Setbacks – Specific building or use.**

When a building or use is required to maintain a specific setback from a property line or other building,

such setback shall apply only to the specified building or use. (Ord. O99-29 § 1)

**21A.25.140 Setbacks – Livestock buildings and manure storage areas.**

(1) The minimum interior setback for any building used to house, confine or feed swine shall be 90 feet.

(2) The minimum interior setback for any building used to house, confine or feed any other livestock shall be 25 feet.

(3) The minimum interior setback for any manure storage area shall be 35 feet. (Ord. O99-29 § 1)

**21A.25.150 Setbacks – Modifications.**

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and

(2) When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback. (Ord. O99-29 § 1)

**21A.25.155 Setbacks – Required Building Separation.**

The provisions of this section do not apply to zero lot line development proposed pursuant to SMC 21A.30. The minimum interior setbacks of seven (7) feet required pursuant to SMC 21A.25.030(A) may be reduced to five (5) feet provided that the proposed building(s) and associated projections (which include but are not limited to eaves, bay windows, fireplace structures and uncovered porches) are at least ten (10) feet from any other existing building(s) and associated projections.

**21A.25.160 Setbacks – From regional utility corridors.**

(1) In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

(2) In other types of land development permits, easements shall be used to delineate such corridors.

(3) All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary

to the operation of the utility corridor or when structures are allowed by mutual agreement in the utility corridor. (Ord. O99-29 § 1)

**21A.25.170 Setbacks – From alley.**

(1) Structures may be built to a property line abutting an alley, except as provided in subsection (2) of this section.

(2) Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line length of at least 26 feet, as measured from the centerline of the

garage, carport or fenced parking area, from the access point to the opposite edge of the alley. No portion of the garage or the door in motion may cross the property line. (Ord. O99-29 § 1)

**21A.25.180 Setbacks – Required modifications.**

The following setback modifications are required:

(1) In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial; and

(2) Where the standard setback for a property is modified within an adopted neighborhood plan area zoning, the applicable setback shall be that specified therein. (Ord. O99-29 § 1)

**21A.25.190 Setbacks – Projections and structures allowed.**

Provided that the required setbacks from regional utility corridors of SMC 21A.25.160, the adjoining half-street or designated arterial setbacks of SMC 21A.25.180 and the sight distance requirements of SMC 21A.25.220 are maintained, structures may extend into or be located in required setbacks, as follows:(1) Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a street setback, provided such projections are:

(a) Limited to two per facade; and

(b) Not wider than 10 feet;

(2) Uncovered porches and decks that exceed 18 inches above the finished grade may project five feet into the street setback;

(3) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the street property line;

(4) Eaves may not project more than:

(a) Twenty-four inches into a street setback; or

(b) Eighteen inches across a lot line in a zero-lot-line development, provided that any neighboring building and its associated eaves, are 10 feet from the lot line;

(5) Fences with a height of six feet or less may project into or be located in any setback;

(6) Rockeries, retaining walls and curbs may project into or be located in any setback provided these structures:

(a) Do not exceed a height of six feet in the R-1 through R-18 zones; and

(b) Do not exceed the building height for the zone in commercial zones, measured in accordance with the standards established in the Uniform Building Code, SMC Title 16;

(7) Fences located on top of rockeries, retaining walls or berms are subject to the requirements of SMC 21A.30.190;

(8) Telephone, power, light and flag poles;

(9) The following may project into or be located within a setback, but may only project into or be located within a five-foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County department of records and elections prior to the installment or construction of the structure:

(a) Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;

(b) Security system access controls;

(c) structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in SMC 21A.30.140 and 21A.30.160 such as benches, picnic tables and drinking fountains; and

(d) Surface water management facilities as required by Chapter 9.04 KCC as adopted by Chapter 15.05 SMC;

(10) Mailboxes and newspaper boxes may project into or be located within street setbacks;

(11) Fire hydrants and associated appendages;

(12) Metro bus shelters may be located within street setbacks;

(13) Unless otherwise allowed in SMC 21A.45.080, freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet may project into or be located within street setbacks; and

(14) Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

(a) Consistent with setback, easement and access requirements specified in the surface water design manual; or

(b) In the absence of said specifications, not within five feet of the property line.

(Ord. O99-29 § 1) **Retaining Wall** (diagram)

**21A.25.200 Height – Exceptions to limits.**

The following structures may be erected above the height limits of SMC 21A.25.030 through 21A.25.050:

- (1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
- (2) Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures. (Ord. O99-29 § 1)

**21A.25.210 Lot divided by zone boundary.**

When a lot is divided by a zone boundary, the following rules shall apply:

- (1) When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
- (2) When a lot contains residential zones of varying density:
  - (a) Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;
  - (b) Residential density transfer from the higher density zone to the lower density zone may be allowed only when:
    - (i) The units transferred from any R-12 or R-18 zoned portion of the lot are maintained in an attached dwelling unit configuration on the lower density portion receiving such units;
    - (ii) The transfer does not reduce the minimum density achievable on the lot;
    - (iii) The transfer enhances the efficient use of needed infrastructure;
    - (iv) The transfer does not result in significant adverse impacts to the low density portion of the lot;
    - (v) The transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features; and
    - (vi) The transfer does not result in significant adverse impacts to adjoining lower density properties;
  - (c) Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and

(3) Uses on each portion of the lot shall only be those permitted in each zone pursuant to Chapter 21A.20 SMC. (Ord. O99-29 § 1)

**21A.25.220 Sight distance requirements.**

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

- (1) A sight distance triangle area as determined by subsection (2) of this section shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade;
- (2) The sight distance triangle at:
  - (a) A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or
  - (b) A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and
- (3) The director may require modification or removal of structures or landscaping located in required street setbacks, if:
  - (a) Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and
  - (b) No reasonable driveway relocation alternative for an adjoining lot is feasible.

Note: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open. (Ord. O99-29 § 1) Site distance (diagram)

**21A.25.230 Personal services and retail uses in R-4 through R-18 zones.**

The general personal service use (SIC No. 72 except 7216, 7218 and 7261) listed in SMC 21A.20.050 and the retail uses listed in SMC 21A.20.070 which are located in the R-4 through R-18 zones shall be subject to the following requirements:

- (1) Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined

total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;

(2) Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (1) of this section;

(3) Establishment sites shall abut an intersection of two public streets, each of which is designated as a neighborhood collector or arterial and that has improved pedestrian facilities for at least one-quarter mile from the site;

(4) The maximum on-site parking ratios for establishments and sites shall be two per 1,000 square feet and required parking shall not be located between the building(s) and the street;

(5) Buildings shall comply with the building facade modulation and roofline variation requirements in SMC 21A.30.060 and 21A.30.070 and at least one facade of the building shall be located within five feet of the sidewalk;

(6) If the personal service or retail use is located in a building with multifamily uses, then the commercial use shall be on the ground floor and shall not exceed 25 percent of the total floor area of the building;

(7) Sign and landscaping standards for the use apply. (Ord. O99-29 § 1)

**Exhibit L**  
**Chapter 21A.85**

**PROPERTY-SPECIFIC DEVELOPMENT  
STANDARDS – SPECIAL DISTRICT  
OVERLAYS**

Sections:

- 21A.85.010 Purpose.  
 21A.85.020 Authority and application.  
 21A.85.040 Special district overlay – General provisions.  
 21A.85.050 Special district overlay – Wetland management areas.  
 21A.85.060 Special district overlay – Erosion hazards near sensitive water bodies.

**21A.85.010 Purpose.**

The purposes of this chapter are to provide for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments by:

- (1) Establishing authority to adopt property-specific development standards for increasing minimum requirements of this title on individual sites; or
- (2) Establishing special district overlays with alternative standards for special areas designated by the interim comprehensive plan. (Ord. O99-29 § 1)

**21A.85.020 Authority and application.**

(1) This chapter authorizes the City to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out interim comprehensive plan policies and map designations through special overlay districts that supplement or modify standard zones through different uses, design or density standards or review processes;

(2) Property-specific development standards shall be applied to specific properties through either area zoning as provided in Chapter 24.15 SMC, or reclassifications of individual properties as provided in Chapters 20.10 and 21A.110 SMC; and

(3) Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in Chapter 24.15 SMC. (Ord. O99-29 § 1)

**21A.85.040 Special district overlay – General provisions.**

Special district overlays shall be designated on official area zoning maps and as a notation in the SITUS file, as follows:

(1) A special district overlay shall be designated through the area zoning process as provided in Chapter 24.15 SMC. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

(2) A special district overlay shall be applied to land through an area zoning process as provided in Chapter 24.15 SMC and shall be indicated on the zoning map as maintained by the department of community development, with the suffix “-SO” following the map symbol of the underlying zone or zones;

(3) The special district overlays set forth in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies may be adopted as part of this chapter and be available for use in the interim comprehensive plan;

(4) The special district overlays set forth in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

(5) Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other City ordinances and regulations govern all development and land uses within special district overlays; and

(6) A special district overlay on an individual site may be modified by property-specific development standards as provided in SMC 21A.85.030. (Ord. 099-29 § 1)

**21A.85.050 Special district overlay – Wetland management areas.**

(1) The purpose of the wetland management area special overlay district is to provide a means to designate certain unique and outstanding wetlands when necessary to protect their functions and values from the impacts created from geographic and hydrologic isolation and impervious surface.

(2) The following development standards shall be applied in addition to all applicable requirements of Chapter 21A.50 SMC to development proposals

located within a wetland management area district overlay:

(a) All subdivisions and short subdivisions on residentially zoned properties that are identified in an adopted basin plan for impervious surface limitations shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of existing streets need not be counted towards the allowable impervious area. This condition may be modified by the director for the minimum necessary to accommodate unusual site access conditions;

(b) All subdivisions and short subdivisions on properties identified in an adopted basin plan for clustering and set aside requirements shall be required to cluster away from wetlands or the axis of corridors along stream tributaries and identified swales connecting wetlands in order to minimize land disturbance and maximize distance from these sensitive features. At least 50 percent of all affected portions of the property shall be left in native vegetation, preferably forest, and placed in a permanent open space tract; and

(c) Clearing and grading activity from October 1st through March 31st shall meet the provisions of SMC 16.15.120(3) wherever not already applicable. (Ord. 099-29 § 1)

**21A.85.060 Special district overlay – Erosion hazards near sensitive water bodies.**

(1) The purpose of the erosion hazards near sensitive water bodies special overlay district is to provide a means to designate sloped areas posing erosion hazards that drain directly to lakes or streams of high resource value that are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development.

(2) The following development standards shall be applied in addition to all applicable requirements of Chapter 21A.50 SMC to development proposals located within erosion hazards near a sensitive water bodies district overlay:

(a) A no-disturbance area shall be established on the sloped portion of the special district overlay to prevent damage from erosion. Land clearing or development shall not occur in the no-disturbance area, except for the clearing activities listed in subsection (2)(a)(i) of

this section. Clearing activities listed in subsection (2)(a)(i) of this section shall only be permitted if they meet the requirements of subsection (2)(a)(ii) of this section.

(i) Clearing activities may be permitted as follows:

(A) For the construction of single-family residences on pre-existing separate lots;

(B) For the construction of utility corridors to service existing development along existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way;

(C) For the construction of streets providing sole access to buildable property and associated utility facilities within those streets; or

(D) For the construction of development within an isolated no-disturbance area of two acres or less in size. The isolated no-disturbance area is either geologically separated from other no-disturbance areas or lies completely within a separate drainage sub-basin and is, therefore, hydrologically isolated from the rest of the no-disturbance area.

(ii) The clearing activities listed in subsection (2)(a)(i) of this section may be permitted only if the following requirements are met:

(A) A report that meets the requirements of SMC 21A.50.130 shall show that the clearing activities will not subject the area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;

(B) The clearing activities shall be mitigated, monitored and bonded consistent with the mitigation requirements applicable to sensitive areas regulated in Chapter 21A.50 SMC;

(C) The clearing activities are limited to the minimal area and duration necessary for construction; and

(D) The clearing activities are consistent with Chapter 21A.50 SMC.

(b) The upslope boundary of the no-disturbance area lies at the first obvious break in slope from the upland plateau over onto the steep valley walls. The downslope boundary of this zone includes those areas designated as erosion or landslide hazard areas pursuant to SMC 21A.50.220 and 21A.50.260. The sensitive areas folio indicates the general location of these hazard areas, but it cannot be used to specify the areas' precise boundaries. Maps of the approximate boundaries of these no-disturbance zones shall be available at the department. Single-family or multifamily residential density from the no-

disturbance area may be re-allocated onto any buildable portion of the site pursuant to SMC 21A.25.080, or transferred to other sites pursuant to Chapter 21A.80 SMC.

(c) New development proposals for sites that drained predeveloped runoff to the no-disturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly constructed impervious surfaces shall be retained on-site unless this requirement precludes the ability to meet minimum density requirements in Chapter 21A.25 SMC. When minimum density cannot be met, runoff shall be retained on-site as follows:

(i) Infiltration of all site runoff shall be required in granular soils as defined in the King County surface water design manual (KCSWDM);

(ii) Infiltration of downspouts shall be required in granular soils and in soil conditions defined as allowable in the KCSWDM when feasible to fit the required trench lengths on-site;

(iii) When infiltration of downspouts is not feasible, downspout dispersion trenches shall be required when minimum flow paths defined in the KCSWDM can be met on-site or into adjacent open space; and

(iv) When dispersion of downspouts is not feasible, downspouts shall be connected to the drainage system via perforated pipe.

(d) For the portions of proposed subdivisions, short subdivisions and binding site plans that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent shall remain undisturbed and set aside in an open space tract consistent with SMC 21A.50.160 through 21A.50.190.

(e) For the portions of all development proposals that cannot infiltrate runoff up to the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage should be specified for subsequent residential building permits on individual lots.

(f) If the application of this section would deny all reasonable use of property, the applicant may apply for a reasonable use exception pursuant to SMC 21A.50.070(2).

(g) The director may modify the property specific development standards required by subsections (2)(a) through (2)(e) of this section, when a development proposal complies with the following:

(i) The proposed development is subject to public/private partnerships such as an approved community block grant or other such water quality program designed to improve water quality in the basin;

(ii) The proposed development is designated by the City, in consultation with the Lake Sammamish management committee, as a demonstration project designed to implement best management practices and state of the art technology that assures the greatest possible improvement to water quality; and

(iii) A site specific study is conducted by the applicant and approved by the director, which demonstrates that the proposed development substantially increases water quality by showing the following:

(A) Water quality on-site is improved;

(B) The development project will not subject downstream channels to increased risk of landslide or erosion;

(C) The development project will not subject the nearest sensitive water body to additional erosion hazards; and

(D) The project is consistent with subsections (2)(g)(i) and (2)(g)(ii) of this section, and provides predictable improvements to the water quality of Lake Sammamish. (Ord. O99-29 § 1)

#### **21A.85.070 Special district overlay - Lake Management Areas.**

(1) The purpose of Lake Management Areas is to designate the Beaver Lake and Pine Lake watersheds as special management areas for total phosphorus loading control and to establish standard procedures for evaluating drainage plans and related materials for applications of development within the Beaver Lake and Pine Lake Watersheds (within the East Lake Sammamish Drainage basin).

(2) Definitions. In addition to the definitions listed below, all definitions included in the King County Surface Water Design Manual are hereby adopted by reference.

(a) "AKART" means all known, available, and reasonable methods of prevention, control, and treatment.

(b) "Eutrophic" means a trophic status characterized by moderately high algal productivity, more serious oxygen depletion in the bottom waters, some recreational use impairment, summer chlorophyll a concentration greater than 10 micrograms/liter, a

summer Secchi depth of <2 meters, and a winter total phosphorus concentration greater than 20 micrograms/liter.

(c) "Hypereutrophic" means a trophic status characterized by high algal productivity, intense algal blooms, fish kills due to oxygen depletion in the bottom waters, frequent recreational use impairment, summer chlorophyll a concentration greater than 10 micrograms/liter, a summer Secchi depth generally less than 2 meters, and a winter total phosphorus concentrations greater than 30 micrograms/liter.

(d) "Lake Management Plan" means the plan (and supporting documents as appropriate) describing the lake management recommendations and requirements.

(e) "Mesotrophic" means a trophic status characterized by moderate algal productivity, oxygen depletion in the bottom waters, usually no recreational use impairment, summer chlorophyll a concentration averaging 4-10 micrograms/liter, a summer Secchi depth of 2-5 meters, and a winter total phosphorus concentrations ranging from 10-20 micrograms/liter.

(f) "Oligotrophic" means a trophic status characterized by low algal productivity, algal blooms are rare, water clarity is high, all recreational uses unimpaired, summer chlorophyll a concentration average less than 4 micrograms/liter, a summer Secchi depth greater than 5 meters, and a winter total phosphorus concentrations ranging from 0-10 micrograms/liter.

(g) "Phosphorus" means elemental phosphorus and for the purposes of this rule shall be measured as total phosphorus.

(h) "Phosphorus Concentration" means the mass of phosphorus per liquid volume.

(i) "Phosphorus Loading" means the total mass of phosphorus per time basis.

(j) "Total Phosphorus" means the phosphorus concentration as determined by a state certified analytical laboratory using EPA 365.3 or SM 4500-P-B,E or an equivalent method.

(k) "Trophic State Index" means a classification system which uses algal biomass as the basis for classification which can be independently measured by chlorophyll a, Secchi depth, and total phosphorus concentration.

(l) "Trophic Status" means a classification which defines lake quality by the degree of biological productivity.

(3) The Beaver Lake watershed as generally identified in the Beaver Lake Management Plan, which is available at the City of Sammamish Community Development Department, is a sensitive lake and is hereby designated a critical drainage area. This designation is:

(a) Existing whole-lake total phosphorus concentration for the combined Beaver Lake system is 23 micrograms/liter. Beaver Lake I and Beaver Lake 2, individually, have whole-lake total phosphorus concentrations of 36 (±2) micrograms/liter and 20 (±1) micrograms/liter, respectively;

(b) Whole-lake total phosphorus concentration, chlorophyll a, and secchi depth indicate that the Beaver Lake system is bordering on eutrophic conditions;

(c) Modeling of the Beaver Lake system's future trophic status indicates that the lake will become hypereutrophic with a whole-lake total phosphorus concentrations predicted to be 36 micrograms/liter without additional phosphorus removal via stormwater treatment;

(d) Maintaining existing trophic status is a management plan goal. To maintain existing trophic status, an 80 percent total phosphorus annual loading removal goal was established for new impervious surface development prior to stormwater discharges to Beaver Lake.

(4) The Pine Lake Watershed is generally identified in the City of Sammamish Comprehensive Plan (Figure IV-1). Per the City's Comprehensive Plan policies (ECP 3.51), on an interim basis, all appropriate Beaver Lake specific water quality regulations shall be extended to the Pine Lake Drainage Basin as well.

(a) These interim regulations shall only be in effect until such time that a customized Pine Lake Water Quality Strategy is developed and development regulations are adopted based on approved findings of the study. This interim extension shall expire on December 31, 2005.

(b) An applicant for development within the Pine Lake Drainage Basin may apply for a variance from the standards specified in Section G of this chapter if it can be proven that conditions are clearly different than at Beaver Lake.

(5) The standards specified in Section G of this chapter shall apply to all development proposals located within the Beaver Lake and Pine Lake

watersheds which require drainage review as specified in the King County Surface Water Design Manual.

(6) Development proposals within the Beaver Lake or Pine Lake watersheds may be exempt from management plan requirements if they demonstrate to the satisfaction of the Community Development Department that on-site surface and stormwater runoff drainage does not in fact drain into the basin in question.

(7) For projects which create greater than 5,000 sq. ft. of new impervious surface subject to vehicular use in the Beaver Lake or Pine Lake watersheds, the following conditions shall apply, unless the conditions identified in Section 6 are documented to the satisfaction of the Community Development Department.

(a) The proposed stormwater facilities shall be designed to remove 80 percent of all new total phosphorus loading on an annual basis due to new development (and associated stormwater discharges) in the Beaver Lake or Pine Lake watersheds where feasible or utilize AKART if infeasible.

(b) Currently the AKART standard or interim best management practices for phosphorus sensitive lakes can be fulfilled by the following stormwater treatment design criteria:

(i) A wetpond or combined detention/wetpond with a permanent pool volume equal to 4.5 times the volume of runoff from the mean annual storm (VB/VR=4.5).

(A) Mandatory roof downspout infiltration unless shown to be infeasible, and maximization of forest or native vegetation retention.

(B) Pond volume can be reduced by maximizing forest retention according to the following schedule:

Forest (%)	VB/VR ratio
25	4.25
30	4.00
40	3.50
50	3.25
60	3.00

(C) Forest retention areas shall be in tracts dedicated to the City. Buffers without trails can be counted in the percent forest figure.

(D) The VB/VR ratio is the volume of the wet pond basin divided by the volume of the runoff from the mean annual storm. The mean annual storm is equal to 0.46 inches at Seatac. Runoff can be estimated using a runoff coefficient of 0.9 for impervious area and 0.25 for all other pervious area. Forested areas in tracts

dedicated to the City need not be included in the calculation of pond sizing (i.e. zero new runoff volume assumed). If this method is used in other areas, and Seatac precipitation statistics underestimate the rainfall as judged by the isopluvial distribution of the 2-year 24-hour precipitation, the mean annual rainfall should be adjusted upward.

(ii) Although current King County SWM designs are not complete for sand filtration, incorporation of sand filters into stormwater treatment facility designs (i.e. treatment trains) can be pursued through the variance process to achieve additional total phosphorus removal. The proponent must demonstrate that equivalent or improved total phosphorus treatment can be expected with an alternative treatment system which incorporates sand filtration than by methods described in SMC 21A.85.070 7(b)(i).

(iii) Where soils are suitable, on-site infiltration of storm water runoff can be pursued through the variance process as an AKART alternative. Soils are considered suitable for infiltration if at least two feet of soil exist where one of the following soil conditions are met: 1) the cation exchange capacity of the soil equals or is greater than five milliequivalents; 2) the organic content of the soil is equal to or greater than five percent; 3) the grain size distribution of site soils is equivalent to not more than 25 percent gravel by weight (75 percent passing the #4 sieve) and of that passing the #4 sieve, either a) 50 percent minimum passes the #40 sieve and two percent minimum passes the #100 sieve, or b) 25 percent minimum passes the #40 sieve and five percent minimum passes the #200 sieve; and 4) the infiltration rate is 2.4 inches/hour or less. Additionally, the proponent must demonstrate that equivalent or better phosphorus treatment can be expected with on-site infiltration than by methods described in SMC 21A.85.070(7).

(iv) As the King County Surface Water Design Manual is updated and additional treatment options and designs for total phosphorus removal become available, alternative treatment systems may be utilized if the AKART standard for phosphorus removal can be demonstrated.

(c) Hydrologic analysis shall be determined using a continuous hydrologic model such as the Hydrologic Simulation Program-Fortran (HSPF), the King County Runoff Time Series program (KCRTS), the Santa Barbara Urban Hydrograph, or the VB/VR methodology. These methodologies may be revised or

superseded by other methodologies for achieving the same performance goal as stipulated by future revision to the Surface Water Design Manual.

**Exhibit M**  
**Chapter 21A.95**  
**COMMERCIAL SITE DEVELOPMENT**  
**PERMITS**

## Sections:

21A.95.010	Purpose.
21A.95.020	Applicability.
21A.95.030	Public comments.
21A.95.040	Application of development standards.
21A.95.050	Approval.
21A.95.060	Financial guarantees.
21A.95.070	Limitation of permit approval.
21A.95.080	Modification to an approved permit.
21A.95.090	Administrative rules.
21A.95.010	Purpose.

The purpose of this chapter is to establish an optional comprehensive site review process of proposed commercial development resulting in a permit that can combine any or all of the following:

- (1) Site development requirements specified prior to building and/or grading permit applications.
  - (2) Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.
  - (3) Site development coordination and project phasing occurring over a period of years.
  - (4) Evaluation of commercially zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application.
- (Ord. O99-29 § 1)

**21A.95.020 Applicability.**

(1) An application for commercial site development permit may be submitted for commercial development projects on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

(a) A commercial site development permit is separate from and does not replace other required permits such as conditional use permits or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits. (Ord. O99-29 § 1)

(b) Prior to the issuance of a building permit all applications for apartment, townhouse, commercial, or office projects must apply for and receive a commercial site development permit. In the event of

any question, the city manager or his or her designee shall be responsible for determining the applicability of a commercial site development permit, and how the commercial site development permit shall be processed in conjunction with other applicable permits.

(c) If any of the following scenarios apply to a multi-family, commercial or office proposal, then the applicant must apply for and obtain a CSDP first, prior to issuance of any other permit. In the event of any question the City Manager or his/her designee shall be responsible for determining the applicability of a CSDP.

(i) If three residential units or more will not be located on an individual parcel. This includes three individual single-family dwelling units, townhouse units, apartment units or a combination of dwelling types. Note: Accessory dwelling units are not counted as a residential unit for purposes of this calculation.

(ii) Any new office, multi-family, commercial or office building. Note: New institutional buildings are also included in this definition.

(iii) An office, multi-family, commercial, institutional expansion, tenant improvement or change of use that results in an increase in the number of dwelling units; an increase in impervious surface which triggers a new level of surface water review; a change in the number of ingress or egress points from the site (whether at the applicant's request or expansion in any of the following areas: building square footage, parking space requirements or peak p.m. traffic trips).

(iv) Any office, multi-family, commercial, institutional expansion, tenant improvement or change of use that will impact sensitive areas, shoreline or buffers.

(v) Any office, multi-family, commercial or institutional expansion that will require drainage review in accordance with the 1998 King County Surface Water Design Manual.

**21A.95.030 Public comments.**

All public comments shall be in writing and signed, shall reference the proposed commercial site development permit application, and shall include the full name, address and telephone number of the person commenting. All comments shall be received within the designated comment period. The designated comment period shall commence on the day following publication or posting of the application notice and shall terminate at 4:30 p.m. on the fifteenth day

thereafter. If the department determines that application notice shall be published as well as posted, the department shall make every attempt to have the comment periods run concurrently. If, however, more than one method of notification is used, the termination date shall be calculated from the last notification date. If the fifteenth day is a nonwork day for the City, the designated comment period shall cease at 4:30 p.m. on the next City work day immediately following the fifteenth day. (Ord. O99-29 § 1)

#### **21A.95.040 Application of development standards.**

(1) An application for commercial site development permit shall be reviewed pursuant to Chapter 43.21C RCW, SEPA, as implemented by Chapter 197-11 WAC; Chapter 9.04 KCC as adopted by Chapter 15.05 SMC, Surface Water Management; Chapter 14.01 SMC, Public Works Standards Adopted; Chapter 16.15 SMC, Clearing and Grading; Chapter 16.05 SMC, Building Codes and Fire Code; Chapter 20.15 SMC, State Environmental Policy Act Procedures; SMC Title 21A, Development Code; SMC Title 25, Shoreline Management; administrative rules adopted pursuant to Chapter 2.55 SMC to implement any such code or ordinance provision; King County board of health rules and regulations; and City approved utility comprehensive plans.

(2) Lot-based standards, such as internal circulation, landscaping signage and setback requirements, are typically applied to each individual lot within the site. However, the director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot-based regulations shall not be waived altogether.

(3) The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City, provided the site is being reviewed concurrently with a binding site plan application. (Ord. O99-29 § 1)

#### **21A.95.050 Approval.**

(1) The director may approve, deny, or approve with conditions an application for a commercial site development. The decision shall be based on the following factors:

(a) Conformity with adopted City and state rules and

regulations in effect on the date the complete application was filed, including but not limited to those listed in SMC 21A.95.040.

(b) Consideration of the recommendations or comments of interested parties and those agencies or departments having pertinent expertise or jurisdiction, consistent with the requirements of this title.

(2) Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered.

(3) Approval of the proposed commercial site development shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes listed in Chapter 16.05 SMC.

(4) The director shall mail a copy of the decision to the applicant and any other person who has presented written comment to the department. (Ord. O99-29 § 1)

#### **21A.95.060 Financial guarantees.**

Performance guarantees consistent with the provisions of SMC Title 27A may be required to assure that development occurs according to the approved plan. (Ord. O99-29 § 1)

#### **21A.95.070 Limitation of permit approval.**

(1) A commercial site development permit approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the director, and fails to have all valid building permits issued within four years of the commercial site development permit approval date; or

(2) A commercial site development permit approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan. (Ord. O99-29 § 1)

#### **21A.95.080 Modification to an approved permit.**

A subsequent building permit application may contain minor modifications to an approved commercial site development plan provided a modification does not:

(1) Increase the building floor area by more than 10 percent;

(2) Increase the number of dwelling units;

- (3) Increase the total impervious surface area; provided, that relocatable facilities for schools shall be exempt from this restriction;
- (4) Result in an insufficient amount of parking and/or loading;
- (5) Locate buildings outside an approved building envelope; provided, that relocatable facilities for schools shall be exempt from this restriction;
- (6) Change the number of ingress and egress points to the site;
- (7) Significantly increase the traffic impacts of peak-hour trips to and from the site;
- (8) Significantly increase the quantity of imported or exported materials or increase the area of site disturbance.

Modifications that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application. (Ord. O99-29 § 1)

**21A.95.090 Administrative rules.**

The director may promulgate administrative rules and regulations pursuant to Chapter 2.55 SMC, to implement the provisions and requirements of this chapter. (Ord. O99-29 § 1)

**Exhibit N**  
**Chapter 24.15**  
**SAMMAMISH COMPREHENSIVE PLAN**

24.15.010	Comprehensive Plan Adopted
24.15.020	Plans adopted by Reference
24.15.030	Maps adopted by Reference
24.15.040	Procedures to Amend Comprehensive Plan
24.15.050	Procedures for Area-wide rezones, Rezones associated with a comprehensive plan amendments, and to amend Development Regulations
24.15.060	Joint Planning Agreements
24.15.070	Potential Annexation Areas
24.15.080	Interlocal Agreements for Regional Transportation Facilities

**24.15.010 Comprehensive Plan Adopted.**

(1) The City of Sammamish Comprehensive Plan document dated September 2003, or as subsequently amended by action of the City Council, is hereby adopted in accordance with the provisions of the Washington State Growth Management Act and the King County County-wide Planning Policies as the official Comprehensive Plan of the City. This Comprehensive Plan shall be the principal planning document to guide the achievement of the Community's Vision Statement for its future as well as the orderly growth and development of the City. The plan shall be used to guide land use decisions, the allocation of resources, the preparation of sub-area plans, the evaluation of Potential Annexation Areas, the execution of interlocal agreements, the provision of services and facilities, and the preparation, revision, and implementation of City Codes.

(2) An official copy of the Comprehensive Plan, all approved amendments, and all related plans and maps shall be maintained by the Office of the City Clerk and shall be made available for public review and purchase in accordance with such administrative procedures as may be implemented by the City Manager or his designee.

(3) The Office of the City Clerk shall, in consultation with the City Attorney, shall establish for purposes of administering the Comprehensive Plan, an official effective date for the Comprehensive Plan, subsequent amendments, and implementing regulations."

**24.15.020 Plans adopted by Reference.**

The following planning documents are hereby adopted by reference as a part of or in support of the Sammamish Comprehensive Plan.

- (1) Sammamish Plateau Water & Sewer District Sewer Plan
- (2) Northeast Sammamish Sewer & Water District Sewer Plan
- (3) Sammamish Plateau Water & Sewer District Water Plan
- (4) Northeast Sammamish Sewer & Water District Water Plan
- (5) Issaquah School District Capital Facilities Plan
- (6) Lake Washington School District Capital Facilities Plan

**24.15.030 Maps adopted by Reference.**

- (1) City of Sammamish Comprehensive Plan Future Land Use Map,
- (2) City of Sammamish Zoning Map

**24.15.040 Procedures to Amend Comprehensive Plan.**

(1) The City shall consider amendments to the Comprehensive Plan on an annual basis, in accordance with administrative procedures and timelines established by the City Manager or his designee and approved by the City Council. Provided that:

(a) The City may consider certain amendments on a more frequent basis in accordance with the provisions of the Washington State Growth Management Act (RCW 36.70A.130) including:

- (i) Initial adoption of a subarea plan;
- (ii) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- (iii) The amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and
- (iv) Amendments or revisions to the City's comprehensive plan when an emergency exists or to resolve, if appropriate, an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board or with the court.

(b) Applications for the first annual review shall be accepted no sooner than one year from the effective date of the Comprehensive Plan.

(c) The City shall, every seventh year from the effective date of the Comprehensive Plan, initiate an

update of the Comprehensive Plan, including such revisions as may be required to the City's Growth and Housing Affordability Targets.

(2) Applications to amend the Comprehensive Plan or a rezone request associated with a comprehensive plan amendment shall be reviewed by the City Planning Commission based upon the following information:

- (a) A detailed statement of what is proposed to be changed and why;
  - (b) A statement of anticipated impacts of the change, including geographic area affected and issues presented;
  - (c) A demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;
  - (d) A statement of how the amendment complies with the Growth Management Act's goals and specific requirements;
  - (e) A statement of how the amendment complies with the Sammamish Vision Statement;
  - (f) A statement of how functional plans and capital improvement programs support the change; and
  - (g) Public review of the recommended change, necessary implementation (including area zoning if appropriate) and alternatives.
- (3) Applications to amend the Comprehensive Plan shall be reviewed in accordance with the procedures and forms set forth by the City Manager and his/her designee and approved by the City Council.

#### **24.15.050**

##### **Procedures for Area-wide rezones, Rezones associated with a comprehensive plan amendments, and to amend Development Regulations.**

- (1) The City may initiate area-wide rezones, consider rezones associated with a comprehensive plan amendment or changes to development regulations in accordance with such administrative procedures and timelines as may be established by the City Manager or his designee and approved by the City Council.
- (2) Rezone requests authorized by SMC 20.15.050(1) shall be reviewed by the Planning Commission for consistency with the Comprehensive Plan and the following criteria:
  - (a) Consistency with the City's Comprehensive Plan goals, policies, and land use map;
  - (b) Demonstration of a clear and compelling need and public benefit;

(c) Documentation that there will be no probable significant adverse environmental effects that cannot be reasonably mitigated;

(d) Documentation of how the rezone addresses community needs such as affordable housing, senior housing, or special needs housing;

(e) Protection of environmentally sensitive areas.

(3) During consideration of areawide rezones or rezones associated with a comprehensive plan amendment, the City may allow different zoning designations on a single legal parcel, recognizing with a lower density zone lands environmentally unsuitable for development and with a greater density zone lands suitable for development, provided that:

(a) The application of the greater density shall be consistent with the predominant density of the neighboring properties to the area or site considered for reclassification. For example, R-1 may be applied to environmentally sensitive portions of a site, and R-4 to the developable portion of a site, R-4 matching the character and density of neighboring properties.

(b) Zone boundaries should consider environmental, legal, and practical administrative issues associated with application of the split zone boundary.

(4) Decisions on area-wide rezones and rezones associated with a comprehensive plan amendment shall be made by the City Council based on an evaluation of a staff report and a recommendation by the City Planning Commission. The public shall be notified of all such rezone requests and afforded meaningful opportunities for public review and comment.

(5) Area-wide rezones, applications for rezones associated with a comprehensive plan amendment, or amendments to Development Regulations shall be reviewed in accordance with the procedures and forms set forth by the City Manager and his/her designee and approved by the City Council.

#### **24.15.060**

##### **Joint Planning Agreements.**

(1) The City Council shall have the authority to enter into joint planning agreements with adjacent communities and specific agencies to insure clear communication between the affected jurisdictions and compatibility with the City of Sammamish Comprehensive Plan.

(2) Joint planning agreements should be drafted with the following communities/agencies:

- (a) The City of Issaquah;
- (b) The City of Redmond;
- (c) King County;
- (d) Washington State Department of Transportation; and
- (e) Special Districts including, but not limited to, the Sammamish Plateau Water & Sewer District and the Northeast Sammamish Sewer & Water District.

#### **24.15.070**

##### **Potential Annexation Areas.**

- (1) The City shall examine the feasibility of annexing any portion of the adjacent unincorporated Urban Growth Area of King County. The feasibility study shall take into account site-specific considerations, such as critical area designations, zoning, as well as the concerns of rural area residents, adjacent cities, and King County.
- (2) The City shall coordinate future planning and interlocal agreements for annexation areas with the appropriate agencies.
- (3) The City shall, in consultation with King County and neighboring jurisdictions as appropriate, identify, and evaluate the designation of Potential Annexation Areas, including but not limited to the following areas in unincorporated King County:
  - (a) Areas within the Sammamish Plateau and/or the NE Sammamish Sewer and Water Districts;
  - (b) Property owned by the City of Sammamish abutting the current City limits, including, but not limited to, the Evans Creek Preserve;
  - (c) Parcels between the existing city limits and SR 202 between Duthie Hill Road and 187th Ave SE.
  - (d) Aldera Farms and neighboring properties.
- (4) When evaluating Potential Annexation Areas the City shall conduct such environmental assessments as may be required by law, and shall consider the efficient and cost effective delivery of services in accordance with the provisions of the Washington State Growth Management Act.
- (5) The City shall coordinate with King County to plan consistently within any designated Potential Annexation Areas for the City. The coordinated plans should address appropriate service standards.
- (6) Where Potential Annexation Areas are designated, the City shall allow for annexation of unincorporated territory upon completion of the appropriate annexation process.

- (7) The City shall ensure that newly annexed lands are zoned in accordance with the Sammamish Comprehensive Plan Land Use Map and policies.

#### **24.15.080**

##### **Inter-local Agreements for Regional Transportation Facilities.**

- (1) The City shall develop inter-local agreements with neighboring jurisdictions and/or agencies (i.e., WSDOT, King County, and the Cities of Redmond and Issaquah) to establish mutually acceptable LOS standards and mitigation strategies for traffic impacts on essential commuter facilities, as shown in the Transportation Element of the Comprehensive Plan.
- (2) The inter-local agreements will serve to:
  - (a) Provide a coordinated approach to addressing sub-regional transportation issues;
  - (b) Minimize AM and PM peak-hour travel times along intercity commuter routes; and
  - (c) Establish an interlocal impact fee structure.
- (3) Acceptable mitigation strategies may include:
  - (a) Contribution of impact fees to projects that address traffic impacts on the identified essential commuter facilities; and
  - (b) Provision of additional capacity on general purpose or HOV facilities to mitigate impacts on the identified commuter facilities.
- (4) An interlocal agreement with WSDOT or a neighboring jurisdiction shall ~~contain~~ consider incorporating provisions which indicate that the City shall may deny development proposals that create a significant adverse transportation impact on the access routes outside the City limits as shown in the Transportation Element of the Comprehensive Plan unless adequate mitigation is in place within six years of project completion.