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**Title 15**  
**ENVIRONMENT**

**Chapters:**

- 15.05**    **Surface Water Management**
- 15.10**    **Flood Damage Prevention**

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**Chapter 15.10**  
**FLOOD DAMAGE PREVENTION**

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**15.10.010 Findings of fact.**

- (1) The flood hazard areas of Sammamish are subject to periodic flooding that may result in the loss of life and property, the creation of health and safety hazards, and the disruption of commerce and governmental services, which may result in extraordinary public expenditures for flood protection and relief and reduction of the tax base.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. O2000-54 § 1)

**15.10.020 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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- (4) To minimize prolonged business interruptions;
  - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
  - (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
  - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. O2000-54 § 2)

#### **15.10.030 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development that may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. O2000-54 § 3)

#### **15.10.040 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone

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V1-V30, VE or V.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at SMC 15.10.160(1)(b).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

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“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means a structure for commerce or industry that cannot exist in any other location and

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is dependent on the water by reason of the intrinsic nature of its operations. (Ord. O2000-54 § 4)

**15.10.050 Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Sammamish. (Ord. O2000-54 § 5)

**15.10.060 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County," as amended, with the following flood insurance rate maps (FIRMs) are hereby adopted by reference and declared to be a part of this chapter: Map 53033C-0395 dated May 16, 1995, Map 532033C-0680 dated May 16, 1995, Map 53033C-0685 dated May 16, 1995, Map 53033C-0390 dated March 30, 1998, and Map 53033C-0691 dated March 30, 1998. The flood insurance study is on file at Sammamish City Hall. The best available information for flood hazard area identification as outlined in SMC 15.10.130(2) shall be the basis for regulation until a new FIRM is issued that incorporates the data utilized under SMC 15.10.130(2). (Ord. O2000-54 § 6)

**15.10.070 Penalties for noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Sammamish from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. O2000-54 § 7)

**15.10.080 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. O2000-54 § 8)

**15.10.090 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. O2000-54 § 9)

**15.10.100 Warnings and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare

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occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Sammamish, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. O2000-54 § 10)

**15.10.110 Establishment of development permit.**

- (1) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in SMC 15.10.060. The permit shall be for all structures including manufactured homes, as set forth in SMC 15.10.040, Definitions, and for all development including fill and other activities, also as set forth in SMC 15.10.040, Definitions.
- (2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
  - (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
  - (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
  - (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 15.10.160(2); and
  - (d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. O2000-54 § 11)

**15.10.120 Designation of the City manager.**

The City manager or designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. O2000-54 § 12)

**15.10.130 Duties and responsibilities of the City manager.**

Duties of the City manager or designee shall include, but not be limited to:

- (1) Permit Review.
  - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;
  - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; and
  - (c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of SMC 15.10.170(1) are met.
- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC 15.10.060, Basis for establishing the areas of special flood hazard, the City

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manager or designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer SMC 15.10.160, Specific standards, and SMC 15.10.170(1), Floodways.

- (3) Information to Be Obtained and Maintained.
- (a) Where base flood elevation data is provided through the flood insurance study or required as in subsection (2) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
  - (b) For all new or substantially improved floodproofed structures:
    - (i) Verify and record the actual elevation (in relation to mean seal level); and
    - (ii) Maintain the floodproofing certifications required in SMC 15.10.110(2)(c).
  - (c) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of Watercourses.
- (a) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SMC 15.10.140. (Ord. O2000-54 § 13)

**15.10.140 Variance procedure.**

- (1) Hearing Examiner.
- (a) The City's hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
  - (b) The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City's administrative staff in the enforcement or administration of this chapter.
  - (c) Those aggrieved by an administrative decision of the City may appeal such decision to the hearing examiner, as provided herein.
  - (d) In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
    - (i) The danger that materials may be swept onto other lands to the injury of others;
    - (ii) The danger to life and property due to flooding or erosion damage;
    - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - (iv) The importance of the services provided by the proposed facility to the community;
    - (v) The necessity to the facility of a waterfront location, where applicable;
    - (vi) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
    - (vii) The compatibility of the proposed use with existing and anticipated development;
    - (viii) The relationship of the proposed use to the comprehensive plan and floodplain

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- management program for that area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (xi) The costs of providing governmental services during and after flood conditions, including the maintenance and repair of public utilities, facilities, and systems such as sewer, gas, electrical, water, streets, and bridges.
- (e) Upon consideration of the factors of subsection (1)(d) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (f) The hearing examiner or his/her designee shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (2) Conditions for Variances.
- (a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; provided, that subsections (1)(d)(i) through (xi) of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
  - (b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.
  - (c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
  - (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (e) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
  - (g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (2)(a) of this section, and otherwise complies with SMC 15.10.150(1) and (2).

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- (h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. O2000-54 § 14)

**15.10.150 Provisions for flood hazard reduction – General standards.**

In all areas of special flood hazards, the following standards are required:

- (1) Anchoring.
  - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
  - (b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- (2) Construction Materials and Methods.
  - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
  - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
  - (c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities.
  - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - (b) The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171);
  - (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  - (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision Proposals.
  - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (b) All subdivision proposals shall have public utilities, facilities, and systems such as sewer, gas, electrical, and water located and constructed to minimize flood damage;
  - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
  - (d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or five acres (whichever is less).
- (5) Review of Building Permits. Where elevation data is not available either through the flood

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insurance study or from another authoritative source (SMC 15.10.130(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. O2000-54 § 15)

#### **15.10.160 Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in SMC 15.10.060, Basis for establishing the areas of special flood hazard, or SMC 15.10.130(2), Use of other base flood data, the following provisions are required:

- (1) Residential Construction.
  - (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
  - (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - (ii) The bottom of all openings shall be no higher than one foot above grade; and
    - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation or together with attendant utility and sanitary facilities, shall:
  - (a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer or architect's development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in SMC 15.10.130(3)(b);
  - (d) Nonresidential structures that are elevated and not floodproofed must meet the same standards for space below the lowest floor as described in subsection (1)(b) of this section; and
  - (e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
- (3) Manufactured Homes.
  - (a) All manufactured homes to be placed or substantially improved on sites:

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- (i) Outside of a manufactured home park or subdivision;
  - (ii) In a new manufactured home park or subdivision;
  - (iii) In an expansion to an existing manufactured home park or subdivision; or
  - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and shall be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- (b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:
  - (i) The lowest floor of the manufactured home is elevated one foot above the base flood elevation; or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- (4) Recreational Vehicles. Recreational vehicles placed on sites are required to either:
  - (a) Be on the site for fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use, on their wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - (c) Meet the requirements of subsection (3) of this section and the elevation and anchoring requirements for manufactured homes. (Ord. O2000-54 § 16)

#### **15.10.170 Floodways.**

Located within areas of special flood hazard established in SMC 15.10.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
  - (a) Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and
  - (b) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either:
    - (i) Before the repair or reconstruction is started; or
    - (ii) If the structure has been damaged and is being restored, the market value before the damage occurred.

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and

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that are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

- (3) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SMC 15.10.150 through 15.10.210. (Ord. O2000-54 § 17)

#### **15.10.180 Encroachments.**

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. O2000-54 § 18)

#### **15.10.190 Standards for shallow flooding areas (AO zones).**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in SMC 15.10.160(2)(c).
- (3) Adequate drainage paths shall be required around structures on slopes to guide flood waters around and away from proposed structures.
- (4) Recreational vehicles placed on sites within AO zones on the community's FIRM shall either:
  - (a) Be on the site for fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use, on their wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - (c) Meet the requirements of this section and the elevation and anchoring requirements for manufactured homes. (Ord. O2000-54 § 19)

#### **15.10.200 Coastal high hazard areas.**

Located within areas of special flood hazard established in SMC 15.10.060 are coastal high hazard areas, designated as zones V1-V30, VE and/or V. These areas have special flood hazards associated with high

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velocity waters from surges; therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

- (1) All new construction and substantial improvements in zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
  - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
  - (b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a) and (b) of this section.
- (3) The elevation shall be obtained (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-V30 and VE, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- (4) All new construction shall be located landward of the reach of mean high tide.
- (5) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - (a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (7) The use of fill for structural support of buildings is prohibited.
- (8) Manmade alteration of sand dunes that would increase potential flood damage is prohibited.
- (9) All manufactured homes to be placed or substantially improved within zones V1-V30, V, and VE on the community's FIRM on sites:
  - (a) Outside of a manufactured home park or subdivision;

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- (b) In a new manufactured home park or subdivision;
  - (c) In an expansion to an existing manufactured home park or subdivision; or
  - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall meet the standards of subsections (1) through (8) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-V30, V, and VE on the FIRM shall meet the requirements of SMC 15.10.160(3).

- (10) Recreational vehicles placed on sites within zones V1-V30, V, and VE on the community’s FIRM shall either:
  - (a) Be on the site for fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use, on their wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - (c) Meet the requirements of SMC 15.10.110(1), Permitting requirements, and subsections (1) through (8) of this section. (Ord. O2000-54 § 20)

**15.10.210 Critical facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. O2000-54 § 21)

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**Title 16**  
**BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 16.05 Construction Codes**
- 16.10 Moving Buildings**
- 16.15 Clearing and Grading**
- 16.20 Construction Administrative Code**
- 16.25 Sammamish Building and Property Maintenance Code**

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**Chapter 16.15**  
**CLEARING AND GRADING**

**Sections:**

- 16.15.010 Purpose.
- 16.15.020 Definitions.
- 16.15.030 Administration.
- 16.15.040 Hazards.
- 16.15.050 Clearing and grading permit required – Exceptions.
- 16.15.060 Applications – Complete applications.
- 16.15.070 Permit requirements.
- 16.15.080 Liability insurance required – Exception.
- 16.15.090 Operating conditions and standards of performance.
- 16.15.100 Shorelines.
- 16.15.110 Enforcement.
- 16.15.120 Clearing standards.

**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. O2003-132 § 2)

**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

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- 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) "DBH" means the diameter of a tree as measured from breast height (54 inches above the ground).
  - (10) "Earth material" is any rock, natural soil, or any combination thereof.
  - (11) "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.
  - (12) "Excavation" is the removal of earth material.
  - (13) "Fill" is a deposit of earth material placed by mechanical means.
  - (14) "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.
  - (15) "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.
  - (16) "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.
  - (17) "Reclamation" means the final grading and land restoration of a site.
  - (18) "Shorelines" means those lands defined as shorelines in the State Shorelines Management Act of 1971.
  - (19) "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.
  - (20) "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.
  - (21) "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.
  - (22) "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.
  - (23) "Terrace" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
  - (24) "Tidelands" means that portion of the land that is covered and uncovered by the ebb and flood tide.
  - (25) "Tree" is a large woody perennial plant usually with a single main stem or trunk and generally

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over 25 feet tall at maturity.

- (26) "Understory" is the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees.
- (27) "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. (Ord. O2004-149 § 1; Ord. O2003-132 § 2)

#### **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. O2003-132 § 2)

#### **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. O2003-132 § 2)

#### **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

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- 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) 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 maintenance of above-ground electrical and telecommunication facilities; 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.
  - (9) The cutting and removal of any coniferous tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH when not located within a sensitive area or buffer.
  - (10) The pruning, limbing, and general maintenance of trees outside of environmentally sensitive areas and buffers, consistent with the requirements of Chapter 21A.35 SMC. (Ord. O2005-175 § 1; Ord. O2004-149 § 2; Ord. O2003-132 § 2)

**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

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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. O2003-132 § 2)

#### **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;

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- (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

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- 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. O2003-132 § 2)

**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

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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. O2003-132 § 2)

**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

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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. O2003-132 § 2)

#### **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. O2003-132 § 2)

#### **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

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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. O2003-132 § 2)

**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;
  - (d) Wildlife habitat corridors pursuant to Chapter 21A.30 SMC;
  - (e) Shoreline Management Plan, SMC Title 25; and
  - (f) Development Standards – Landscaping and Irrigation, Chapter 21A.35 SMC.
- (2) Within sensitive areas designated pursuant to Chapter 21A.50 SMC, permitted alterations, development standards, mitigation requirements, activities and uses shall be limited to those specified in that chapter or elsewhere in the SMC.
- (3) In addition to the uses otherwise allowed in areas subject to the native vegetation retention requirements in subsection (1)(b)-(f) of this section, the following activities or permitted alterations 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. Cleared areas shall be the minimum necessary, and all other applicable standards shall be required consistent with the standards and requirements in Chapters 21A.30 and 21A.85 SMC and any other requirements in the SMC. Within wildlife habitat corridors, trails shall be designed and constructed according to the trail design standards in Chapter 21A.30 SMC 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 City-approved best management practices to minimize disturbance; and
  - (c) Removal of dangerous and/or damaged trees.
- (4) 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 applicable City-adopted stormwater requirements 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.

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- (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 applicable City-adopted stormwater requirements 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. O2005-175 §1; Ord. O2005-172 § 1; Ord. O2003-132 § 2)

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

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**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Accessory use, residential" means:

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- (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. O2003-132 § 10)

**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. O2003-132 § 10)

**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 panoramas, peep shows, or topless or nude dancing. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.055 Alley.**

"Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower

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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. O2003-132 § 10)

**21A.15.056 Alteration.**

Any human activity that results or is likely to result in an impact upon the existing condition of a sensitive area is an "alteration" that is subject to specific limitations as specified for each sensitive area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existent vegetation, hydrology, fish or wildlife, or fish or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities. (Ord. O2005-172 § 2; Ord. O99-29 § 1. Formerly 21A.50.200)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.062 Anadromous fish.**

"Anadromous fish" are those that live part or the majority of their lives in saltwater, but return to freshwater to spawn. (Ord. O2005-172 § 2)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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the applicant, in an application for a development proposal, permit or approval. (Ord. O2003-132 § 10)

**21A.15.072 Application rate.**

"Application rate" means the depth of water applied to an area expressed in inches per hour. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.095 Beehive.**

"Beehive" means a structure designed to contain one colony of honey bees (*Apis mellifera*). (Ord. O2003-132 § 10)

**21A.15.097 Berm.**

"Berm" means a constructed area of compacted earth. (Ord. O2003-132 § 10)

**21A.15.098 Best available science.**

"Best available science" means the process used and information developed consistent with requirements in RCW 36.70A.172 and WAC 365-195-900 through 365-195-925. (Ord. O2005-172 § 2)

**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

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use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.125 Building.**

"Building" means any structure having a roof. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.172 Catastrophic collapse.**

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.267 DBH.**

"DBH" means the diameter of a tree as measured at breast height (54 inches above the ground). (Ord. O2005-175 § 1)

**21A.15.270 Deciduous.**

"Deciduous" means a plant species with foliage that is shed annually. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.280 Department.**

"Department" means the City's department of community development. (Ord. O2003-132 § 10)

**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

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(3) 5948 – Luggage and leather goods stores. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.325 Director.**

“Director” means the director of the City of Sammamish department of community development or his/her designee. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

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

“Drop box facility” means a facility used for receiving solid waste and recyclable from off-site sources

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

“Dwelling unit, single detached” means a detached building containing one dwelling unit. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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“Effective radiated power” means the product of the antenna power input and the numerical antenna power gain. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.410 Erosion.**

“Erosion” means the process by which soil particles are mobilized and transported by natural agents such

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as wind, rainsplash, frost action or surface water flow. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.420 Evergreen.**

"Evergreen" means a plant species with foliage that persists and remains green year-round. (Ord. O2003-132 § 10)

**21A.15.425 Examiner.**

"Examiner" means the hearing examiner as established by Chapter 20.10 SMC. (Ord. O2003-132 § 10)

**21A.15.427 Existing corridor.**

"Existing corridors" include areas that have been previously cleared of native vegetation, have historically been used for transportation or recreation purposes, have currently little or low-quality vegetation and habitat value, or that contain improvements such as graded or filled areas. Examples include but are not limited to utility corridors, road or railroad rights-of-way, roadbeds and rail beds. (Ord. O2005-172 § 2)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.455 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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Flood protection elevation" means an elevation that is one foot above the base flood elevation. (Ord. O2003-132 § 10)

**21A.15.495 Floodplain.**

"Floodplain" means the total area subject to inundation by the base flood. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.510 Florist shop.**

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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“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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.565 Grading.**

“Grading” means any excavation, filling, removing the duff layer or any combination thereof. (Ord.

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O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

“Hazardous household substance” means a substance as defined in RCW 70.105.010. (Ord. O2003-132 § 10)

**21A.15.585 Hazardous substance.**

“Hazardous substance” means a substance as defined in RCW 70.105.010. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.605 Home industry.**

“Home industry” means a limited-scale sales, service or fabrication activity undertaken for financial gain,

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.615 Household pets.**

“Household pets” means small animals that are kept within a dwelling unit. (Ord. O2003-132 § 10)

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

“Hydroelectric generation facility” means an establishment for the generation of electricity using water sources. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.637 Infiltration rate.**

“Infiltration rate” means the rate of water entry into the soil expressed in inches per hour. (Ord. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Joint use driveway" means a jointly owned and/or maintained vehicular access to two residential properties. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.665 Landfill.**

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"Landfill" means a disposal site or part of a site at which refuse is deposited. (Ord. O2003-132 § 10)

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

"Landscape water features" means a pond, pool or fountain used as a decorative component of a development. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.675 Landslide.**

"Landslide" means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.690 Light equipment.**

"Light equipment" means hand-held tools and construction equipment, such as chain saws, wheelbarrows, and post-hole diggers. (Ord. O2003-132 § 10)

**21A.15.692 Linear activity or development.**

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A development or activity of a linear nature is one that usually involves multiple parcels and/or that runs along a corridor or pathway defined in an adopted plan. Linear development and activities may be straight, curved or a combination of both. Examples include roads, trails, sidewalks, utility corridors, and other transportation facilities such as bikeways and railroads. (Ord. O2005-172 § 2)

**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. O2003-132 § 10)

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

"Livestock, large" means cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.710 Livestock sales.**

"Livestock sales" means the sale of livestock but not including auctions. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.735 Marina.**

"Marina" means an establishment providing docking, moorage space and related activities limited to the

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.745 Microwave.**

"Microwave" means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.795 Naturalized species.**

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“Naturalized species” means non-native species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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“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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.832 Overspray.**

“Overspray” means irrigation water applied beyond the landscape area. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Photographic and electronic shop" means an establishment engaged in the retail sale of cameras and

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.899 Potable water.**

"Potable water" means water suitable for human consumption. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.915 Public agency.**

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"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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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 owned by a public agency or public utility, excluding document storage. (Ord. O2005-170 § 1; Ord. O2003-132 § 10)

**21A.15.936 Public agency or utility yard, satellite.**

"Satellite public agency or utility yard" means a small facility for open or enclosed storage and limited maintenance of vehicles or equipment used to maintain specific neighborhoods, parks, or areas of the City. (Ord. O2005-170 § 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;

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- (4) Auto test tracks; and
  - (5) Fire suppression simulations. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.948 Reasonable alternative.**

In determining what is a "reasonable alternative" to a proposed development, alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal. Reasonable alternatives are those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives. (Ord. O2005-172 § 2)

**21A.15.950 Reasonable use.**

"Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking cases. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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**21A.15.970 Recyclable material.**

"Recyclable material" means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. (Ord. O2003-132 § 10)

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

"Reference evapotranspiration (Eto)" means a standard measurement of environmental parameters that affect the water use of plants. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Retail, comparison" provides for the sale of comparison goods and services and is centrally located in the community. (Ord. O2003-132 § 10)

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

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"Retail, convenience" provides for daily living goods, is easy to access and use and is close to residential neighborhoods. (Ord. O2003-132 § 10)

**21A.15.1011 Retaining wall.**

"Retaining wall" means any wall used to resist the lateral displacement of any material. (Ord. O2003-132 § 10)

**21A.15.1012 Runoff.**

"Runoff" means water not absorbed by the soil in the landscape area to which it is applied. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1025 School district.**

"School district" means any school district whose boundaries include the City of Sammamish. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

"Schools, secondary or high school" means institutions of learning offering instruction in the several

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1060 Senior citizen.**

"Senior citizen" means a person aged 62 or older. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1085 Sign.**

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“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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

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

“Sign, community bulletin board” means a permanent sign which may contain either electronic or permanent graphics, symbols, or words that is used to notify the public of community events and public services, and which contains no commercial advertising. (Ord. O2004-153 § 1; Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1115 Sign, fuel price.**

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1125 Sign, indirectly illuminated.**

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“Sign, indirectly illuminated” means a sign that is illuminated entirely from an external artificial source. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1170 Site.**

“Site” means a single lot, or two or more contiguous lots that are under common ownership or

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1205 Specified sexual activities.**

“Specified sexual activities” means human genitalia in a state of sexual stimulation or arousal; acts of

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human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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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. O2003-132 § 10)

#### **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. O2003-132 § 10)

#### **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. O2003-132 § 10)

#### **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. O2003-132 § 10)

#### **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. O2003-132 § 10)

#### **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, uncovered decks less than 18 inches above grade, uncovered paved areas, and structural or nonstructural fill. (Ord. O2005-171 § 1; Ord. O2003-132 § 10)

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**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. O2003-132 § 10)

**21A.15.1265 Submerged land.**

"Submerged land" means any land at or below the ordinary high water mark. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1277 Theater.**

"Theater" means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1285 Trails.**

"Trails" means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. Trails may be paved or unpaved, and may be intended and constructed for

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transportation, recreation, and nature contact and enjoyment. Types of trails are described and defined in the park and recreation plan, trails, bikeways and paths plan, or elsewhere in the city comprehensive plan. (Ord. O2005-172 § 2; Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1325 Transmitter building.**

"Transmitter building" means building used to contain communication transmission equipment. (Ord. O2003-132 § 10)

**21A.15.1330 Transportation system management (TSM).**

"Transportation system management (TSM)" means low-cost projects that can be implemented in a short

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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. O2003-132 § 10)

**21A.15.1332 Tree, heritage.**

"Tree, heritage" means a tree that is equal to or greater than twenty-two (22) inches DBH. (Ord. O2005-175 § 1)

**21A.15.1333 Tree, significant.**

"Tree, significant" means a tree that is:

- (1) A coniferous tree with a diameter of eight (8) inches or more DBH; or
- (2) A deciduous tree with a diameter of twelve (12) inches or more DBH. (Ord. O2005-175 § 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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1352 Vactor waste.**

"Vactor waste" means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. (Ord. O2003-132 § 10)

**21A.15.1353 Vactor waste receiving facility.**

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"Vector waste receiving facility" means a facility where vector waste is brought for treatment and storage prior to final disposal. (Ord. O2003-132 § 10)

**21A.15.1355 Variance.**

"Variance" means an adjustment in the application of standards of a zoning code to a particular property. (Ord. O2003-132 § 10)

**21A.15.1360 Vegetation.**

"Vegetation" means any and all plant life growing at, below or above the soil surface. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1382 Water budget.**

"Water budget" means the upper limit of irrigation water applied to the established landscape area. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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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. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1400 Wetland, forested.**

"Wetland, forested" means a wetland that is characterized by woody vegetation at least 20 feet tall. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**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. O2003-132 § 10)

**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

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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. O2003-132 § 10)

**21A.15.1420 Wetpond.**

“Wetpond” means an artificial water body constructed as a part of a surface water management system. (Ord. O2003-132 § 10)

**21A.15.1425 Wildlife shelter.**

“Wildlife shelter” means a facility for the temporary housing of sick, wounded, or displaced wildlife. (Ord. O2003-132 § 10)

**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. O2003-132 § 10)

**21A.15.1432 Wrecked, dismantled, or inoperative vehicle.**

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“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. O2003-132 § 10)

**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. O2003-132 § 10)

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**Chapter 21A.30**  
**DEVELOPMENT STANDARDS –**  
**DESIGN REQUIREMENTS**

Sections:

21A.30.010	Purpose.
21A.30.020	Lot segregations – Zero lot line development.
21A.30.030	Lot segregations – Clustered development.
21A.30.040	Townhouse development.
21A.30.050	Attached dwellings and group residence – Applicability.
21A.30.060	Attached dwellings and group residences – Vehicular access and parking location.
21A.30.070	Attached dwellings and group residences – Building facade modulation.
21A.30.080	Mixed use development – Percentages of residential uses.
21A.30.090	Mixed use development – Residential density.
21A.30.100	Mixed use development – Building floor area.
21A.30.110	Mixed use development – Shared parking.
21A.30.120	Mobile home parks – Standards for existing parks.
21A.30.130	Mobile home parks – Standards for new parks.
21A.30.140	On-site recreation – Space required.
21A.30.150	Recreation space – Fees in lieu of.
21A.30.160	On-site recreation – Play areas required.
21A.30.170	On-site recreation – Maintenance of recreation space or dedication.
21A.30.180	Storage space and collection points for recyclables.
21A.30.190	Fences.
21A.30.200	Trail corridors – Applicability.
21A.30.210	Trail corridors – Development standards.
21A.30.220	Trail corridors – Maintenance of trail corridors/improvements.
21A.30.230	Wildlife habitat corridors – Applicability.
21A.30.240	Wildlife habitat corridors – Design standards.
21A.30.250	Public agency and utility yard – Design requirements.
21A.30.260	Satellite public agency and utility yard – Design requirements.

**21A.30.010 Purpose.**

The purpose of this chapter is to improve the quality of development by providing building and site design standards that:

- (1) Reduce the visual impact of large residential buildings from adjacent streets and properties;
- (2) Enhance the aesthetic character of large residential buildings;
- (3) Contain sufficient flexibility of standards to encourage creative and innovative site and building design;
- (4) Meet the on-site recreation needs of project residents;
- (5) Enhance aesthetics and environmental protection through site design; and
- (6) Allow for continued or adaptive re-use of historic resources while preserving their historic and architectural integrity. (Ord. O99-29 § 1)

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**21A.30.020 Lot segregations – Zero lot line development.**

In the NB zone on property designated commercial outside of center in the urban area, interior setbacks may be modified during subdivision or short subdivision review as follows:

- (1) If a building is proposed to be located within a normally required interior setback:
  - (a) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
  - (b) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
  - (c) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
  - (d) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area. (Ord. O99-29 § 1)

**21A.30.030 Lot segregations – Clustered development.**

When residential lot clustering is proposed, the following provisions shall be met:

- (1) Any open space resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. When access to the open space is provided, the access shall be located in a separate tract; and
- (2) In the R-1 zone, open space tracts created by clustering required by SMC 21A.25.030 shall be located and configured to create urban separators and greenbelts as required by the interim comprehensive plan, to connect and increase protective buffers for environmentally sensitive areas as defined in SMC 21A.15.1065, to connect and protect wildlife habitat corridors designated by the interim comprehensive plan, and to connect existing or planned public parks or trails. The City may require open space tracts created under this subsection to be dedicated to the City, an appropriate managing public agency, or qualifying private entity such as a nature conservancy. (Ord. O99-29 § 1)

**21A.30.040 Townhouse development.**

In the R-1 through R-8 zones and in the NB zone on property designated commercial outside of center in the urban area, a building that contains a grouping of attached townhouse units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of townhouses. (Ord. O99-29 § 1)

**21A.30.050 Attached dwellings and group residence – Applicability.**

The standards of SMC 21A.30.060 through 21A.30.060 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I

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community residential facilities (CRF-I). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with SMC 21A.30.060 to 21A.30.070. (Ord. O99-29 § 1)

**21A.30.060 Attached dwellings and group residences – Vehicular access and parking location.**

- (1) On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I community residential facilities (CRF-I) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the director due to physical site limitations.
- (2) When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.
- (3) When the number of uncovered common parking spaces for attached dwellings and group residences exceed 30 spaces and when there is alley access, no more than 50 percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the director due to physical site limitations. (Ord. O99-29 § 1)

**21A.30.070 Attached dwellings and group residences – Building facade modulation.**

Apartment and townhouse developments and all group residences shall provide building facade modulation on facades exceeding 60 feet and facing abutting streets or properties zoned R-1 through R-4. The following standards shall apply:

- (1) The maximum wall length without modulation shall be 30 feet; and
- (2) The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet;
- (3) Any other technique approved by the director that achieves the intent of this section. (Ord. O99-29 § 1)

**21A.30.080 Mixed use development – Percentages of residential uses.**

Residential uses in mixed use developments shall be subject to the following limits:

- (1) A maximum of 50 percent of the total built floor area when located in NB zones; and
- (2) A maximum of 75 percent of the total built floor area when located in CB and O zones; provided, that the total percentage may be increased by an additional 10 percent with the approval of the director. (Ord. O99-29 § 1)

**21A.30.090 Mixed use development – Residential density.**

Base residential density for mixed use developments shall be determined using total site area according to SMC 21A.25.040(A). (Ord. O99-29 § 1)

**21A.30.100 Mixed use development – Building floor area.**

- (1) For mixed use developments that utilize at least 25 percent of building square footage for residential uses in the NB zone and at least 50 percent of building square footage in the CB or O zones, the building floor area ratio shall be as follows:
  - (a) 1.5/1 in NB zones;
  - (b) 3.5/1 in CB zones; and
  - (c) 4.0/1 in O zones.
- (2) Building floor area ratios of subsection (1) of this section may be increased when all required

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parking is contained within a common parking structure, as follows:

- (a) 2.0/1 in NB zones;
- (b) 4.5/1 in CB zones; and
- (c) 5.0/1 in O zones. (Ord. O99-29 § 1)

**21A.30.110 Mixed use development – Shared parking.**

For mixed use developments, a 20 percent reduction of required parking shall be permitted when the criteria of SMC 21A.40.040 for shared parking facilities are met. (Ord. O99-29 § 1)

**21A.30.120 Mobile home parks – Standards for existing parks.**

- (1) Mobile home parks established prior to August 3, 1999 shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.
- (2) Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved. Where internal setbacks are not specified, the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.
- (3) No spaces or pads in an existing mobile home park shall be used to accommodate recreational vehicles (RVs), except when the spaces or pads were specifically for RVs at the time the park was established.
- (4) An existing mobile home park may be enlarged, provided the proposed enlargement meets the standards set forth in SMC 21A.30.130.
- (5) Both insignia and non-insignia mobile homes may be installed in established parks; provided, that all mobile homes supported by piers shall be fully skirted, and that nonstandard mobile homes shall meet the minimum livability and safety requirements set forth in SMC Title 16, Buildings and Construction. (Ord. O99-29 § 1)

**21A.30.130 Mobile home parks – Standards for new parks.**

New mobile home parks shall be developed subject to the following standards:

- (1) A mobile home park shall be at least three acres in area;
- (2) Residential densities in a mobile home park shall be as follows:
  - (a) Six dwellings per acre in R-4 zone;
  - (b) The base density of the zone in which the park is located in all R-6 through R-18 zones; and
  - (c) Mobile home parks shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for mobile home parks set forth in Chapter 21A.75 SMC;
- (3) Both insignia and non-insignia mobile homes may be installed in mobile home parks; provided, that non-insignia mobile homes shall meet the minimum livability and safety requirements set forth in SMC Title 16, Uniform Building Code;
- (4) A mobile home park shall be exempt from impervious surface limits set forth in Chapter 21A.25 SMC;
- (5) At least one of the off-street parking spaces required for each mobile home shall be located on or

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- adjacent to each mobile home pad;
- (6) Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the adopted interim street standards as set forth in the public works standards for residential minor access streets;
  - (7) There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site. Accessory structures shall be located no closer than:
    - (a) Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;
    - (b) Five feet to accessory structures of mobile homes on adjacent spaces; and
    - (c) Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;
  - (8) All mobile homes and RVs supported by piers shall be fully skirted; and
  - (9) A mobile home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters. (Ord. O99-29 § 1)

**21A.30.140 On-site recreation – Space required.**

- (1) All single-family, multifamily and townhouse developments of more than four units, and mixed use developments of more than four units, shall provide recreation space excluding environmentally sensitive areas as defined by Chapter 21A.50 SMC for leisure, play or sport activities as follows:
  - (a) Residential developments at a density of eight units or less per acre: 390 square feet per unit;
  - (b) Attached residential developments at a density of greater than eight units per acre, and mixed use:
    - (i) Studio and one bedroom: 90 square feet per unit;
    - (ii) Two bedroom: 130 square feet per unit; and
    - (iii) Three or more bedroom: 170 square feet per unit.
- (2) Any recreation space located outdoors shall:
  - (a) Be of a grade and surface suitable for recreation;
  - (b) Be on the site of the proposed development;
  - (c) Have no dimensions less than 20 feet (except trail segments);
  - (d) When the required open space is less than 5,000 square feet, the required open space shall be located in a single area or tract;
  - (e) When the required open space exceeds 5,000 square feet:
    - (i) The space shall have a street roadway or parking area frontage along 10 percent or more of the recreation space perimeter (except trail segments);
    - (ii) A minimum of 60 percent of the required open space shall be located in a single area or tract;
    - (iii) At least one area or tract shall contain a minimum of 5,000 square feet;
  - (f) Be accessible and convenient to all residents within the development; and
  - (g) Be accessible by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.
- (3) Indoor recreation areas may be credited towards the total recreation space requirement, when the

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City determines that such areas are located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. For senior citizen assisted housing, indoor recreation areas need not be functionally equivalent but may include social areas, game and craft rooms, and other multi-purpose entertainment and education areas.

- (4) Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:
- (a) The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;
  - (b) The detention pond shall be constructed to meet the following conditions:
    - (i) The side slope of the stormwater facilities shall not exceed 33 percent unless slopes are existing, natural and covered with vegetation;
    - (ii) A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;
    - (iii) The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing; and
    - (iv) The stormwater facilities shall be designed so they do not require fencing pursuant to the King County surface water design manual.
  - (c) In the case of joint use of the tract for stormwater facilities and recreation space, the City shall be responsible for maintenance of the stormwater facilities only and will require an access easement for that purpose. (Ord. O2004-154 § 1; Ord. O99-29 § 1)

**21A.30.150 Recreation space – Fees in lieu of.**

If on-site recreation space is not provided, the applicant shall pay a fee-in-lieu of actual recreation space. The City's acceptance of this payment is discretionary, and may be permitted if the proposed on-site recreation space does not meet the criteria of this chapter, or the recreation space provided within a City park in the vicinity will be of greater benefit to the prospective residents of the development. Fees provided in lieu of on-site recreation space shall be determined annually by the City on the basis of the typical market value of the required recreation space land area prior to the development. Any recreational space provided by the applicant shall be credited toward the required fees. (Ord. O99-29 § 1)

**21A.30.160 On-site recreation – Play areas required.**

- (1) All single detached subdivisions, apartment, townhouse and mixed use development, excluding age restricted senior citizen housing, shall provide to children play areas within the recreation space on-site, except when facilities are available to the public within one-quarter mile that are developed as parks or playgrounds and are accessible without crossing of arterial streets.
- (2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:
  - (a) At least 400 square feet in size with no dimension less than 20 feet; and
  - (b) Adjacent to main pedestrian paths or near building entrances. (Ord. O99-29 § 1)

**21A.30.170 On-site recreation – Maintenance of recreation space or dedication.**

- (1) Recreation space as defined in SMC 21A.30.140(2) may be dedicated as a park open to the public in lieu of providing the on-site recreation required above when the following criteria are met:
  - (a) The dedicated area is at least 20 acres in size, except when adjacent to an existing or

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- planned public park;
  - (b) The dedicated land provides one or more of the following:
    - (i) Shoreline access;
    - (ii) Regional trail linkages;
    - (iii) Habitat linkages;
    - (iv) Recreation facilities; or
    - (v) Heritage sites; and
  - (c) The dedicated area is located within one mile of the project site.
- (2) Unless the recreation space is dedicated to the City pursuant to subsection (1) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City. (Ord. O99-29 § 1)

**21A.30.180 Storage space and collection points for recyclables.**

Developments shall provide storage space for the collection of recyclables as follows:

- (1) The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple-dwelling developments and any new square feet of building gross floor area in any other developments:
  - (a) One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a county-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
  - (b) Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
  - (c) Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
  - (d) Five square feet per every 1,000 square feet of building gross floor area in retail developments.
- (2) The storage space for residential developments shall be apportioned and located in collection points as follows:
  - (a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
  - (b) There shall be one collection point for every 30 dwelling units.
  - (c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.
  - (d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
  - (e) Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.
- (3) The storage space for nonresidential developments shall be apportioned and located in collection points as follows:
  - (a) Storage space may be allocated to a centralized collection point.
  - (b) Outdoor collection points shall not be located in any required setback areas.
  - (c) Collection points shall be located in a manner so that the swing of any collection point

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- gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.
- (d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.
- (4) The collection points shall be designed as follows:
- (a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.
  - (b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
  - (c) Collection points shall be identified by signs not exceeding two square feet.
  - (d) A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.
  - (e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
  - (f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
- (5) Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
- (6) The director may waive or modify specific storage space and collection point requirements set forth in this section if the director finds, in writing, that an alternate recycling program design proposed by the applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables. (Ord. O99-29 § 1)

### **21A.30.190 Fences.**

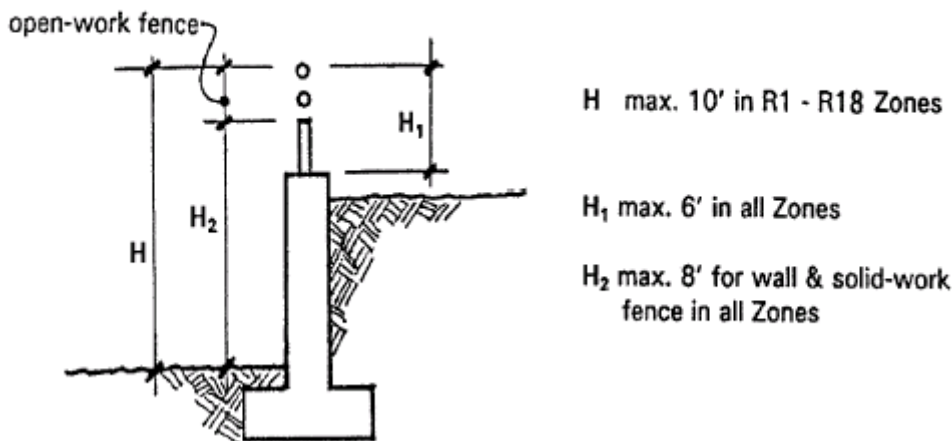
Fences are permitted as follows:

- (1) Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except: fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:
  - (a) In R-1 through R-18 zones:
    - (i) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and
    - (ii) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.
  - (b) In the R-18 and commercial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.
  - (c) Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection (1)(a)(i) of this

section), shall be an open-work fence.

- (2) Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the Uniform Building Code, SMC Title 16.

**RETAINING WALL WITH FENCE IN SETBACK**



- (3) Electric fences shall:
- (a) Be permitted in all zones; provided, that when placed within R-4 through R-18 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;
  - (b) Comply with the following requirements:
    - (i) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;
    - (ii) An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;
    - (iii) All electric fences in the R-4 through R-18 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and
    - (iv) Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency.
- (4) Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-18 zone. (Ord. O99-29 § 1)

**21A.30.200 Trail corridors – Applicability.**

Trail easements, or tracts, of sufficient width and length consistent with the dimensional standards as defined below, shall be provided by all developments, except for single detached residential permits, when such developments are located on properties that include trail corridors shown within an adopted City parks or trails plan. In addition to the general public, the residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement shall be counted as part of the site for purposes of density and floor area calculations. (Ord. O2005-172 § 3; Ord. O99-29 § 1)

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### **21A.30.210 Trail corridors – Development standards.**

Proposed public and private trails shall be reviewed by the department of community development for consistency with the following standards:

- (1) Use of Existing Corridors. Trails should generally be located along existing cleared areas or on improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, so as to avoid or minimize the need to remove additional vegetation and create other associated impacts. Where an existing right-of-way is wider than the cleared or improved area, proposed trails should generally be located on the cleared or improved portion of the right-of-way wherever possible, subject to safety and other technical factors. If sensitive areas exist on or in proximity to an existing cleared or improved corridor, then impacts from constructing the trail shall be mitigated consistent with Chapter 21A.50 SMC, including the recommendations from any required sensitive areas study. Trails may be located in other areas if it is demonstrated that a new corridor creates less overall or less incremental impact to sensitive areas and habitat while still achieving overall project goals and objectives. As shown in the adopted City comprehensive plan, parks plan or trails plan, trails and corridors should connect public lands, utility corridors, or rights-of-way or other public infrastructure to maximize transportation and public recreation uses.
- (2) Compatibility with Adjacent Land Uses. Trails should be designed and constructed to encourage users to remain on the trail, to diminish the likelihood of trespass and to promote privacy for adjacent landowners. The applicant shall propose for the department's review and approval the use of fencing, signage, landscaping or other appropriate means to accomplish this requirement. Any proposed lighting should be directed away from houses along the trail corridor. Safety of trail users and adjacent landowners shall be addressed through review of vehicle access and crossing locations and design. Allowed uses should be consistent with the trail types identified in an adopted city comprehensive plan, parks plan or trails plan, and/or determined through a City-approved, site-specific master planning process if applicable.
- (3) Width. The width of the cleared area, trail corridor, surface and shoulder should be designed consistent with AASHTO standards for public multi-use paved trails (Guide for the Development of Bicycle Facilities, 1999, as amended, American Association of State Highway and Transportation Officials), and with U.S. Forest Service standards (Trails Management Handbook, 1991, as amended, and Standard Specifications for Construction of Trails Handbook, 1984, as amended) if unpaved. Cleared areas shall be the minimum necessary consistent with the standards and requirements in the SMC.
- (4) Sensitive Areas and Buffers. Trail impacts to sensitive areas should be reviewed consistent with the impact avoidance and mitigation sequencing requirements of Chapter 21A.50 SMC. Mitigation of impacts is required, even for trails located on existing corridors consistent with subsection (1) of this section. Wetland and stream buffers shall be expanded to compensate for the total area of the trail corridor, including all disturbed areas located within the buffer area. No expansion shall be required for trails located on existing improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, within wetland or stream buffers. Mitigation shall be required for all impacts consistent with Chapter 21A.50 SMC.
- (5) Location. Except for approved viewing platforms, spur trails, wetland or stream crossings proposed consistent with Chapter 21A.50 SMC, or trails located on existing corridors consistent with subsection (1) of this section, trails that are proposed in proximity to wetlands or streams or

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associated buffers may only be located in the outer 25 percent of the wetland or stream buffer and should be generally aligned parallel to the stream or perimeter of the wetland. Spur trails and viewing structures should be designed to minimize impacts on sensitive area and wildlife habitat. Viewing platforms shall be placed landward of the wetland or stream edge.

- (6) **Wildlife.** Trails should be designed and constructed to encourage users to remain on the trail through the use of fencing, signage, landscaping or other appropriate means to minimize impacts to wildlife and habitat. In addition to the requirements related to wildlife corridors elsewhere in the SMC, trail location, lighting, construction decisions, and requirements for use (e.g., pet leash requirements, bicycle speed limits, etc.) should be guided by recommendations from sensitive areas studies to avoid, minimize and mitigate impacts to habitat for sensitive species. In a vegetation management plan developed for City review and approval consistent with SMC 21A.50.160, all disturbed areas shall be landscaped with appropriate native vegetation upon completion of trail construction or as soon thereafter as possible. The trail maintenance entity shall ensure that such vegetation survives through an appropriate mechanism. An integrated vegetation and pest management plan shall be developed by the applicant and approved by the department that avoids or minimizes the use of pesticides, herbicides and other hazardous substances.
- (7) **Surfacing.** To promote infiltration and groundwater recharge and to minimize slope instability, trail surfaces shall be made of pervious materials. Public multi-use trails, or other trails determined by the department to require impervious surfaces, may be paved; however, pervious paving or other low-impact techniques that meet overall project goals for cost and durability are encouraged. Boardwalks may be used for areas subject to regular inundation, and should be constructed with nonhazardous materials. Impervious materials may also be used if necessary for soil stabilization or to prevent soil erosion, or if the trail is specifically designed and intended to be accessible to physically challenged persons and is identified as such in an adopted city comprehensive plan, parks plan or trails plan. (Ord. O2005-172 § 3; Ord. O99-29 § 1)

**21A.30.220 Trail corridors – Maintenance of trail corridors/improvements.**

Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City. (Ord. O99-29 § 1)

**21A.30.230 Wildlife habitat corridors – Applicability.**

Habitat corridors shall be set aside and protected along the designated wildlife habitat network adopted by the interim comprehensive plan as follows:

- (1) Wildlife habitat corridors shall apply to the following development activities on parcels that include a portion of a designated wildlife habitat corridor:
  - (a) All subdivisions and short subdivisions;
  - (b) All building permits on individual lots created prior to January 1, 1995.
- (2) Habitat corridors shall be identified and protected in one of the following ways:
  - (a) Subdivisions and short subdivisions shall either place the corridor in a contiguous permanent open space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots so that conservation easements on individual lots can form a contiguous easement covering the corridor;

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- (b) Individual lots shall place the corridor in a conservation easement. (Ord. O99-29 § 1)

**21A.30.240 Wildlife habitat corridors – Design standards.**

Corridor design shall be reviewed by the department for consistency with the following standards:

- (1) The wildlife habitat corridor shall be sited on the property in order to meet the following conditions:
  - (a) Forms one contiguous tract that enters and exits the property at the points the designated wildlife habitat network crosses the property boundary;
  - (b) Maintains a width, wherever possible, of 300 feet. The network width shall not be less than 150 feet wide at any point;
  - (c) Be contiguous with and may include sensitive area tracts and their buffers.
- (2) When feasible, the wildlife habitat corridor shall be sited on the property in order to meet the following conditions:
  - (a) Connect isolated sensitive areas or habitat; and
  - (b) Connect with wildlife habitat corridors, open space tracts or wooded areas on adjacent properties, if present.
- (3) The wildlife corridor tract shall be permanently marked consistent with the methods contained in SMC 21A.50.170. Conservation easements are exempt from the permanent marking requirement.
- (4) A management plan for the wildlife corridor contained within a tract or tracts shall be prepared that specifies the permissible extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the department. The approved management plan for a subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the department for review and approval, and recorded with the conservation easement.
- (5) Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan. No clearing shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.
- (6) A homeowner's association or other entity capable of long term maintenance and operation shall be established to monitor and assure compliance with the management plan.
- (7) Wildlife corridors set aside in tracts or conservation easements shall meet the provisions in SMC 16.15.120.
- (8) The permanent open space tract containing the wildlife corridor may be credited toward the other applicable requirements such as surface water management and the recreation space requirement of SMC 21A.30.140, provided the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife corridor tract shall be clearly identified in the management plan.
- (9) At the discretion of the director, these standards may be waived or reduced for public facilities such as schools, fire stations, parks, and public road projects. (Ord. O99-29 § 1)

**21A.30.250 Public agency and utility yards – Design requirements.**

Public agency and utility yards are subject to the following design requirements:

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- (1) Public agency and utility yards and associated structures located on sites that have direct access to principal arterials shall be set back a minimum of 15 feet from residentially zoned properties;
  - (2) Public agency and utility yards and associated structures located on sites that have direct access to minor or collector arterials shall be set back a minimum of 20 feet from residentially zoned properties and shall incorporate one of the following into the site design:
    - (a) Solid wood fencing around the perimeter of the site; or
    - (b) Increased landscaping density to provide a "green wall" or visually solid landscaping effect.
  - (3) Vehicle and equipment start-up and maintenance areas shall be buffered from adjacent properties by buildings or structures designed to reduce visual and noise impacts; and
  - (4) Vehicle and equipment start-up and maintenance areas shall be set back from adjacent properties subject to the following criteria:
    - (a) Vehicle and equipment startup and maintenance areas shall be set back a minimum of 30 feet from adjacent properties; or
    - (b) Vehicle and equipment start-up and maintenance areas shall be set back a minimum of 15 feet from adjacent properties, provided:
      - (i) That site design shall ensure that noise generated on the site does not exceed 70 decibels as measured at the shared property line; and
      - (ii) That site design incorporates buildings or structures designed to be consistent with the design of adjacent residential development;
    - (c) Required setback areas shall provide landscaping for the entire setback area. (Ord. O2005-170 § 1)

**21A.30.260 Satellite public agency and utility yards – Design requirements.**

Satellite public agency and utility yards are subject to the following design requirements:

- (1) Buildings and structures shall be set back a minimum of 15 feet from residentially zoned properties;
- (2) Vehicle and equipment start-up and maintenance areas shall be buffered from adjacent properties by incorporating one of the following site design features:
  - (a) Buildings or structures are designed to reduce visual and noise impacts;
  - (b) Ensuring that noise generated from the satellite public agency and utility yard shall not exceed 60 decibels as measured at the property line; or
  - (c) Providing 30 feet of landscaping area between the proposed development and adjacent residentially zoned properties;
- (3) Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 8:00 p.m., and Saturday and Sunday, 7:00 a.m. to 6:00 p.m., except in response to emergency situations or following community events (e.g., ball games, concerts, community picnics, etc.). (Ord. O2005-170 § 1)

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**Chapter 21A.50**  
**ENVIRONMENTALLY SENSITIVE AREAS**

Sections:

21A.50.010	Purpose.
21A.50.020	Applicability.
21A.50.030	Appeals.
21A.50.040	Sensitive areas rules.
21A.50.050	Complete exemptions.
21A.50.060	Partial exemptions.
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21A.50.090	Sensitive area maps and inventories.
21A.50.100	Disclosure by applicant.
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21A.50.120	Sensitive area special study requirement.
21A.50.130	Contents of sensitive area special study.
21A.50.140	Mitigation, maintenance, monitoring and contingency.
21A.50.145	Avoidance and mitigation sequencing.
21A.50.150	Financial guarantees.
21A.50.160	Vegetation management plan.
21A.50.170	Sensitive area markers and signs.
21A.50.180	Notice on title.
21A.50.190	Sensitive area tracts and designations on site plans.
21A.50.200	Recodified.
21A.50.210	Building setbacks.
21A.50.220	Erosion hazard areas – Development standards and permitted alterations.
21A.50.230	Flood hazard areas – Components.
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21A.50.250	Channel relocation and stream meander areas.
21A.50.260	Landslide hazard areas – Development standards and permitted alterations.
21A.50.270	Seismic hazard areas – Development standards and permitted alterations.
21A.50.280	Steep slope hazard areas – Development standards and permitted alterations.
21A.50.290	Wetlands – Development standards.
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21A.50.320	Wetlands – Limited exemption.
21A.50.330	Streams – Development standards.
21A.50.340	Streams – Permitted alterations.
21A.50.350	Streams – Mitigation requirements.
21A.50.360	Sensitive areas mitigation fee – Creation of fund.
21A.50.370	Sensitive areas mitigation fee – Source of funds.
21A.50.380	Sensitive areas mitigation fee – Use of funds.

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21A.50.390 Sensitive areas mitigation fee – Investment of funds.

**21A.50.010 Purpose.**

The purpose of this chapter is to implement the goals and policies of the Washington State Growth Management Act, Chapter 36.70A RCW, the State Environmental Policy Act, Chapter 43.21C RCW, and the City of Sammamish comprehensive plan that call for protection of the functions and values of the natural environment and the public health and safety by:

- (1) Establishing development standards to protect defined sensitive areas;
- (2) Protecting members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, avalanche, landslides, seismic events, soil subsidence or steep slope failures;
- (3) Protecting unique, fragile, and valuable elements of the environment including, but not limited to, wildlife and its habitat;
- (4) Requiring mitigation of unavoidable impacts on environmentally sensitive areas by regulating alterations in or near sensitive areas;
- (5) Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater, wetlands, and streams;
- (6) Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions and values;
- (7) Protecting the public trust as to navigable waters and aquatic resources;
- (8) Meeting the requirements of the National Flood Insurance Program and maintaining the City as an eligible community for federal flood insurance benefits;
- (9) Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of sensitive areas; and
- (10) Providing City officials with sufficient information to protect sensitive areas. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.020 Applicability.**

- (1) The provisions of this chapter shall apply to all land uses in City of Sammamish, and all persons within the City shall comply with the requirements of this chapter.
- (2) The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.
- (3) Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
- (4) When any provision of any other chapter of the Sammamish Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision that provides more protection to environmentally sensitive areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations.
- (5) The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and WAC Title 222. (Ord. O99-29 § 1)

**21A.50.030 Appeals.**

Any decision to approve, condition or deny a development proposal based on the requirements of this

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chapter may be appealed according to and as part of the appeal procedure for the permit or approval involved. (Ord. O99-29 § 1)

**21A.50.040 Sensitive areas rules.**

Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such administrative rules and regulations as are necessary and appropriate to implement this chapter and to prepare and require the use of such forms as are necessary to its administration. (Ord. O99-29 § 1)

**21A.50.050 Complete exemptions.**

The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder:

- (1) Alterations in response to emergencies that threaten the public health, safety, and welfare or that pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the department immediately. The director shall confirm that an emergency exists and determine what, if any, mitigation shall be required to protect the health, safety, welfare and environment and to repair any resource damage;
- (2) Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices, as follows:
  - (a) Normal and routine maintenance or repair of existing utility structures or rights-of-way;
  - (b) Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency that approves the new location of the facilities;
  - (c) Replacement, operation, repair, modification, installation, or construction in existing developed utility corridors, an improved City street right-of-way or City-authorized private street of all electric facilities, lines, equipment, or appurtenances, not including substations;
  - (d) Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances, only when required by a local governmental agency that approves the new location of the facilities;
  - (e) Replacement, operation, repair, modification, installation, or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances when such facilities are located within an improved public right-of-way or authorized private street;
- (3) Maintenance, operation, repair, modification, or replacement of publicly improved streets as long as any such alteration does not involve the expansion of streets or related improvements into previously unimproved rights-of-way or portions of rights-of-way;
- (4) Maintenance, operation, or repair of parks, trails and publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved areas or new clearing of native vegetation beyond routine pruning and related activities;
- (5) All clearing and grading activities that are exempt from the requirement for a clearing and grading permit as specified in SMC 16.15.050, unless these activities require other permits or

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authorizations as specified in SMC 21A.50.020. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.060 Partial exemptions.**

- (1) The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 21A.50.180 through 21A.50.180, and the flood hazard area provisions, SMC 21A.50.230 through 21A.50.230:
  - (a) Structural modification of, addition to or replacement of structures, except single detached residences, in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, sensitive area or buffer;
  - (b) Structural modification of, addition to or replacement of single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than 1,000 square feet over that existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the sensitive area or, if the existing residence is in the sensitive area, extends farther into the sensitive area; and
  - (c) Maintenance or repair of structures that do not meet the development standards of this chapter for landslide or seismic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair;
- (2) The grazing of livestock is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the livestock restriction provisions, SMC 21A.50.290 and 21A.50.330, and any animal density limitations established by law, if the grazing activity was in existence before November 27, 1990;
- (3) A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 21A.50.180 through 21A.50.180, if:
  - (a) The City previously reviewed all sensitive areas on the site;
  - (b) There is no material change in the development proposal since the prior review;
  - (c) There is no new information available that is important to any sensitive area review of the site or particular sensitive area;
  - (d) The permit or approval under which the prior review was conducted has not expired or, if no expiration date, no more than five years lapsed since the issuance of that permit or approval; and
  - (e) The prior permit or approval, including any conditions, has been complied with. (Ord. O99-29 § 1)

**21A.50.070 Exceptions.**

- (1) If the application of this chapter would prohibit an activity or a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this section:
  - (a) The public agency or utility shall apply to the department and shall make available to the

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- department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
- (b) The department shall review the application based on the following criteria:
    - (i) There is no other reasonable alternative to the activity or proposed development with less impact on the sensitive area; and
    - (ii) The activity or development proposal is designed to avoid, mitigate or minimize the impact on environmentally sensitive areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and, if applicable:
    - (iii) The proposed development or activity is of a linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.
  - (c) The department shall process exceptions, provide public notice, provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of Chapter 20.05 SMC.
  - (d) This exception shall not allow the use of the following sensitive areas for regional stormwater management facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
    - (i) Class 1 streams or buffers;
    - (ii) Class 1 wetlands or buffers with plant associations of infrequent occurrence; or
    - (iii) Class 1 or 2 wetlands or buffers that provide critical or outstanding habitat for herons, raptors, or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.
- (2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:
- (a) The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of Chapter 21A.110 SMC. The applicant shall apply to the department, and the department shall make a final decision based on the following criteria:
    - (i) The application of this chapter would deny all reasonable use of the property;
    - (ii) There is no other reasonable use with less impact on the sensitive area;
    - (iii) The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
    - (iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

#### **21A.50.080 Modification or waiver of sensitive area requirements – Urban lots.**

The purpose of this section is to provide an alternative to the variance and exception processes for minor

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development. A further purpose of this section is to minimize impacts to sensitive areas by allowing minor modifications of the development code that allow single-family residences on existing, legal urban lots without requiring a variance or exception. The director shall have the discretion to modify or waive some or all of the requirements of this title, including mitigation requirements, pertaining to Class 3 wetlands, Class 3 streams, and their associated buffers or building setback areas in accordance with the provisions of this section.

- (1) An applicant may request a modification or waiver of sensitive area requirements pursuant to this section.
- (2) The applicant for the modification or waiver of sensitive area requirements shall submit any sensitive area special studies following a preapplication review meeting as required under SMC 21A.50.120 as well as such other documents, studies, as requested by the director.
- (3) The director may grant a modification or waiver of sensitive area requirements provided:
  - (a) The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the building footprint exceed 5,000 square feet, including access;
  - (b) Access is located so as to have the least impact on the sensitive area and its buffer;
  - (c) The proposal preserves the functions and values of wetlands and streams to the maximum extent possible;
  - (d) Adverse impacts resulting from alterations of steep slopes are minimized;
  - (e) The proposal includes on-site mitigation to the maximum extent possible;
  - (f) The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards either on neighboring properties or on the proposal itself; and
  - (g) The proposal first develops nonsensitive area land, then the sensitive area buffer before the sensitive area itself is developed.

The director may require on-site or off-site mitigation measures to compensate for the loss of the functions and values of the sensitive areas and may impose mitigating conditions to the modification or waiver in order to meet the standards of this subsection (3) of this section.

- (4) Where a modification or waiver of sensitive area requirements under this section is proposed, the director shall give written mailed notice of the proposed modification or waiver to all owners of property located within 500 feet of any boundary of the subject property and to the water and land resources division and shall allow 15 calendar days for comment before making a decision. The decision of the director regarding the modification or waiver shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for denial or any required mitigation or other conditions imposed. The decision of the director regarding the modification or waiver may be appealed per SMC 21A.50.030.
- (5) This section shall not apply to the following steep slope hazard areas:
  - (a) Steep slope hazard areas that are unmitigatable landslide hazard areas; and
  - (b) Steep slope hazard areas of slope greater than 40 percent where either the lot or slope are abutting and above a Class 1 or 2 wetland stream, and associated buffer, or an open stormwater conveyance system. (Ord. O99-29 § 1)

#### **21A.50.090 Sensitive area maps and inventories.**

The distribution of many environmentally sensitive areas in western King County is displayed on maps in

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the sensitive areas map folio. Many of the wetlands are inventoried and rated and that information is published in the King County wetlands inventory notebooks. Many flood hazard areas are mapped by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County." If there is a conflict among the maps, inventory and site-specific features, the department of community development shall verify the actual presence or absence of the features defined in this title as sensitive areas. The determination may be challenged by the property owner. (Ord. O99-29 § 1)

**21A.50.100 Disclosure by applicant.**

- (1) The applicant shall disclose to the City the presence of sensitive areas on the development proposal site and any mapped or identifiable sensitive areas within 150 feet of the applicant's property.
- (2) If the development proposal site contains or is within a sensitive area, the applicant shall submit an affidavit that declares whether the applicant has knowledge of any illegal alteration to any or all sensitive areas on the development proposal site and whether the applicant previously has been found in violation of this chapter, pursuant to SMC Title 23. If the applicant previously has been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the City. (Ord. O99-29 § 1)

**21A.50.110 Sensitive area review.**

- (1) The City shall perform a sensitive area review for any City development proposal permit application or other request for permission to proceed with an alteration on a site that includes a sensitive area or is within an identified sensitive area buffer or building setback area.
- (2) As part of the sensitive area review, the City shall:
  - (a) Determine whether any sensitive area exists on the property and confirm its nature and type;
  - (b) Determine whether a sensitive area special study is required;
  - (c) Evaluate the sensitive area special study;
  - (d) Determine whether the development proposal is consistent with this chapter;
  - (e) Determine whether any proposed alteration to the sensitive area is necessary; and
  - (f) Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals, purposes, objectives, and requirements of this chapter. (Ord. O99-29 § 1)

**21A.50.120 Sensitive area special study requirement.**

- (1) An applicant for a development proposal that includes a sensitive area or is within an identified sensitive area buffer shall submit a sensitive area special study to adequately evaluate the proposal and all probable impacts.
- (2) The director may waive the requirement for a special study if the applicant shows, to the director's satisfaction, that:
  - (a) There will be no alteration of the sensitive area or buffer;
  - (b) The development proposal will not have an impact on the sensitive area in a manner contrary to the goals, purposes, objectives, and requirements of this chapter; and
  - (c) The minimum standards required by this chapter are met.
- (3) If necessary to insure compliance with this chapter, the director may require additional information from the applicant, separate from the special study. (Ord. O99-29 § 1)

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**21A.50.130 Contents of sensitive area special study.**

- (1) The sensitive area special study shall be in the form of a written report and shall contain the following, as applicable:
  - (a) Identification and characterization of all sensitive areas on or encompassing the development proposal site;
  - (b) Assessment of the impacts of any alteration proposed for a sensitive area or buffer, assessment of the impacts of any alteration on the development proposal, other properties and the environment, and/or assessment of the impacts to the development proposal resulting from development in the sensitive area or buffer;
  - (c) Studies that propose adequate mitigation, maintenance, monitoring, and contingency plans and bonding measures;
  - (d) A scale map of the development proposal site; and
  - (e) Detailed studies, as required by the City of Sammamish;
- (2) A sensitive area special study may be combined with any studies required by other laws and regulations; and
- (3) If the development proposal will affect only a part of the development proposal site, the director may limit the scope of the required special study to include only that part of the site that may be affected by the development. (Ord. O99-29 § 1)

**21A.50.140 Mitigation, maintenance, monitoring and contingency.**

- (1) As determined by the City of Sammamish, mitigation, maintenance, and monitoring measures shall be in place to protect sensitive areas and buffers from alterations occurring on the development proposal site.
- (2) Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring. (Ord. O99-29 § 1)

**21A.50.145 Avoidance and mitigation sequencing.**

- (1) An applicant for a development proposal, activity, or alteration, shall document the consideration and subsequently shall implement the following sequential measures, which appear in general order of preference, to avoid, minimize, and mitigate impacts to environmentally sensitive areas and associated buffers:
  - (a) Avoiding the impact or hazard by not taking a certain action, or redesigning the proposal to eliminate the impact. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid sensitive area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, conditional, or special use in the SMC. In determining the extent to which the proposal should be redesigned to avoid the impact, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified modifications to the proposal.

The department may also consider the extent to which the avoidance of one type or location of an environmentally sensitive area could require or lead to impacts to other types or locations of nearby or adjacent environmentally sensitive areas. The department should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of

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the relevant environmentally sensitive areas and based on the recommendations of a sensitive areas study. If impacts cannot be avoided through redesign, or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in subsection (1)(b) through (g) of this section.

- (b) Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact with appropriate technology or by changing the timing of the action.
  - (c) Restoring the impacted sensitive areas by repairing, rehabilitating or restoring the affected critical area or its buffer.
  - (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through plantings, engineering or other methods.
  - (e) Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal, activity or alteration.
  - (f) Compensating for the adverse impact by enhancing sensitive areas and their buffers or creating substitute sensitive areas and their buffers as required in the SMC.
  - (g) Monitoring the impact, hazard or success of required mitigation and taking remedial action based upon findings over time.
- (2) In addition to the above steps, the specific development standards, permitted alteration requirements, and mitigation requirements of this chapter and elsewhere in the SMC apply.
- (3) The department shall document the decision-making process used under this section as a part of the sensitive areas review conducted pursuant to SMC 21A.50.110. (Ord. O2005-172 § 4)

**21A.50.150 Financial guarantees.**

Financial guarantees shall be required consistent with the provisions of SMC Title 27A. (Ord. O99-29 § 1)

**21A.50.160 Vegetation management plan.**

- (1) For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with an alteration.
- (2) The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a sensitive area or its buffer is proposed to be disturbed.
- (3) Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices that demonstrates how all sensitive areas will be protected in accordance with the provisions of this chapter.
- (4) Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.
- (5) The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.
- (6) Submittal requirements for vegetation management plans shall be set forth in administrative rules. (Ord. O99-29 § 1)

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**21A.50.170 Sensitive area markers and signs.**

- (1) Permanent survey stakes delineating the boundary between adjoining property and sensitive area tracts shall be set, using iron or concrete markers as established by current survey standards.
- (2) The boundary between a sensitive area tract and contiguous land shall be identified with permanent signs. (Ord. O99-29 § 1)

**21A.50.180 Notice on title.**

- (1) The owner of any property containing sensitive areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the records and elections division. The required contents and form of the notice shall be set forth in administrative rules. The notice shall inform the public of the presence of sensitive areas or buffers on the property, of the application of this chapter to the property and that limitations on actions in or affecting such sensitive areas or buffers may exist. The notice shall run with the land.
- (2) The applicant shall submit proof that the notice has been filed for public record before the City shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording. (Ord. O99-29 § 1)

**21A.50.190 Sensitive area tracts and designations on site plans.**

- (1) Sensitive area tracts shall be used to delineate and protect those sensitive areas and buffers listed below in development proposals for subdivisions, short subdivisions, or binding site plans and shall be recorded on all documents of title of record for all affected lots:
  - (a) All landslide hazard areas and buffers that are one acre or greater in size;
  - (b) All steep slope hazard areas and buffers that are one acre or greater in size;
  - (c) All wetlands and buffers; and
  - (d) All streams and buffers.
- (2) Any required sensitive area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership, maintenance, and protection of the tract, or dedicated to the City of Sammamish, at the City's discretion.
- (3) Site plans submitted as part of development proposals for building permits, master plan developments, and clearing and grading permits shall include and delineate all flood hazard areas, (if they have been mapped by FEMA or King County or if a special study is required) landslide, and steep slope hazard areas, streams and wetlands, buffers, and building setbacks. If only a part of the development site has been mapped pursuant to SMC 21A.50.130(3), the part of the site that has not been mapped shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by SMC 21A.50.180. (Ord. O99-29 § 1)

**21A.50.200 Alteration.**

*Recodified to Ch. 21A.15 by Ord. O2005-172. (Ord. O99-29 § 1)*

**21A.50.210 Building setbacks.**

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the

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edges of all sensitive area buffers or from the edges of all sensitive areas, if no buffers are required. The following may be allowed in the building setback area:

- (1) Landscaping;
- (2) Uncovered decks;
- (3) Building overhangs if such overhangs do not extend more than 18 inches into the setback area;
- (4) Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions specified in administrative rules adopted for the various sensitive areas; and
- (5) Trails. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.220 Erosion hazard areas – Development standards and permitted alterations.**

- (1) Clearing on an erosion hazard area is allowed only from April 1st to September 1st, except that:
  - (a) Up to 15,000 square feet may be cleared on any lot, subject to any other requirement for vegetation retention and subject to any clearing and grading permit required by Chapter 16.15 SMC; and
  - (b) Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.
- (2) All development proposals on sites containing erosion hazard areas shall include a temporary erosion control plan consistent with this section and other laws and regulations prior to receiving approval. Specific requirements for such plans shall be set forth in administrative rules.
- (3) All subdivisions, short subdivisions, or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
  - (a) Except as provided in this section, existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
  - (b) If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to the department for review and approval. Following approval, the applicant shall be required to implement the plan;
  - (c) Clearing of vegetation on lots may be allowed without a separate clearing and grading permit if the City determines that:
    - (i) Such clearing is a necessary part of a large scale grading plan;
    - (ii) It is not feasible to perform such grading on an individual lot basis; and
    - (iii) Drainage from the graded area will meet water quality standards to be established by administrative rules.
- (4) Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site. If the project does not meet water quality standards established by law or administrative rules, the City may suspend further development work on the site until such standards are met.
- (5) The use of hazardous substances, pesticides, and fertilizers in erosion hazard areas may be prohibited by the City. (Ord. O99-29 § 1)

**21A.50.230 Flood hazard areas – Components.**

- (1) A flood hazard area consists of the following components:

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- (a) Floodplain;
  - (b) Flood fringe;
  - (c) Zero-rise floodway; and
  - (d) Federal Emergency Management Agency (FEMA) floodway.
- (2) The City engineer shall determine the flood hazard area after obtaining, reviewing, and utilizing base flood elevations and available floodway data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." The base flood is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by the City, in which case these future flow projections shall be used. In areas where the flood insurance study includes detailed base flood calculations, those calculations may be used until projections of future flows are completed and approved by the City engineer. (Ord. O99-29 § 1)

**21A.50.240 Flood hazard areas – Certification by engineer or surveyor.**

- (1) For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the state of Washington of:
- (a) The actual as-built elevation of the lowest floor, including basement; and
  - (b) The actual as-built elevation to which the structure is floodproofed, if applicable.
- (2) The engineer or surveyor shall indicate if the structure has a basement.
- (3) The City shall maintain the certifications required by this section for public inspection. (Ord. O99-29 § 1)

**21A.50.250 Channel relocation and stream meander areas.**

No structure shall be allowed that would be at risk due to channel relocation or stream meander until the promulgation of a public rule. (Ord. O99-29 § 1)

**21A.50.260 Landslide hazard areas – Development standards and permitted alterations.**

A development proposal containing a landslide hazard area shall meet the following requirements:

- (1) A minimum buffer of 50 feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare. For landslide hazard areas that are also steep slopes over 200 feet in height, the building setback shall be 50 feet from the buffer. The building setback may be reduced to a minimum of 15 feet from the buffer if, based on a special study, the City of Sammamish determines that the reduction will adequately protect the proposed development and the sensitive area. For single-family residential building permits only, the director may waive the special study requirement and authorize building setback reductions, pursuant to SMC 21A.50.080 or if the director determines that the reduction will adequately protect the proposed development and the sensitive area;
- (2) Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;

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- (3) Vegetation on slopes within a landslide hazard area or buffer that has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to an enhancement plan approved by the City. The use of hazardous substances, pesticides, and fertilizers in landslide hazard areas and their buffers may be prohibited by the City; and
  - (4) Alterations to landslide hazard areas and buffers may be allowed only as follows:
    - (a) A landslide hazard area located on a slope 40 percent or steeper may be altered only if the alteration meets the standards and limitations set forth for steep slope hazard areas in SMC 21A.50.280;
    - (b) A landslide hazard area located on a slope less than 40 percent may be altered only if the alteration meets the following requirements:
      - (i) The development proposal will not decrease slope stability on contiguous properties; and
      - (ii) Mitigation based on the best available engineering and geological practices is implemented that either eliminates or minimizes the risk of damage, death, or injury resulting from landslides; and
    - (c) Neither buffers nor a sensitive area tract shall be required if the alteration meets the standards of subsection (4)(b) of this section. (Ord. O99-29 § 1)

**21A.50.270 Seismic hazard areas – Development standards and permitted alterations.**

A development proposal containing a seismic hazard area shall meet the following requirements:

- (1) Unless exempt, development proposals shall be subject to review standards based on two occupancy types: critical facilities and other structures. The review standards for critical facilities shall be based on larger earthquake re-occurrence intervals. The review standards for both occupancy types shall be set forth in administrative rules;
- (2) Alterations to seismic hazard areas may be allowed only as follows:
  - (a) The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
  - (b) Mitigation based on the best available engineering and geological practices is implemented that either eliminates or minimizes the risk of damage, death, or injury resulting from seismically induced settlement or soil liquefaction; and
  - (c) Mobile homes may be placed in seismic hazard areas without performing special studies to address the seismic hazard. Such mobile homes may be subject to special support and tie-down requirements. These requirements shall be set forth in administrative rules;
- (3) Buildings with less than 2,500 square feet of floor area or roof area (whichever is greater) that contain no living quarters and that are not used as places of employment or public assembly exempt from the provisions of this section. (Ord. O99-29 § 1)

**21A.50.280 Steep slope hazard areas – Development standards and permitted alterations.**

A development proposal containing a steep slope hazard area shall meet the following requirements:

- (1) A minimum buffer of 50 feet shall be established from the top, toe, and along all sides of any slope 40 percent or steeper. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare. The buffer may be reduced to a minimum of 10 feet if, based on a special study, the City determines

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- that the reduction will adequately protect the proposed development and the sensitive area. The buffer may only be reduced to 25 feet in the case of erosion hazard areas. For single-family residential building permits only, the director may waive the special study requirement and authorize buffer reductions, pursuant to SMC 21A.50.080 or if the director determines that the reduction will adequately protect the proposed development and the sensitive area;
- (2) Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
  - (3) Vegetation on steep slopes within steep slope hazard areas or their buffers that has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to a vegetation management plan approved by the City. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by the City;
  - (4) Alterations to steep slope hazard areas and buffers may be allowed only as follows:
    - (a) Approved surface water conveyances, as specified in the applicable City-adopted stormwater requirements, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;
    - (b) Public and private trails should not be located on steep slopes if possible, but may be allowed on steep slopes subject to the standards and mitigations contained in this chapter and the SMC;
    - (c) Utility corridors may be allowed on steep slopes if a special study shows that such alteration will not subject the area to the risk of landslide or erosion;
    - (d) Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules;
    - (e) Stabilization of sites where erosion or landsliding threaten public or private structures, utilities, roads, driveways or trails, or where erosion and landsliding threatens any lake, stream, wetland, or shoreline. Stabilization work shall be performed in a manner that causes the least possible disturbance to the slope and its vegetative cover; and
    - (f) Reconstruction, Remodeling or Replacement of Existing Structures. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed provided:
      - (i) If within the buffer, the structure is located no closer to the steep slope than the existing structure;
      - (ii) The existing impervious surface within the buffer or steep slope is not expanded as a result of the reconstruction or replacement;
  - (5) Point discharges from surface water facilities onto or upstream from steep slope hazard areas that are also erosion hazard areas shall be prohibited except as follows:
    - (a) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;
    - (b) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the

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- predevelopment state; or
  - (c) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff;
  - (6) The following are exempt from the provisions of this section:
    - (a) Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and
    - (b) The approved regrading of any slope that was created through previous legal grading activities. Any slope that remains 40 percent or steeper following site development shall be subject to all requirements for steep slopes. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.290 Wetlands – Development standards.**

A development proposal on a parcel or parcels containing a wetland or associated buffer of a wetland located on-site or off-site shall meet the following requirements:

- (1) The following minimum buffers shall be established from the wetland edge:
  - (a) A Class 1 wetland shall have a 150-foot buffer;
  - (b) A Class 2 wetland shall have a 50-foot buffer;
  - (c) A Class 3 wetland shall have a 25-foot buffer;
  - (d) Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved; and
  - (e) Any wetland within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:
    - (i) The minimum buffer required for the wetland class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class; or
    - (ii) A 25-foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;
- (2) Buffer width averaging may be allowed by the department if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease (see also SMC 21A.30.210(4) for buffer compensation requirements for trails);
- (3) Increased buffer widths shall be required by the department when necessary to protect wetlands. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to wetlands, and groundwater recharge and discharge;
- (4) The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the City;
- (5) Unless otherwise provided, the following restrictions shall apply to all development proposals that include the introduction of livestock:
  - (a) To prevent damage to Class 1 and 2 wetlands:
    - (i) A plan to protect and enhance the wetland's water quality shall be implemented



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- (c) The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to 75 percent of the buffer width from the wetland edge;
  - (d) Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than 12 inches in diameter at breast height, when possible, and pesticides, herbicides and other hazardous substances are not used;
  - (e) An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor including any allowed maintenance roads, is provided to protect the wetland;
  - (f) The corridor is revegetated with appropriate vegetation native to King County at preconstruction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;
  - (g) Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and
  - (h) The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than 15 feet, the road is maintained without the use of herbicides, pesticides or other hazardous substances and the location of the road is contiguous to the utility corridor on the side away from the wetland;
- (7) Joint use of an approved sewer utility corridor by other utilities may be allowed;
- (8) The following surface water management activities and facilities may be allowed in wetlands or their buffers only as follows:
- (a) Surface water discharge to a wetland from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;
  - (b) A Class 1, 2 or 3 wetland or buffer may be used for a regional retention/detention facility if:
    - (i) A public agency and utility exception is granted pursuant to SMC 21A.50.070;
    - (ii) All requirements of the applicable City-adopted stormwater requirements are met;
    - (iii) The use will not alter the rating or the factors used in rating the wetland;
    - (iv) The proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and
    - (v) There are no significant adverse impacts to the wetland;
  - (c) Isolated Class 3 wetlands and buffers that are grazed wet meadows may be used as a flow control facility if:
    - (i) Presettlement pond or water quality treatment is required prior to flow into the wetland; and
    - (ii) They are not part of, or immediately adjacent to, an LSRA, RSRA or a designated wildlife habitat corridor and all requirements of the applicable City-adopted stormwater requirements are met; and
  - (d) Use of a wetland buffer for a surface water management activity or facility, other than a flow control or water quality treatment facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the department, that:
    - (i) No practicable alternative exists; and

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- (ii) The functions of the buffer or the wetland are not adversely affected;
- (9) Public and private trails may be allowed in wetland buffers consistent with the standards and requirements in this chapter, development standards in Chapter 21A.30 SMC, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a certified wetland biologist and a sensitive area study may be required;
- (10) A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25, if:
- (a) The existing and zoned density around the wetland is three dwelling units per acre or more;
- (b) At least 75 percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and
- (c) Open water is a significant component of the wetland;
- (11) Alterations to isolated wetlands may be allowed only as follows:
- (a) On sites of less than 20 acres in size, one isolated wetland may be altered by relocating its functions into a new wetland on the site pursuant to an approved mitigation plan;
- (b) On sites 20 acres or greater in size, up to three isolated wetlands may be altered by combining their functions into one or more replacement wetlands on the site pursuant to an approved mitigation plan; and
- (c) Whenever an isolated wetland is altered pursuant to this subsection, the replacement wetland shall include enhancement for wildlife habitat;
- (12) One additional agricultural building or associated residence may be allowed within the wetland buffer on a grazed wet meadow if all hydrologic storage is replaced on the site;
- (13) Subject to a clearing and grading permit issued pursuant to Chapter 16.15 SMC, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;
- (14) The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way, within wetlands or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New wetland road and trail crossings may be allowed if:
- (a) The director determines that:
- (i) The crossing is identified as a part of a corridor shown in a City-adopted parks or trails plan, park master plan, transportation plan, or comprehensive plan, or otherwise is necessary to connect or construct the road or trail to publicly-owned lands, utility corridors, rights-of-way or other public infrastructure, or is required to provide access to property where no other reasonable alternative access is possible; or
- (ii) The applicant demonstrates that the new crossing creates less overall or less incremental impacts to sensitive areas and habitat than the use of an existing corridor while still achieving overall project goals and objectives;
- (b) All crossings avoid or minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas as described in this chapter and in the SMC;

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- (c) Crossings do not significantly change the overall wetland hydrology;
  - (d) Crossings do not diminish the flood storage capacity of the wetland; and
  - (e) All crossings are constructed during summer low water periods;
- (15) Reconstruction, Remodeling, or Replacement of Existing Structures. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City of Sammamish ordinances and regulations may be allowed provided:
- (a) If within the buffer, the structure is located no closer to the wetland than the existing structure;
  - (b) The existing impervious surface within the buffer or wetland is not expanded as a result of the reconstruction or replacement;
- (16) Wetland enhancement or restoration not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist. Restoration or enhancement must result in a net improvement to the functions of the wetland system; and
- (17) A minor wetland restoration project for fish habitat enhancement may be allowed if:
- (a) The restoration is sponsored by a public agency with a mandate to do such work;
  - (b) The restoration is not associated with mitigation of a specific development proposal;
  - (c) The restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements that result in a net improvement to the functions of the wetland system;
  - (d) The restoration only involves the use of hand labor and light equipment, or the use of helicopters and cranes that deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and
  - (e) The restoration is performed under the direction of a qualified biologist. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.310 Wetlands – Mitigation requirements.**

- (1) Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City. The following minimum requirements shall be met for the restoration of a wetland:
- (a) The original wetland configuration shall be replicated including its depth, width, length and gradient at the original location;
  - (b) The original soil type and configuration shall be replicated;
  - (c) The wetland edge and buffer configuration shall be restored to its original condition;
  - (d) The wetland, edge and buffer shall be replanted with vegetation native to King County that replicates the original vegetation in species, sizes and densities; and
  - (e) The original wetland functions shall be restored including, but not limited to, hydrologic and biologic functions.
- (2) The requirements in subsection (1) of this section may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained.
- (3) Replacement shall be required when a buffer is altered pursuant to an approved development proposal or a wetland is used for a regional flow control facility or other approved use. The requirements for the restoration of wetlands shall be met by replacement wetlands.

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- (4) Enhancement may be allowed when a wetland or buffer will be altered pursuant to a development proposal, but the wetland's biologic and/or hydrologic functions will be improved. Minimum requirements for enhancement shall be established in administrative rules.
  - (5) All alterations of wetlands shall be replaced or enhanced on the site or within the same drainage basin using the following formulas: Class 1 and 2 wetlands on a 2:1 basis and Class 3 wetlands on a 1:1 basis with equivalent or greater biologic functions including, but not limited to, habitat functions and with equivalent hydrologic functions including, but not limited to, storage capacity.
  - (6) Replacement or enhancement off the site may be allowed if the applicant demonstrates to the satisfaction of the City that the off-site location is in the same drainage sub-basin as the original wetland and that greater biologic and hydrologic functions will be achieved. The formulas in subsection (5) of this section shall apply to replacement and enhancement off the site.
  - (7) Surface water management or flood control alterations including, but not limited to, wetponds shall not constitute replacement or enhancement unless other functions are simultaneously improved.
  - (8) Mitigation sites should be located to alleviate wildlife habitat fragmentation. (Ord. O99-29 § 1)

**21A.50.320 Wetlands – Limited exemption.**

Isolated wetlands less than 1,000 square feet may be exempted from the provisions of SMC 21A.50.290 through 21A.50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. O99-29 § 1)

**21A.50.330 Streams – Development standards.**

A development proposal on a parcel or parcels containing a stream or associated buffer of a stream located on-site or off-site shall meet the following requirements:

- (1) The following minimum buffers shall be established from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified:
  - (a) A Class 1 stream shall have a 150-foot buffer;
  - (b) A Class 2 stream used by salmonids shall have a 150-foot buffer;
  - (c) A Class 2 stream shall have a 50-foot buffer;
  - (d) A Class 3 stream shall have a 25-foot buffer;
  - (e) Any stream restored, relocated, replaced, or enhanced because of a stream alteration shall have the minimum buffer required for the stream class involved;
  - (f) Any stream with an ordinary high water mark within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:
    - (i) The minimum buffer required for the stream class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that stream class; or
    - (ii) A 25-foot buffer beyond the minimum buffer required for the stream class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that stream class; and
  - (g) Any stream adjoined by a riparian wetland or other contiguous sensitive area shall have the buffer required for the stream class involved or the buffer that applies to the wetland

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- or other sensitive area, whichever is greater;
- (2) Buffer width averaging may be allowed by the City if it will provide additional natural resource protection, as long as the total area contained in the buffer on the development proposal site does not decrease (see also SMC 21A.30.210(4) for buffer compensation requirements for trails);
  - (3) Increased buffer widths shall be required by the City when necessary to protect streams. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to streams, groundwater recharge and discharge and the location of trail or utility corridors;
  - (4) The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be prohibited by the City; and
  - (5) The livestock restrictions in SMC 21A.50.290 shall also apply to Class 1 and 2 streams and their buffers. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

#### **21A.50.340 Streams – Permitted alterations.**

Alterations to streams and buffers may be allowed pursuant to SMC 21A.50.080 or as follows:

- (1) Alterations may only be permitted if based upon a special study;
- (2) The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration;
- (3) There shall be no introduction of any plant or wildlife which is not indigenous to King County into any stream or buffer unless authorized by a state or federal permit or approval;
- (4) Utilities may be allowed in stream buffers if:
  - (a) No practical alternative location is available;
  - (b) The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
  - (c) The requirements for sewer utility corridors in SMC 21A.50.300 shall also apply to streams; and
  - (d) Joint use of an approved sewer utility corridor by other utilities may be allowed;
- (5) The following surface water management activities and facilities may be allowed in stream buffers as follows:
  - (a) Surface water discharge to a stream from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the applicable City-adopted stormwater requirements;
  - (b) A Class 2 stream or buffer may be used for a regional stormwater management facility if:
    - (i) A public agency and utility exception is granted pursuant to SMC 21A.50.070;
    - (ii) All requirements of the applicable City-adopted stormwater requirements are met;
    - (iii) The use will not alter the rating or the factors used in rating the stream;
    - (iv) There are no significant adverse impacts to the stream; and
  - (c) A Class 3 stream or buffer may be used as a regional stormwater management facility if the alteration will have no lasting adverse impact on any stream and all requirements of

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- the applicable City-adopted stormwater requirements are met;
- (6) Except as provided in subsection (7) of this section, public and private trails may be allowed in stream buffers consistent with the standards and requirements in this chapter, the development standards in Chapter 21A.30 SMC, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a certified wetland biologist and a sensitive area study may be required;
- (7) The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way, across streams or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New stream crossings may be allowed and may encroach on the otherwise required stream buffer if:
- (a) Bridges, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection shall be used for stream crossings and the applicant shall demonstrate that such methods and their implementation will pose no harm to the stream habitat or inhibit migration of anadromous fish;
  - (b) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;
  - (c) Crossings do not occur over spawning areas used by resident or anadromous fish including salmonids unless the City determines that no other possible crossing site exists;
  - (d) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
  - (e) Crossings do not diminish the flood-carrying capacity of the stream;
  - (f) Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the state of Washington. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in SMC 21A.50.330. Crossing of Class 3 streams when dry may be made with open cuts; and
  - (g) The number of crossings are minimized and consolidated to serve multiple purposes and properties whenever possible;
- (8) Stream relocations may be allowed only for:
- (a) Class 2 streams as part of a public road or trail project for which a public agency and utility exception is granted pursuant to SMC 21A.50.050; and
  - (b) Class 3 streams for the purpose of enhancing resources in the stream if:
    - (i) Appropriate floodplain protection measures are used; and
    - (ii) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;
- (9) For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
- (a) The equivalent base flood storage volume and function will be maintained;
  - (b) There will be no adverse impact to local groundwater;
  - (c) There will be no increase in velocity;
  - (d) There will be no interbasin transfer of water;

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- (e) There will be no increase in sediment load;
  - (f) Requirements set out in the mitigation plan are met;
  - (g) The relocation conforms to other applicable laws; and
  - (h) All work will be carried out under the direct supervision of a qualified biologist;
- (10) A stream channel may be stabilized if:
- (a) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and
  - (b) The stabilization is done in compliance with the requirements of SMC 21A.50.230 through 21A.50.230 and administrative rules promulgated pursuant to this chapter;
- (11) Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance, and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist;
- (12) A minor stream restoration project for fish habitat enhancement may be allowed if:
- (a) The restoration is sponsored by a public agency with a mandate to do such work;
  - (b) The restoration is unassociated with mitigation of a specific development proposal;
  - (c) The restoration is limited to placement of rock weirs, log controls, spawning gravel, and other specific habitat improvements for resident or anadromous fish including salmonids;
  - (d) The restoration only involves the use of hand labor and light equipment; or the use of helicopters and cranes that deliver supplies to the project site; provided, that they have no contact with sensitive areas or their buffers; and
  - (e) The restoration is performed under the direction of a qualified biologist;
- (13) Roadside ditches that carry streams with salmonids may be maintained through the use of best management practices developed in consultation with relevant City, state, and federal agencies. These practices shall be adopted as administrative rules;
- (14) Subject to a clearing and grading permit issued pursuant to Chapter 16.15 SMC, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;
- (15) Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed provided:
- (a) If within the buffer, the structure is located no closer to the stream than the existing structure;
  - (b) The existing impervious surface within the buffer or stream is not expanded as a result of the reconstruction or replacement. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.350 Streams – Mitigation requirements.**

- (1) Restoration shall be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration shall demonstrate that:
- (a) The stream has been degraded and will not be further degraded by the restoration activity;

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- (b) The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
  - (c) The restoration will have no lasting significant adverse impact on any stream functions; and
  - (d) The restoration will assist in stabilizing the stream channel.
- (2) The following minimum requirements shall be met for the restoration of a stream:
- (a) All work shall be carried out under the direct supervision of a qualified biologist;
  - (b) Basin analysis shall be performed to determine hydrologic conditions;
  - (c) The natural channel dimensions shall be replicated including its depth, width, length and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
  - (d) The bottom shall be restored with identical or similar materials;
  - (e) The bank and buffer configuration shall be restored to its original condition;
  - (f) The channel, bank and buffer areas shall be replanted with vegetation native to King County that replicates the original vegetation in species, sizes and densities; and
  - (g) The original biologic functions of the stream shall be recreated.
- (3) The requirements in subsection (2) of this section may be modified if the applicant demonstrates to the satisfaction of the City that a greater biologic function can otherwise be obtained.
- (4) Replacement or enhancement shall be required when a stream or buffer is altered pursuant to an approved development proposal. There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations.
- (5) The requirements that apply to the restoration of streams in subsection (2) of this section shall also apply to the relocation of streams, unless the applicant demonstrates to the satisfaction of the City that a greater biologic function can be obtained by modifying these requirements.
- (6) Replacement or enhancement for approved stream alterations shall be accomplished in the stream on the site unless the applicant demonstrates to the satisfaction of the City that:
- (a) Enhancement or replacement on the site is not possible;
  - (b) The off-site location is in the same drainage sub-basin as the original stream; and
  - (c) Greater biologic and hydrologic functions will be achieved.
- (7) Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved. (Ord. O2005-172 § 4; Ord. O99-29 § 1)

**21A.50.360 Sensitive areas mitigation fee – Creation of fund.**

There is hereby created a sensitive areas mitigation fund. This fund shall be administered by the City's finance director. (Ord. O99-29 § 1)

**21A.50.370 Sensitive areas mitigation fee – Source of funds.**

All monies received from penalties resulting from the violation of rules and laws regulating development and activities within sensitive areas shall be deposited into the fund. (Ord. O99-29 § 1)

**21A.50.380 Sensitive areas mitigation fee – Use of funds.**

Monies from the fund shall only be used for paying the cost of enforcing and implementing sensitive area laws and rules. (Ord. O99-29 § 1)

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**21A.50.390 Sensitive areas mitigation fee – Investment of funds.**

Monies in the fund not needed for immediate expenditure shall be deposited in a separate investment fund pursuant to RCW 36.29.020. The finance director shall be designated as the investment fund director. (Ord. 099-29 § 1)

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**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.85.070 Special district overlay – Lake management areas.

**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. O2003-132 § 13)

**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. O2003-132 § 13)

**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;

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- (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. (Ord. O2003-132 § 13)

**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. O2003-132 § 13)

**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

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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

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- 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. O2003-132 § 13)

**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).

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- (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 less than 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 concentration 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 to 10 micrograms/liter, a summer Secchi depth of two to five meters, and a winter total phosphorus concentrations ranging from 10 to 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 four micrograms/liter, a summer Secchi depth greater than five meters, and a winter total phosphorus concentrations ranging from 0 to 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 1 and Beaver Lake 2, individually, have whole-lake total phosphorus concentrations of 36 ( $\pm 2$ ) micrograms/liter and 20 ( $\pm 1$ ) micrograms/liter, respectively;

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- (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 concentration 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 subsection (7) of this section if it can be proven that conditions are clearly different than at Beaver Lake.
- (5) The standards specified in subsection (7) of this section 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 square feet 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 subsection (6) of this section 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
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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 wetpond 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 two-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 subsection (7)(b)(i) of this section.
  - (iii) Where soils are suitable, on-site infiltration of stormwater 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 subsection (7) of this section.
  - (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.

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- (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. (Ord. O2003-132 § 13)

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**Chapter 21A.110**  
**DECISION CRITERIA**

**Sections:**

- 21A.110.010 Purpose.
- 21A.110.020 Temporary use permit.
- 21A.110.030 Variance.
- 21A.110.040 Conditional use permit.
- 21A.110.050 Special use permit.
- 21A.110.060 Zone reclassification.

**21A.110.010 Purpose.**

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

- (1) Providing clear criteria on which to base a decision;
- (2) Recognizing the effects of unique circumstances upon the development potential of a property;
- (3) Avoiding the granting of special privileges;
- (4) Avoiding development that may be unnecessarily detrimental to neighboring properties;
- (5) Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and
- (6) Providing criteria that emphasize protection of the general character of neighborhoods. (Ord. O99-29 § 1)

**21A.110.020 Temporary use permit.**

A temporary use permit shall be granted by the City, only if the applicant demonstrates that:

- (1) The proposed temporary use will not be materially detrimental to the public welfare;
- (2) The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;
- (3) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
- (4) The proposed temporary use is not otherwise permitted in the zone in which it is proposed. (Ord. O99-29 § 1)

**21A.110.030 Variance.**

A variance shall be granted by the City, only if the applicant demonstrates all of the following:

- (1) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- (2) The variance is necessary because of the unique size, shape, topography, or location of the subject property;
- (3) The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- (4) The variance does not create health and safety hazards, is not materially detrimental to the public

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- welfare or is not unduly injurious to property or improvements in the vicinity;
- (5) The variance does not relieve an applicant from any of the procedural provisions of this title;
  - (6) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
  - (7) The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to Chapter 21A.85 SMC, Property-Specific Development Standards – Special District Overlays;
  - (8) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
  - (9) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;
  - (10) The variance is the minimum necessary to grant relief to the applicant;
  - (11) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
  - (12) The variance does not relieve an applicant from any provisions of Chapter 21A.50 SMC, Environmentally Sensitive Areas, except for the required buffer widths and building setbacks set forth in SMC 21A.50.210, 21A.50.260, 21A.50.280, 21A.50.290, or 21A.50.330. (Ord. O99-29 § 1)

#### **21A.110.040 Conditional use permit.**

A conditional use permit shall be granted by the City, only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner that is compatible with the character and appearance of an existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those that will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. (Ord. O99-29 § 1)

#### **21A.110.050 Special use permit.**

A special use permit shall be granted by the City, only if the applicant demonstrates that:

- (1) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
- (2) The special use will not materially endanger the health, safety and welfare of the community;
- (3) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

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- (4) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
  - (5) The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties; and
  - (6) The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this title. (Ord. O99-29 § 1)

**21A.110.060 Zone reclassification.**

A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in SMC 20.10.200 and 20.10.210 and is consistent with the comprehensive plan. (Ord. O99-29 § 1)