



# City Council, Regular Meeting

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## AGENDA

March 2, 2010

6:30 pm – 9:30 pm  
Council Chambers

### **Call to Order**

### **Roll Call/Pledge of Allegiance**

- Flag Ceremony/Boy Scouts Troop #572

### **Public Comment**

*Note: This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

### **Approval of Agenda**

### **Student Liaison Reports**

- Eastlake High School
- Skyline High School

### **Presentations/Proclamations**

- Mayor's Presentation

### **Consent Agenda**

- Payroll for pay period ending February 15, 2010 for pay date February 19, 2010 in the amount of \$242,128.05
1. Approval: Claims for period ending March 2, 2010 in the amount of \$920,702.06 for Check No. 25869 through No. 25945
  2. Approval: February 2, 2010 Regular Meeting Minutes
  3. Approval: February 9, 2010 Study Session/Joint Meeting with Planning Commission Notes
  4. Approval: February 16, 2010 Regular Meeting Minutes
  5. Resolution: Accepting The Sammamish Commons Park – Sween House Renovations (Phase IIC) As Complete

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

6. Contract: SE 20<sup>th</sup> Street Wetland Services/Watershed
7. Settlement Approval: City Hall Lobby Lighting/Lite Energy

### **Public Hearings**

8. Ordinance: Public Hearing/First Reading Annexing The Aldarra Estates And Montaine Subdivisions Effective July 10, 2010.

### ***Public hearings continued from the February 16, 2010 Regular City Council Meeting***

9. Ordinance: Public Hearing/Second Reading An Ordinance Of The City Of Sammamish, Washington, Amending Chapter 21a.25 (Development Standards – Density And Dimensions), Of The Sammamish Municipal Code
10. Ordinance: Public Hearing/Second Reading: Relating To Siting Of Wireless Communication Facilities; Repealing And Re-Enacting Chapter 21A.55 SMC; Implementing Provisions Previously Enacted Pursuant To A Declaration Of Emergency; Amending And Adding New Definitions To Chapter 21A.15 SMC; Repealing Section 13.01.010 SMC Relating To Undergrounding Of Wireless Communication Facilities Equipment; Providing For Severability; And Establishing An Effective Date
11. Ordinance: Public Hearing/Second Reading: An Ordinance Amending Chapters 21A.15, 21A.20 And 21A.25, Of The Sammamish Municipal Code Relating To Public Facilities

### **Unfinished Business - None**

### **New Business - None**

### **Council Reports**

### **City Manager Report**

**Executive Session** – Potential Litigation pursuant to RCW 42.30.110 (1)(i)

### **Adjournment**

**AGENDA CALENDAR**

Thurs			
<b>March 2010</b>			
Tues 03/02	6:30 pm	Regular Council Meeting	Public Hearing/First Reading Aldarra Farms 60% Percent Petition Public Hearing: Second Reading Administrative Adjustments of Setbacks Public Hearing: Second Reading: Ordinance for Wireless Siting Public Hearing:Second Reading: Ordinance for Public Facilities Code Amendment Resolution: Final Acceptance Sween House Remodel/Elite (consent) Contract: Wetland Services SE 20 <sup>th</sup> Street/Watershed (consent) Settlement Approval: City Hall Lobby Lighting (consent) Executive Session: Potential Litigation
Tues 03/09	6:30 pm	Joint Meeting	Issaquah City Council Update: Aldarra/Montaine Annexation Animal Control (part of joint meeting agenda?)
Mon 03/15	6:30 pm	Study Session	District Court Services Update: Connectivity Update: Pavement Management Town Center Development Regulations Resolution: Final Acceptance 2009 Overlay Project (consent)
Tues 03/16	6:30 pm	Regular Meeting	Public Hearing/Second Reading Aldarra Farms 60% Percent Petition Resolution: ARCH Work Program (tentative)
<b>April 2010</b>			
Tues 04/06	6:30 pm	Study Session/Regular Council Meeting	Discussion: Operating Agreement Boys & Girls Club Town Center Development Regulations 2010 ARCH Work Program
Tues 04/13	6:30 pm	Study Session	Human Service Grants Town Center Development Regulations (2 hours)
Mon 04/19	6:30 pm	Joint Meeting/Parks Commission	Parks, Recreation and Open Space Plan Sammamish Landing Revised Preferred Alternative
Tues 04/20	6:30 pm	Regular Meeting	Resolution: ARCH Work Plan and Budget Interlocal: ARCH Agreement
<b>May 2010</b>			
Tues 05/04	6:30 pm	Regular Council Meeting	Public Hearing/First Reading: Pre Annexation Zoning Klahanie Park First Reading: Klahanie Park Annexation
Tues 05/11	6:30 pm	Study Session	
Mon 05/17	6:30 pm	Study Session	Town Center Development Regulations
Tues 05/18	6:30 pm	Regular Meeting	Public Hearing: First Reading Town Center Development Regulations Public Hearing/Second Reading: Pre Annexation Zoning Klahanie Park Second Reading: Klahanie Park Annexation
<b>June 2010</b>			
Tues 06/01	6:30 pm	Regular Council Meeting	Public Hearing: Town Center Development Regulation
Tues 06/08	6:30 pm	Study Session	
Mon 06/14	6:30 pm	Study Session	
Tues 06/15	6:30 pm	Regular Meeting	Second Reading: Town Center Development Regulations
<b>July 2010</b>			
Tues 07/06	6:30 pm	Regular Council Meeting	
Tues 07/13	6:30 pm	Study Session	
Mon 07/19	6:30 pm	Study Session	

Tues 07/20	6:30 pm	Regular Meeting	
<b>Sept. 2010</b>			
Tues 09/07	6:30 pm	Regular Council Meeting	
Tues 09/14	6:30 pm	Study Session	Biennial Budget
Mon 09/20	6:30 pm	Study Session	Biennial Budget
Tues 09/21	6:30 pm	Regular Meeting	
<b>Oct. 2010</b>			
Tues 10/5	6:30 pm	Regular Council Meeting	
Tues 10/12	6:30 pm	Study Session	
Mon 10/18	6:30 pm	Study Session	Biennial Budget (if necessary)
Tues 10/19	6:30 pm	Regular Meeting	Public Hearing: First Reading Adopting 2011/2012 Budget Public Hearing: First Reading Setting the Tax Levy Rate for 2011
<b>Nov. 2010</b>			
Tues 11/2	6:30 pm	Regular Council Meeting	Ordinance: Second Reading Adopting 2011/2012 Budget Ordinance: Second Reading Setting Tax Levy Rate 2011 Resolution: 2011 Salary Schedule Resolution: 2011 Fee Schedule (if necessary)
Tues 11/09	6:30 pm	Study Session	Parks Commission Applicant Interviews
Mon 11/15	6:30 pm	Study Session	Planning Commission Applicant Interviews
Tues 11/16	6:30 pm	Regular Meeting	
<b>Dec. 2010</b>			
Tues 12/07	6:30 pm	Regular Council Meeting	Parks/Planning Commission Appointments Award: 2011/2012 Humans Services Grants
Tues 12/14	6:30 pm	Study Session	
Mon 12/20	6:30 pm	Study Session	
Tues 12/21	6:30 pm	Regular Meeting	
<b>To Be Scheduled</b>		<b>To Be Scheduled</b>	<b>Parked Items</b>
Code Enforcement Code Amendments Stormwater Master Plan Ordinance: Second Reading Puget Sound Energy Franchise Resolution: Adoption Thompson Basin Study Resolution: Adoption Inglewood Basin Study		Code Blocks (second round) Resolution: Final Acceptance SE 20 <sup>th</sup> Street Project Resolution: ELSP Project Acceptance TDR	BLA and ono-conforming uses Underground of utility lines in existing developments Future use of existing M & O facility on 228 <sup>th</sup> Ave SE @ SE 20 <sup>th</sup> Street

<< February

# March 2010

April >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>2</b> 5 p.m. <b>Finance Committee Meeting</b> 6:30 p.m. <b>City Council Meeting</b>	<b>3</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>4</b> 6 p.m. <b>Planning Commission Meeting</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>9</b> 6:30 p.m. <b>Joint Meeting with Issaquah City Council</b>	<b>10</b> 6:30 p.m. <b>Parks and Recreation Commission Meeting</b> 7 p.m. <b>Beaver Lake Management District Meeting</b>	<b>11</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>12</b>	<b>13</b> 9 a.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>
<b>14</b>	<b>15</b> 6:30 p.m. <b>City Council Study Session</b> 6:30 p.m. <b>Arts Commission Meeting</b>	<b>16</b> 6:30 p.m. <b>City Council Meeting</b>	<b>17</b> 6 p.m. <b>Sammamish Youth Board Meeting</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>18</b> 6 p.m. <b>Planning Commission Meeting</b> 6:30 p.m. <b>HAVE A SAY IN HOW WE PLAY! Parks Plan Update Neighborhood Meeting</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b> 9 a.m. <b>Fourth Saturday Volunteer Event</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>			

<< March

# April 2010

May >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				<b>1</b> 6 p.m. <b>Planning Commission Meeting</b>	<b>2</b>	<b>3</b>
<b>4</b>	<b>5</b>	<b>6</b> 6:30 p.m. <b>City Council Meeting</b>	<b>7</b> 6:30 p.m. <b>Parks and Recreation Commission Meeting</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>11</b>	<b>12</b>	<b>13</b> 6:30 p.m. <b>City Council Study Session</b>	<b>14</b>	<b>15</b> 6 p.m. <b>Planning Commission Meeting</b>	<b>16</b>	<b>17</b> 10 a.m. <b>Sammamish Walks</b>
<b>18</b>	<b>19</b> 6:30 p.m. <b>Arts Commission Meeting</b> 6:30 p.m. <b>City Council Joint Meeting</b>	<b>20</b> 6:30 p.m. <b>City Council Meeting</b>	<b>21</b> 6 p.m. <b>Sammamish Youth Board Meeting</b>	<b>22</b>	<b>23</b>	<b>24</b> 10 a.m. <b>Arbor Day - Family Volunteer Event</b>
<b>25</b> 10 a.m. <b>Arbor Day - Family Volunteer Event</b>	<b>26</b> 10 a.m. <b>Arbor Day - Family Volunteer Event</b>	<b>27</b> 10 a.m. <b>Arbor Day - Family Volunteer Event</b>	<b>28</b>	<b>29</b>	<b>30</b>	



# MEMORANDUM

**TO:** Melonie Anderson/City Clerk  
**FROM:** Marlene/Finance Department  
**DATE:** February 25, 2010  
**RE:** Claims for March 2, 2010

\$ 47,036.03  
 64.50  
 873,601.53

000	0.00	*	
	47,036.03	+	
	64.50	+	
	873,601.53	+	
<b>003</b>	<b>920,702.06</b>	<b>*</b>	

**TOTAL \$ 920,702.06**

Check # 25869 through #25945

## Accounts Payable

## Check Register Totals Only

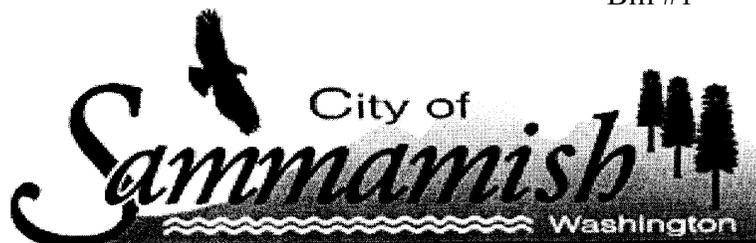
User: mdunham  
 Printed: 2/25/2010 - 12:09 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
25875	03/02/2010	ALLAROUN	All Around Fence Co	6,043.30	0
25876	03/02/2010	APWA 10	APWA 2010 Spring Conference	400.00	0
25877	03/02/2010	ARTECHE	Emily Arteche	17.52	0
25878	03/02/2010	AT&TMOBI	AT&T Mobility	271.28	0
25879	03/02/2010	ATOMIC	Atomic Art Services, Inc	240.00	0
25880	03/02/2010	ATTLONG	AT&T	96.21	0
25881	03/02/2010	BAYLEY	Bayley Construction	9,588.24	0
25882	03/02/2010	BECK	R. W. Beck	2,461.19	0
25883	03/02/2010	BOFAPC	Bank of America Petty Cash	317.75	0
25884	03/02/2010	BUTKUS	Pete Butkus	21.00	0
25885	03/02/2010	CECCANTI	Ceccanti, Inc	499,295.35	0
25886	03/02/2010	CHANEY	Rebecca Chaney	980.00	0
25887	03/02/2010	CNR	CNR Inc	114.98	0
25888	03/02/2010	COLUMBIA	Columbia Ford	93,975.46	0
25889	03/02/2010	COMCAST2	COMCAST	199.90	0
25890	03/02/2010	DAY	Day Wireless	6,059.94	0
25891	03/02/2010	EAGLE	Eagle Press & Supply	3,285.00	0
25892	03/02/2010	EWINGIRR	Ewing Irrigation	186.54	0
25893	03/02/2010	FIREHOUS	Christian Edum	548.00	0
25894	03/02/2010	FRANK	Murray Franklyn	2,680.85	0
25895	03/02/2010	GARWOOD	Rob Garwood	18.00	0
25896	03/02/2010	GFOA	Govt Finance Officers Assoc	400.00	0
25897	03/02/2010	HDFOWL	H. D. Fowler Company	78.29	0
25898	03/02/2010	INDCOM	Industrial Communications LLC	6,820.21	0
25899	03/02/2010	ISSAQ1	Issaquah Press, Inc.	1,020.00	0
25900	03/02/2010	J3 Mecum	J3 Mecum Engineering Inc	125.00	0
25901	03/02/2010	JIRSA	Barbara Jirsa	74.18	0
25902	03/02/2010	KBA	KBA Inc	105,025.94	0
25903	03/02/2010	KCBR	King County Boundary Review Board	250.00	0
25904	03/02/2010	KCRADIO	King Cty Radio Comm Svcs	206.49	0
25905	03/02/2010	KINGDD	King County DDES	3,997.00	0
25906	03/02/2010	KINGPET	King County Pet Licenses	240.00	0
25907	03/02/2010	KIRKLAND	City Of Kirkland	96.17	0
25908	03/02/2010	KIRTLEY	Kirtley Cole	51,530.63	0
25909	03/02/2010	LAFRANCE	Eric LaFrance	162.00	0
25910	03/02/2010	LOZIER	Lozier Group	333.50	0
25911	03/02/2010	LUNDE	Devany Lunde	206.76	0
25912	03/02/2010	MEDCO	Medco Supply Company	598.47	0
25913	03/02/2010	MICRO	Microflex, Inc.	34.46	0
25914	03/02/2010	MINUTE	Minuteman Press	4,401.88	0
25915	03/02/2010	NC MACH	NC Machinery Co	952.75	0
25916	03/02/2010	NELSONTR	Nelson Truck Equip Co Inc	309.45	0
25917	03/02/2010	NWASPHAL	NW Asphalt, Inc	2,793.00	0
25918	03/02/2010	NWWeath	NW Weathernet	275.00	0
25919	03/02/2010	PARAME	Parametrix, Inc.	2,662.37	0
25920	03/02/2010	PLATEAU	Plateau Motors	134.08	0
25921	03/02/2010	PSE	Puget Sound Energy	7,309.37	0
25922	03/02/2010	PUGETSOU	Puget Sound Bank	2,601.90	0
25923	03/02/2010	QWEST	QWEST	213.51	0
25924	03/02/2010	RAINIER	Rainier Wood Recyclers Inc	1,750.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
25925	03/02/2010	REPROGRA	Reprographics NW Inc	3,286.30	0
25926	03/02/2010	RH2	RH2 Engineering Inc	3,680.00	0
25927	03/02/2010	RICHARDS	Jessi Richardson	72.00	0
25928	03/02/2010	SAM	Sammamish Plateau Water Sewer	115.69	0
25929	03/02/2010	SAMMIAW	Sammi Awards	3,000.00	0
25930	03/02/2010	SANDERS	Dawn Sanders	58.70	0
25931	03/02/2010	SEATIM	Seattle Times	1,088.18	0
25932	03/02/2010	SEYMOUR	Jane-Ellen A. Seymour	2,000.00	0
25933	03/02/2010	SPRAGUE	SPRAGUE	91.98	0
25934	03/02/2010	SPRING	Springbrook Software, Inc.	14,541.66	0
25935	03/02/2010	SPRINT	Sprint	50.00	0
25936	03/02/2010	TIGER	Tiger Oak Publications, Inc	850.00	0
25937	03/02/2010	UNITRENT	United Rentals NW, Inc	709.75	0
25938	03/02/2010	US BANK	U. S. Bank Corp Payment System	18,138.04	0
25939	03/02/2010	VERIZNSP	Verizon Special Projects	3,040.58	0
25940	03/02/2010	VERT	Otis Elevator Company	504.02	0
25941	03/02/2010	WAPOL	Wa Assoc Sherriffs & Pol Chief	245.00	0
25942	03/02/2010	WCPDA	Wa City Planning Directors As	50.00	0
25943	03/02/2010	WERRE	Lisa Werre	48.00	0
25944	03/02/2010	WSAPT	Wa Assoc Permit Technicians	35.00	0
25945	03/02/2010	ZUMAR	Zumar Industries, Inc.	593.71	0
				873,601.53	
Check Total:					

Accounts Payable  
 Computer Check Register



User: mdunham  
 Printed: 02/25/2010 - 9:16AM  
 Bank Account: APPR  
 Batch: 006.02.2010

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25874	WALIC	Wa State Dept of Licensing	2/25/2010		64.50
		Check 25874 Total:			64.50
		Report Total:			64.50

Accounts Payable  
Computer Check Register

User: mdunham  
Printed: 02/19/2010 - 9:49AM  
Bank Account: APPR  
Batch: 999.02.2010



Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25869	ANI	ANI Administrators NW Inc	2/19/2010		1,797.66
		Check 25869 Total:			1,797.66
25870	ICMA401	ICMA 401	2/19/2010		14,929.19
					14,911.01
					521.15
		Check 25870 Total:			30,361.35
25871	ICMA401x	ICMA401	2/19/2010		4,809.98
		Check 25871 Total:			4,809.98
25872	ICMA457	ICMA457	2/19/2010		187.55
					187.55
					1,055.59
					5,517.10
					2,119.25
		Check 25872 Total:			9,067.04
25873	KINGREC	King County Records & Elect	2/19/2010		1,000.00
		Check 25873 Total:			1,000.00
		Report Total:			47,036.03



# COUNCIL MINUTES

## Regular Meeting February 2, 2010

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:** Mayor Don Gerend, Deputy Mayor Nancy Whitten, Councilmembers Mark Cross, John Curley, John James, and Tom Odell

**Councilmember absent:** Councilmember Michele Petitti.

**MOTION:** Deputy Mayor Whitten moved to excuse Councilmember Petitti. Councilmember Cross seconded. Motion carried unanimously 6-0.

**Staff present:** City Manager Ben Yazici, Deputy City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks and Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge of Allegiance

Roll was called. Flag Presentation by Rainbow Camp Fire Girls 3<sup>rd</sup> Grade Blackwell Elementary

### Public Comment

Matthew Cindric, Jessica Gliner, Zina Helal, Annie Tang, Cole Hayrynen; Discovery School Students. They talked about the nesting killdeer birds at the Discovery Wetland and their efforts to protect them from the elements and off-lease dogs. They also encouraged civic and community groups to become part of the Adopt-A-Wetland program (*For information about this program email [kirbyt@issaquah.wednet.edu](mailto:kirbyt@issaquah.wednet.edu)*).

Jim Walker, 24116 SE 37<sup>th</sup> Street, Issaquah, He questioned if the City was still planning on taking over the ball fields at Klahanie. He and many of his neighbors are opposed to the City taking over the fields and turning them into a sports complex. He said that over 400 Klahanie residents have signed a petition to have the Homeowner's Association take over the park.

Janice Seil, 2319 W Beaver Lake Drive SE, She feels as though the City is not being transparent in their efforts to develop the Master Plan for Beaver Lake Park. She was unhappy that the Master Plan was presented to Council without her knowledge.

Dave Ross, 24224 SE 44<sup>th</sup> Street, Issaquah, He also expressed concern about the fields in Klahanie. He does not want the city to take over those fields without getting a consensus from the residents.

**Approval of Agenda**

**MOTION: Councilmember Odell moved to approve the agenda. Deputy Mayor Whitten seconded. Motion carried unanimously 6-0.**

**Student Liaison Report**

**Skyline Student Liaison** – Tolo is in the works. Students participated in a theater acting competition and placed first and second. Winter sports are ending. The math club won first in state.

**Consent Calendar**

**Approval: Claims for period ending February 2, 2010 in the amount of \$625,401.67 for Check No.25689 through No. 25759**

**Ordinance: Second Reading Creating An Equipment Rental Fund In Accordance With RCW 35.21.088 (O2010-276)**

**Resolution: Accepting The Sammamish Commons Park - Phase IIB Lower Sammamish Commons Access And Parking Project As Complete (R2010-403)**

**2010 Recycling Grants: The King County Waste Reduction and Recycling Grant Program, The King County Health Department Local Hazardous Waste Management Plan Grant and the Washington State Department of Ecology Coordinated Prevention Grant**

**Contract: Recycling Events/Olympic Environmental**

**Approval: January 12, 2010 Special Meeting/Study Session Minutes**

**Approval: January 19, 2010 Regular Meeting Minutes**

**Ordinance: Second Reading vacating unopened Thomas Alexander Road (aka County Road No. 867 and Old Monohan Road) Right of Way in the 1100 through 1400 blocks of East Lake Sammamish Parkway SE (O2010-277)**

**MOTION: Deputy Mayor Whitten moved to approve the Consent Calendar. Councilmember Odell seconded. Motion carried unanimously 6-0.**

**Unfinished Business** - None

**New Business**

**Contract: Sustainability Strategy/O'Brien and Company**

Community Development Director/Assistant City Manager Kamuron Gurol gave the staff report and a PowerPoint presentation (*Presentation available on the City website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*). He explained that the end product of the contract will include a list of implantation steps. The Council will then need to prioritize those steps. This contract is being covered by grant money from the Federal Government.

**MOTION:** Councilmember Cross moved to authorize the City Manager to sign a contract with O'Brien and Company in an amount not to exceed \$20,000 as well as authorize a \$5,000 contract contingency. Councilmember Curley seconded. Motion carried unanimously 6-0.

### **Council Reports**

Council Office Hours will be the first and third Mondays at 5:30 pm beginning in March.

### **City Manager Report**

***Additional Parking at City Hall/Library:*** Deputy City Manager Pete Butkus gave the staff report. He showed a PowerPoint presentation outlining four options for additional parking (PowerPoint available on City Website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)). He asked for Council approval for (1) Going ahead and contract for a 30% design, (2) Whether the surface would be pervious or impervious, and (3) how many parking stalls would be included.

Council agrees the parking lot should be lighted, it should be designed to 30%, and it should include all the options for over 42 additional parking spaces.

Mr. Yazici explained that the Ravenhill Subdivision annexation will probably not cost the City any additional revenue.

Meeting adjourned at 8:00 pm

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor





# *STUDY SESSION NOTES*

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## **Joint Meeting With Planning Commission February 9, 2010**

Mayor Don Gerend opened the study session of the Sammamish City Council at 6:30 pm.

### **Topics**

#### **Planning Commission Handoff – Town Center Development Regulations**

Mayor welcome

- Introductions
- Purpose – opportunity for City Council to understand Planning Commission recommendations

Tom Vance, Planning Commission Chair

- Planning Commission process
- Key points in transmittal letter
- Questions and Answers

Comments from City Manager/Next Steps

**Council Reports**

**City Manager Report**

**Public Comment**

**Close Study Session**

**9:00 pm**



# COUNCIL MINUTES

## Regular Meeting February 16, 2010

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

**Councilmembers present:** Mayor Don Gerend, Deputy Mayor Nancy Whitten, Councilmembers Mark Cross, John Curley, John James, Tom Odell, and Michele Petitti (arrived at 7:50 pm).

**Staff present:** Deputy City Manager Pete Butkus, Director of Community Development/Assistant City Manager Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Deputy Director/City Engineer Laura Philpot, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge of Allegiance

Roll was called. Deputy City Manager Pete Butkus led the pledge.

### Public Comment

Darel Harrison/Mary Reis, Representing St. Andrews Housing Group, they thanked the Council for their support of affordable housing and A Regional Coalition for Housing (ARCH).

Greg Allen, 5320 254<sup>th</sup> Avenue NE, He does not feel the City needs or wants a town center. The City already has sufficient retail options.

### Approval of Agenda

MOTION: Deputy Mayor Whitten moved to amend the agenda by removing Item 3. Motion carried unanimously 6-0.

### Proclamations/Presentations

- A Regional Coalition for Housing Workplan (postponed to a later meeting)
- Briefing: USGA Senior Golf Tournament @ Sahalee Country Club

Deputy City Manager Pete Butkus introduced Greg Kip, Sahalee resident and Government Relations Co Chair for the Golf Tournament. He then showed a video about the tournament. Championship Director Mike Zinga gave a PowerPoint presentation outlining the efforts that have been undertaken to protect the community during the golf tournament (*presentation is available on the City website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*).

**Consent Calendar**

**Payroll for pay period ending January 31, 2010 for pay date February 5, 2010 in the amount of \$241,496**

**Approval: Claims for period ending February 16, 2010 in the amount of \$1,121,974.17 for Check No.25760 through No. 25868**

**Contract: Hazardous Material Survey at Evans Creek Preserve/EA Engineering Services**

**MOTION: Deputy Mayor Whitten moved to approve consent calendar. Councilmember Cross seconded. Motion carried unanimously 6-0.**

**Public Hearing**

**Ordinance: First Reading Relating To Siting Of Wireless Communication Facilities; Repealing And Re-Enacting Chapter 21A.55 SMC; Implementing Provisions Previously Enacted Pursuant To A Declaration Of Emergency; Amending And Adding New Definitions To Chapter 21A.15 SMC; Repealing Section 13.01.010 SMC Relating To Undergrounding Of Wireless Communication Facilities Equipment; Providing For Severability; And Establishing An Effective Date**

Assistant City Manager/Director of Community Development Kamuron Gurol gave a PowerPoint presentation explaining the changes this ordinance will make to the current wireless regulations (*PowerPoint is available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*)

Councilmember Cross expressed a desire to see regulations designed to camouflage the poles to look like something other than a cell tower pole. Councilmember Odell and Deputy Mayor Whitten agreed. This does not necessarily need to be part of this ordinance.

Public Hearing opened at 7:25 pm

Maureen Santoni, She said that she saw cell towers that looked like fir trees in Arizona.

Public hearing was continued to March 2, 2010 Regular Council Meeting at 7:26 pm.

**An Ordinance Of The City Of Sammamish, Washington Amending Chapters 21A.15, 21A.20 And 21A.25 Of The Sammamish Municipal Code Relating To Public Facilities**

Mr. Gurol gave the staff report and gave a PowerPoint presentation (*PowerPoint is available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*)

Deputy Mayor Whitten questioned whether it is a good idea to reduce the setbacks in public park projects.

Public Hearing opened at 7:40 pm. There was no public comment. Public hearing was continued to the March 2, 2010 regular meeting at 7:41 pm.

**Ordinance: First Reading Amending Chapter 21A.25 (Development Standards – Density And Dimensions), Of The Sammamish Municipal Code**

Mr. Gurol gave the staff report and gave a PowerPoint presentation (*PowerPoint is available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*)

Public Hearing opened at 7:55 pm

Mike Miller, Murray Franklyn, He spoke in favor of this ordinance. He stressed the fact that this ordinance is just filling a gap in time when the setback was increased to seven feet and then reduced to five feet again.

Public hearing was continued to March 2, 2010 Regular Meeting at 7:57 pm.

Several Councilmembers expressed concerns over reducing the front yard setbacks. Council requested clarification from staff on what the current setbacks are at the second reading.

**Unfinished Business** - None

**New Business**

**Contract: City-Wide Traffic Count/Trafficcount**

Deputy Director of Public Works Laura Philpot gave the staff report. This is an annual program and covers 38 locations with reserve funds to add an additional 10 locations if necessary.

**MOTION: Deputy Mayor Whitten moved to authorize the City Manager to sign a contract with Trafficcount in an amount not exceed \$12,000. Councilmember Petitti seconded. Motion carried unanimously 7-0.**

**Resolution Related To A Proposed Comprehensive Plan Amendment Docket For The Sammamish Town Center Southeast Quadrant**

Mr. Gurol gave the staff report and gave a PowerPoint presentation (*PowerPoint is available on the city website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)*)

John Galvin 432 228<sup>th</sup> Avenue SE, (submitted written comments) He explained that there is an error in their original summary statement for the application. His written comments are meant to clarify the error. He urged the Council to be willing to reevaluate the original Town Center Plan.

Frank Santoni, 22828 SE 6<sup>th</sup> Place, He spoke in opposition to the proposed amendment. He feels the city should retain its rural feel. He feels the request is being proposed at the last minute. It will slow down the Town Center process. It will have a negative impact on the current commercial centers.

Stan Bump, 23010 SE 8<sup>th</sup> Street, He feels the amendment is requesting far more square footage than has been explained by the proponents. He urged Council to reject the request. He recommended not adding the request to the docket.

Stefen Birgh, 16506 NE 128<sup>th</sup> St, Redmond, He feels the Town Center will be a good addition to the City and the Council should take some action to encourage development to begin. Allowing this amendment may encourage this development

Corina Birgh, 16506 NE 128<sup>th</sup> St. Redmond, she concurred with the previous speaker.

John Hanson, 506 228<sup>th</sup> Avenue SE, (Submitted written comments) He echoed Mr. Galvin's comments; that the summary statement for the amendment was incorrect. This request is only for the SE Quadrant. They are not requesting higher densities in the other quadrants. They feel that their quadrant is the only area in the Town Center that can be developed in the next five years and it may jump start the whole Town Center.

Paul Stickney, 16402 NE 105<sup>th</sup>, Redmond, (Submitted written comments), He encouraged the City Council to adopt a job target of 1 job for every four residents. He feels the amendment request would help to reach this goal.

Dick Birgh, 442 228<sup>th</sup> Avenue SE, He reminded Council that placing this amendment on the docket does not mean automatic approval, but allows for the applicants to participate in the process.

Debbie Lucas, 1123 Redmond Fall City Road, She previously had a business in Sammamish, but due to the high cost of doing business here, had to move to Redmond. She thinks that this amendment will help allow opportunities for more business in Sammamish. She encouraged Council to consider this amendment.

Michael Rutt, 22832 SE 1<sup>st</sup>, He encouraged Council to put this amendment on the docket and consider it.

Maureen Santoni 22828 SE 6<sup>th</sup> Place, She wants Sammamish to remain a bedroom community. She does not support a big Town Center. She feels any increase in density would cause an increase in traffic.

Bill Stearn, 13212 NE 78<sup>th</sup> Street, Redmond, Represents the NE Quadrant. He feels this proposal is poorly written. He urged Council to ignore the amendment and let Town Center develop.

Council recessed from 9:48 pm to 9:57 pm

**MOTION: Councilmember Cross moved to adopt the resolution not adding the request to the docket. Deputy Mayor Whitten seconded. Motion carried 5-2 with Mayor Gerend and Councilmember Curley dissenting.**

Councilmember Cross opposed the docket request, instead favoring studying the feasibility of adding more density to the Pine Lake Shopping Center due to the close proximity to the transit facility.

Councilmember Curley feels the request should be added to the docket. He feels that developers know how much square footage is necessary to ensure success for them to commit to the project.

Mayor Gerend felt the request should be added to the docket to encourage creative thinking in how to get the Town Center going.

**Council Reports**

Councilmember Cross passed out a graph showing the water level of Lake Sammamish. He requested that the Council review the Ordinary High Water Mark study at the same time as they have to reconsider the Shoreline Master Plan, if necessary.

**City Manager Report**

Council agreed to a Joint Meeting with the Issaquah City Council on March 9, 2010.

Meeting adjourned at 10:35 pm

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor





## CITY COUNCIL AGENDA BILL

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**Subject:**

Sammamish Commons Park – Sween House  
Renovations (Phase IIC) – Final Project Acceptance

**Meeting Date:** March 2, 2010

**Date Submitted:** February 24, 2010

**Originating Department:** Parks and Recreation

**Clearances:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>City Manager</b> | <input type="checkbox"/> <b>Police</b>              |
| <input type="checkbox"/> <b>Public Works</b>            | <input type="checkbox"/> <b>Fire</b>                |
| <input type="checkbox"/> <b>Building/Planning</b>       | <input checked="" type="checkbox"/> <b>Attorney</b> |

**Action Required:**

Approve Resolution accepting the construction of Sammamish Commons Park – Sween House Renovations (Phase IIC) by Elite Commercial Contracting, as complete.

**Exhibits:**

1. Resolution of Project Acceptance
- 

**Budgeted Amount:** \$268,000 is allocated in the 2009-10 General Capital Improvement Fund for the Sween House Remodel.

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**Summary Statement:**

Elite Commercial Contracting, inc., was selected to complete the renovations for the Sween House located in the Lower Sammamish Commons. The renovations have converted the main floor of the building to office space for use as a youth and family counseling center.

Plumbing, electrical, and communications systems, as well as ADA compliance and access have been brought up to date with current code. The existing garage has been renovated to a conference room. The basement will be used for storage by the City's maintenance department.

The exterior work included demolition of the existing solarium, a new composition roof and painting. Parking and access for the Sween House was completed as part of the Phase IIB parking lot improvement project.

There were no contractor claims filed against the City and no liquidated damages were assessed against the contractor.

All work on the project has been successfully completed; a final inspection has been held and the contractor has completed the final punch list of deficiencies. Acceptance by City Council is necessary before the Department of Revenue is asked to close the project so that the contractor's retainage may be released.

**Background:**

The construction contract for the Sammamish Commons Park – Sween House Renovations (Phase IIC) was awarded by City Council on September 1, 2009 to Elite Commercial Contracting, Inc. in the amount of \$219,113.88. The project has been successfully completed and City staff are ready to close out the project.

**Financial Impact:**

None.

**Recommended Motion:**

Approve resolution for acceptance of the construction of the Sammamish Commons Park – Sween House Renovations (Phase IIC) by Elite Commercial Contracting, Inc.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2010-\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, ACCEPTING THE SAMMAMISH COMMONS  
PARK – SWEEN HOUSE RENOVATIONS (PHASE IIC) AS  
COMPLETE**

WHEREAS, at the Regular Council meeting of September 1, 2009, the City Council authorized the City Manager to enter into a contract with the lowest bidder for the Sammamish Commons Park – Sween House Renovations (Phase IIC); and

WHEREAS, the City Manager executed contract C2009-165 with Elite Commercial Contracting, Inc.; and

WHEREAS, the project was substantially completed by the contractor on December 18, 2009;

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

Section 1. Acceptance of the Sammamish Commons Park – Sween House Renovations (Phase IIC) as Complete. The City of Sammamish hereby accepts the Sammamish Commons Park – Sween House Renovations (Phase IIC) as complete.

Section 2. Authorization of Contract Closure Process. The City of Sammamish Director of Parks and Recreation is hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, the Department of Labor and Industries and the Department of Employment Security.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 2ND DAY OF MARCH 2010.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: February 24, 2010

Passed by the City Council:

Resolution No.: R2010-\_\_\_\_\_



## CITY COUNCIL AGENDA BILL

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**Subject:**

SE 20<sup>th</sup> Street Non-Motorized Improvements:  
 Consultant Contract for Wetland Mitigation  
 Construction Inspection and Long Term Monitoring

**Meeting Date:** March 3, 2010**Date Submitted:** February 24, 2010**Originating Department:** Public Works**Action Required:**

Authorize the City Manager to execute a Consultant Services Agreement with the Watershed Company in an amount not to exceed \$46,295 for inspection wetland mitigation service during construction and including a 5 year monitoring period.

 **City Manager** **Police** **Public Works** **Fire** **Building/Planning** **Attorney****Exhibits:**

1. Consultant Agreement for Services Contract

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**Budgeted Amount:** Money for this Agreement for Services is included in the adopted budget for 2010. A total of \$3,000,000 is budgeted in the Transportation Capital Improvement Program (Fund 340) in the Non-Motorized Transportation Improvement Program for the SE 20<sup>th</sup> Street: 228<sup>th</sup> Ave SE to 212<sup>th</sup> Ave SE Non-Motorized Improvement Project (340-404-595-62-63-00). Future budgets will need to include appropriate appropriations to allow completion of the long term monitoring of the wetland mitigation work.

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**Summary Statement:**

This Agreement will provide inspection and monitoring services for wetland mitigation work required as a part of the construction of the non-motorized facilities along SE 20<sup>th</sup> Street from 212<sup>th</sup> Avenue SE to 228<sup>th</sup> Avenue SE. The Consultant will provide assistance during construction, including inspection and reporting, as well as provide long term monitoring (5 years) of the wetland mitigation component of the SE 20<sup>th</sup> Street Non-motorized improvement project. This work is required by the City's SEPA and Shoreline Substantial Development Permits. The Consultant will assist City staff with responses to

contractor requests for information (RFI's), change orders, and design changes that may arise during construction of the wetland mitigation required of the project.

**Background:**

Environmental permitting requirements for the SE 20<sup>th</sup> Street Non-motorized Improvement project include appropriate mitigation for wetland impacts both on and offsite. This contract agreement will allow inspection of Contractor's methods and materials by a wetland biologist during construction. The agreement will also allow a wetland biologist to monitor the status of the wetland mitigation work for a period of 5 years after construction, as required by the city's project construction permits, to ensure mitigation has been adequately accomplished.

Staff anticipates issuing a Notice to Proceed with construction to the City's general contractor, Premium Construction, in April of this year. Wetland mitigation work is anticipated to be completed this summer.

**Financial Impact:**

The proposed Agreement's not to exceed cost of \$46,295 is budgeted within the Non-Motorized Transportation Improvement Program which contains a total of \$3,000,000.00 appropriated to the SE 20<sup>th</sup> Street Non-motorized Improvement project.

Future budgets for the years 2011 thru 2015 will need to include appropriate appropriations of approximately \$8,000 per year to allow completion of the required long term (5 year) monitoring of the wetland mitigation work.

**Recommended Motion:**

Authorize the City Manager to execute the attached Agreement for wetland inspection services during construction (\$6,520) and long term monitoring services following construction completion (\$24,775 over a 5 year period) with the Watershed Company, Inc. in an amount not to exceed of \$46,295 for services on the SE 20<sup>th</sup> Street Non-motorized Improvement Project. This includes authorization of a \$15,000 on-call, as needed management reserve amount available to be used over the life of the contract for other services related to the SE 20<sup>th</sup> Street wetland mitigation work as they may arise.

**CITY OF SAMMAMISH  
AGREEMENT FOR SERVICES**

Consultant:   The Watershed Company  

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

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

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

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

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

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

The City shall pay Consultant:

[Check applicable method of payment]

   According to the rates set forth in Exhibit "    "

  x   A sum not to exceed (\$46,295)

   Other (describe): \_\_\_\_\_  
\_\_\_\_\_

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

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending December 31, 2017, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

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

5. **Independent Contractor.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will solely be responsible for its acts and for the acts of its agents, employees, subconsultants, or representatives during the

performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

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

7. **Insurance.**

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

**Minimum Scope of Insurance**

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

**Minimum Amounts of Insurance**

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

**Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

**Verification of Coverage**

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

**8. Record Keeping and Reporting.**

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

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

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

**10. Termination.**

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

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

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

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

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

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

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

**13. Conflict of Interest.** The City insists on the highest level of professional ethics from its consultants. Consultant warrants that it has performed a due diligence conflicts check, and that there are no professional conflicts with the City. Consultant warrants that none of its officers, agents or employees is now working on a project for any entity engaged in litigation with the City. Consultant will not disclose any information obtained through the course of their work for the City to any third party, without written consent of the "City". It is the Consultant's duty and obligation to constantly update its due diligence with respect to conflicts, and not the City's obligation to inquire as to potential conflicts. This provision shall survive termination of this Agreement.

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

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

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

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

City of Sammamish  
801 228<sup>th</sup> Avenue SE  
Sammamish, WA 98075  
Phone number: (425) 295-0500

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

Company Name The Watershed Company  
Contact Name Hugh Mortensen  
Street Address 750 6<sup>th</sup> Street S  
City, State Zip Kirkland , WA 98033  
Phone Number (425) 822-5242  
Email HMortensen@watershedco.com

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

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

CITY OF SAMMAMISH, WASHINGTON

CONSULTANT

By: \_\_\_\_\_

By:  \_\_\_\_\_

Title: City Manager

Title: President

Date: \_\_\_\_\_

Date: 2/23/10

Attest/Authenticated:

Approved As To Form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

## EXHIBIT A

### City of Sammamish

### Project Biologist Services Scope of Work

#### I. INTRODUCTION

The City of Sammamish (City) has selected The Watershed Company to provide Project Biologist Services for the SE 20<sup>th</sup> Street Improvements Project. The work shall consist of inspection and technical direction of grading, soil augmentation, planting and as-built mitigation reporting and annual performance monitoring for the 5-year monitoring period. The general project guidelines are as follows:

A qualified wetland biologist, wetland ecologist, or wetland restoration specialist with wetland mitigation plan implementation and construction experience will function as the Project Biologist.

- The Project Biologist will provide technical direction during wetland mitigation/enhancement plan implementation activities (grading, soil augmentation, and planting) in lieu of a formal grading and planting plan (per the SE 20<sup>th</sup> Street On-Site & Off-Site Wetland Mitigation Plan dated October 9, 2009).
- The services of the Project Biologist are detailed in the SE 20<sup>th</sup> Street On-Site & Off-Site Wetland Mitigation Plan dated October 9, 2009. These documents are part of the construction contract plans and specifications.

The work for each phase of the project shall be as defined in the tasks below.

#### II. DETAILED SCOPE OF WORK

##### Task 1 – Pre-Construction:

Purpose: Prior to the Wetland Mitigation Grading for the off-site wetland creation area, The Watershed Co. will provide services to prepare for inspecting the construction.

1. The Project Biologist will hold a pre-construction meeting with the City's Contractor and City Inspector, to ensure the wetland mitigation work proceeds according to the plans and specifications.
2. The Project Biologist will recommend suitable dates for grading in the mitigation site. It is assumed that the grading may proceed in summer.
3. The Project Biologist will work with the City's Contractor (or grading sub-contractor) to assure that all tract, wetland, and wetland buffer boundaries are properly located and designated with stakes and survey flagging prior to the initiation of construction activities.
4. The Project Biologist will notify the City (and/or the City's Contractor) when weather and soil moisture conditions are appropriate for initiating site clearing and grading activities in the mitigation area. The ideal time for clearing and grading activities is when the soil moisture in the upper 18 inches to 24 inches of soil is low to very low. Typically clearing and grading should occur in July through mid-September.

Purpose: Prior to installation of enhancement plantings, The Watershed Co. will provide service to verify site preparation is complete.

1. The Project Biologist will screen the site for invasive plants that need to be removed prior to planting.
2. In coordination with the City Contactor (and/or landscape sub-contractor), the Project Biologist will verify that the invasive weeds were removed.

**Task 2 – Construction Phase Services:**

Purpose: Provide construction inspection services for the wetland mitigation spanning three sites: two on-site enhancement areas and one off-site wetland creation area.

1. The Project Biologist will work with the City and grading contractor's representative to assure that all clearing and grading within the wetland mitigation (creation and enhancement) areas is completed per plan.
2. The Project Biologist will inspect the on-site soil conditions during the clearing and grading process to determine if soil augmentation is necessary.
3. If soil augmentation is required the Project Biologist will notify the City and the City Contractor as to the type and amount of soil augmentation material to be used.
4. Soil augmentation in the wetland creation area may require incorporating 4 inches of specified compost material into the top 8 inches of soil over the entire wetland creation area. Alternatively, soils may be over excavated by 12 inches and a 12 inch deep layer of wetland soil mix may be applied (approximately 52 cubic yards).
5. If the latter soil augmentation method is required the Project Biologist will notify the Contractor in advance to allow the Contractor to over-excavate on site material to compensate for the compost and have the finished grades consistent with the approved grading plan.
6. Any area of exposed soil requiring additional grading that cannot be completed within 48 hours shall, at the direction of the Project Biologist, be covered with plastic or straw mulch and netting to reduce or eliminate the risk of surface erosion. The Project Biologist will direct the City and/or City Contractor to implement this erosion control measure only when the weather forecast predicts rain during the time the soil is exposed.
7. Within 24 hours after the completion of all clearing and grading activities the Project Biologist will direct the City and/or City Contractor to hydroseed all cleared areas with the appropriate specified seed mix (see Plans and Specifications).
8. The Project Biologist will determine the timing of the planting in the mitigation and enhancement areas based upon weather and soil moisture conditions. The ideal time for planting is when the soil moisture is moderate, the air temperatures are cool, and the probability of measurable precipitation is moderate to high. Typically planting of trees and shrubs should occur from mid-October through November. Placement of willow cuttings and planting emergent plants should occur mid-February through April, if groundwater conditions are suitable.
9. The Project Biologist is responsible for inspecting and accepting or rejecting the plant material delivered to the project site and designating alternative plants as needed (e.g., in the event a specified plant species is not available).
10. The Project Biologist will work directly with the landscaping contractor during the installation of the plants to assure random plantings or plant groupings.
11. The Project Biologist will direct the Project Surveyor in preparation of an "as-built" survey of the wetland and wetland buffer mitigation areas to show the post-construction grades within the tract. Plants will not be included in the as-built survey and they will be presumed to roughly match the planting plan layout.

**Task 3 – As-built sign off**

1. Final Inspection: The Project Biologist, accompanied by the City, will inspect the mitigation site to confirm that the mitigation site has been constructed in accordance with the approved mitigation plan. If deficiencies are found, the Project Biologist will prepare a punch list to be completed by the City Contractor (and/or landscape sub-contractor). After the punch list items have been completed, the Project Biologist and City will return to the Mitigation Area for a second final inspection.
2. The Project Biologist will be responsible for preparing and submitting an “as-built” report to City of Sammamish Planning & Community Development Department within 30 days following the completion to the planting within the mitigation and enhancement areas. The as-built report will document any deviations from the approved plan, verify installation completion, and include an as-built plan drawing showing monitoring points (as described below). Provide as-built drawings of wetland mitigation plans in Autocad. Provide one full size printed hard copy, one full size mylar copy signed and one digital copy with ACAD and PDFs.
3. Monitoring Points: Immediately following receipt of the City’s memo initiating the performance monitoring phase of the project, the Project Biologist will install the transect end points, photo points, and piezometers required to conduct performance monitoring. Each of these locations will be marked on the ground with a 6-foot metal fence post with a metal ID tag.
4. Three monitoring transects will be established within the project area. Two transects will be established in representative wetland buffer enhancement areas along SE 20<sup>th</sup> Street and one transect will be established in the off-site wetland creation area, located in Pine Lake Park.
5. Photo Points: The six monitoring transect end points will also function as photo points. Additional photo points will be established in several locations independent of the monitoring transect end points to capture all mitigation areas noted on the approved plan set. The Project Biologist will prepare an As-Built Survey of the Mitigation Area. Topographic baseline data will be provided as a base layer. The as-built survey will show:
  - a. Mitigation Area outer boundaries and the wetland/buffer edge,
  - b. Site topography,
  - c. Plant locations and plant names or plant schedule with plant symbols,
  - d. Piezometer locations and numbers,
  - e. Photo point locations and numbers, and
  - f. Monitoring transect locations and end point numbers.

**Task 4 – Annual Performance Monitoring**

1. The Project Biologist will conduct a site maintenance inspection each spring for the 5-year monitoring period. A memo will be prepared summarizing weed problems and general maintenance issues for the City to address.
2. The Project Biologist will conduct late summer/early fall annual maintenance inspections for the 5-year monitoring duration. Data pertinent to the performance standards in the approved mitigation plan, such as plant survival and percent native plant cover, will be collected. Photo documentation will be taken from the specified photo points. The project status and recommendations for attaining the project goals will be provided in an annual report.
3. Per the approved plan, hydrology monitoring within the wetland creation area shall take place one per week from March 1<sup>st</sup> through May 1<sup>st</sup> during each of the five monitoring years. Groundwater levels will be recorded and the results will be included in the annual fall report.

4. An annual report will be issued to the City summarizing the all monitoring visits conducted during each of the five monitoring years. Each report will include the follow details:
  - a. Data collected including plant survival, native plant cover, invasive plant issues site-wide, and hydrologic conditions in the wetland creation area.
  - b. Photo point documentation
  - c. An analysis of site performance in relation to the project goals
  - d. Recommendations for general maintenance and/or actions needed to achieve the project goals in the five-year timeline.

### **Task 5 – On Call Services / Adaptive Management**

The Project Biologist agrees to perform the below on-call consultation services during construction of the SE 20<sup>th</sup> St Non-Motorized Improvement Project. Services shall be completed as per a specific Task Order approved by the City and invoiced in a manner to allow related costs to be identified.

1. Requests for information (RFIs). Provide technical interpretations of the drawings, specifications, and contract documents, and evaluate requested deviations from the approved design or specifications.
2. Change orders. Develop minor change orders and provide technical assistance to negotiate the change orders.
3. Participate in investigations, meetings, and negotiations with the City's Contractor involving claims and legal complaints, or a significant amount of defective or rejected work.
4. Additional services resulting from changes in scope or design of the project. Changes include, but are not limited to, changes in size, complexity, the schedule, character of construction, or method of financing.
5. Prepare additional copies of approved drawings, specifications, and other contract documents, as requested by the City.
6. Respond to telephone inquiries from City as necessary.
7. Meet with City to discuss project as necessary.

Project Biologist will be paid on a time and materials basis in accordance with the rates presented in Exhibit A.

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

#### Authorization of Work

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

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

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

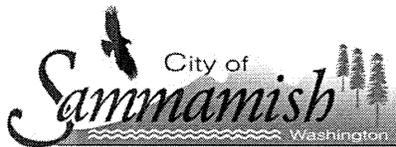
The City will review and approve the Project Biologist’s submittal for any work requested, or at the City’s option, negotiate various elements of the work requested prior to authorizing work to begin and issuing a Notice to Proceed. If, after work has begun, the Project Biologist cannot meet the agreed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

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

**Cost Summary**

Construction Monitoring Costs (Tasks 1, 2 and 3)	\$6,520
Annual Performance Monitoring Costs (Task 4)	\$24,775
<u>On-Call Services / Adaptive Management (Task 5)</u>	<u>\$15,000</u>
Total Cost	\$46,295

EXHIBIT B



*REQUEST FOR CONSULTANT PAYMENT*

To: City of Sammamish  
 801 228<sup>th</sup> Avenue SE  
 Sammamish, WA 98075  
 Phone: (425) 295-0500  
 FAX: (425) 295-0600

Invoice Number: \_\_\_\_\_ Date of Invoice: \_\_\_\_\_

Consultant: The Watershed Company

Mailing Address: 750 – 6<sup>th</sup> Street South  
Kirkland, WA 98033

Telephone: (425) 822-5242

Email Address: \_\_\_\_\_

Contract Period: \_\_\_\_\_ Reporting Period: \_\_\_\_\_

Amount requested this invoice: \$ \_\_\_\_\_

Specific Program: \_\_\_\_\_

\_\_\_\_\_  
 Authorized signature

***ATTACH ITEMIZED DESCRIPTION OF SERVICES PROVIDED***

*For Department Use Only*

Total contract amount	
Previous payments	
Current request	
Balance remaining	

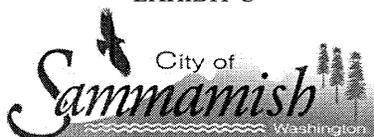
Authorization to Consultant: \$
Account Number:
Date:

Approved for Payment by: \_\_\_\_\_ Date: \_\_\_\_\_

***Finance Dept.***

Check # \_\_\_\_\_ Check Date: \_\_\_\_\_

EXHIBIT C



TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Sammamish, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

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

TIN No.: 91-1364393

Social Security No.: \_\_\_\_\_

Print Name: A. William Way

Title: President

Business Name: The Watershed Company

Business Address: 750 – 6<sup>th</sup> Street South

Business Phone: (425) 822-5242

2/23/10  
Date

Authorized Signature (Required)



## EXHIBIT D

**Hourly Rates Effective January 2010\***

A. William Way, PWS	President	\$165
Ed McCarthy, P.E., PhD	Water Resource Engineer	\$150
Greg Johnston, EIT, CFP	Senior Fisheries Biologist	\$130
Hugh Mortensen, PWS	Senior Ecologist/PWS	\$130
Jennifer Creveling, PWS	Senior Wetland/ Wildlife Biologist	\$130
Amy Summe	Environmental Planner	\$130
Dan Nickel	Environmental Engineer/GIS Specialist	\$130
Mark Garff, ASLA, RLA	Senior Landscape Architect	\$120
Mark Indrebo, LG	Fluvial Geomorphologist	\$120
Matt Stevenson	Planner, GIS Specialist	\$120
Kenny Booth, AICP, APA	Associate Planner	\$110
Suzanne Tomassi	Wetland/Wildlife Biologist	\$110
Margaret Hayes, RLA	Landscape Architect	\$100
Nancy Way	Technical Writer	\$120
Courtney Landoll, ASLA, RLA	Landscape Architect	\$90
Grace Bergman	Landscape Designer	\$90
Christi Hallman	Contract Administrator/IT	\$85
Nell Lund	Ecologist	\$85
Meagan McManus	Ecologist	\$75
Ryan Kahlo	Ecologist	\$70
Tracy Durnell	Administrative/Graphic Design	\$70

**Acronym Key:**

CFP = Certified Fisheries Professional as certified by the American Fisheries Society  
 PE = Professional Engineer  
 EIT = Engineer In Training  
 GIS = Geographic Information System  
 LG = State of Washington Licensed Geologist  
 PWS = Professional Wetland Scientist as certified by the Society of Wetland Scientists  
 ALSA = American Society of Landscape Architects  
 RLA = State of Washington Registered Landscape Architect  
 AICP = American Institute of Certified Planners  
 APA = American Planning Association

**Direct Costs:**

Auto Mileage	Maximum standard rate allowable by IRS
Duplicating	\$0.10 /page b/w; \$1/page color; \$10/ page b/w plot; \$30/page color presentation plot
Electrofishing Equipment Rental	\$100.00 / day
Trimble GEO XT- GPS Equipment Rental	\$50.00 / day
Solomat Water Quality Testing Equipment Rental	\$50.00 / day
Other Direct Costs	At Cost

\*Rates for 2010 only; escalator clause for cost of living may apply in future years



## CITY COUNCIL AGENDA BILL

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**Subject:**  
Lighting in the City Hall Lobby

**Meeting Date:** March 2, 2010

**Date Submitted:** February 19, 2010

**Originating Department:** Admin Services

**Clearances:**

**Action Required:**  
Acceptance of the \$27,457.09 Settlement Offer from Lite Energy

**City Manager**                       **Police**

**Public Works**                       **Fire**

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

**Exhibits:**  
N/A

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**Budgeted Amount:** \$27,457.09 will be used to replace Light Fixtures in the City Hall Lobby

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**Summary Statement:**

Since moving into the City Hall building, we have experienced problems with the light fixtures in the lobby area. After repeatedly attempting to address these issues – including removing the fixtures and returning them to the manufacturer to be redesigned – the problems persist. The manufacturer has offered a settlement of \$27,457.09 to resolve the matter.

**Background:**

The Sammamish City Hall design team specified industrial-like High Intensity Discharge (HID) lighting fixtures for the entry hallway and public lobby of City Hall. The cost of light fixtures originally selected by the building's architect was \$35,446. The firm constructing City Hall examined the lighting specifications and obtained pre-bid approval for a substitute light fixture from Lite Energy for a cost of \$14,536, resulting in a savings of \$20,910.

About a year and a half after we moved into the City Hall Building we began having issues with the lighting fixtures. The ballasts – a critical component to the HID lighting fixtures – were overheating and creating a safety hazard.

After several months of lighting unreliability, Lite Energy agreed to have the fixtures returned to them for re-design and construction. The re-designed fixtures came back several months later completely re-engineered. A key difference was that the ballast was separated physically from the HID lamp which produces considerable heat.

Now, about 6 months into the life of the re-designed fixtures, they are again overheating. Staff has communicated with Lite Energy who recommended additional on-site modifications to the fixtures. Staff declined to perform this modification because we believe that the responsibility to ensure the fixtures work correctly is that of the manufacturer, not the City.

Ultimately, City Staff asked Lite Energy to take back the fixtures. Discussions ensued and Lite Energy has offered \$27,457.09 to settle this matter. City staff has reviewed this offer, considered the cost of additional negotiations, continued lack of lighting in the City Hall Lobby, and recommends that the settlement offer be accepted.

**Financial Impact:**

- Light Fixtures originally selected by the City Hall Architect - \$35,446.
- Alternative Light Fixtures which were installed - \$14,536.
- Construction Cost Savings - \$20,910
  
- Proposed Settlement Offer from Lite Energy - \$27,457.09

**Recommended Motion:**

“Move to Accept the Settlement Offer of \$27,457.09 from Lite Energy”



## CITY COUNCIL AGENDA BILL

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**Subject:**

Public Hearing and first reading of a proposed ordinance accepting the Aldarra/Montaine Subdivisions 60% petition to the City of Sammamish.

**Meeting Date:** March 2, 2010**Date Submitted:** February 24, 2010**Originating Department:** Community Development**Clearances:****Action Required:**

- Open Public Hearing and continue to March 16<sup>th</sup>, 2010
- 1<sup>st</sup> Reading only, no action

 **City Manager** **Police** **Public Works** **Fire** **Building/Planning** **Attorney****Exhibits:**

1. Draft Ordinance with Attachments A and B
2. Petition (hard copy available)

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**Budgeted Amount:** N/A

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**Summary Statement:**

This ordinance accepts the Aldarra/Montaine subdivisions 60% petition and authorizes the City Manager, and/or his designees to prepare and submit a Notice of Intention to annex the area into Sammamish to the King County Boundary Review Board. The ordinance also establishes July 10<sup>th</sup> as the effective date of the annexation. The following is list of key dates in the annexation process.

- **March 2<sup>nd</sup>** Council 1<sup>st</sup> reading 60%
- **March 9<sup>th</sup>** Council Study Session with Financial Analysis
- **March 15<sup>th</sup>** Meeting with Chief Conner and Representatives of Fire District 27 to discuss operational and financial transition options
- **March 16<sup>th</sup>** Council 2<sup>nd</sup> reading/adoption of 60%
- **March 19<sup>th</sup>** NOI submittal received by BRB (invoke jurisdiction and start of 120 window)

- **April 8<sup>th</sup>** BRB Meeting
- **May** BRB Hearing (TBD)
- **June 10<sup>th</sup>** BRB Meeting and Decision
- **July 10<sup>th</sup>** Annexation Effective Date
- **August 1<sup>st</sup>** Statutory deadline for 2011 property taxes
- **July 10<sup>th</sup> to December 31, 2010:** Fire District 27 and King County Road Property taxes levied for 2010, but not yet collected, flow to the City of Sammamish. Delinquent taxes remain accounts receivable to King County and Fire District 27.

**Background:**

Under state law, parties may initiate an annexation of property into the City by submitting a petition signed by the owners of 10% of the assessed value of property within the annexation area. In February 2009 the City received a 10% petition from owners of property within the Aldarra/Montaine subdivisions.

At the April 7, 2009 regular meeting the City Council adopted Resolution No. R2009-362 that accepted the 10 percent petition and authorized the initiating parties to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the proposed annexation area. Petition signers also consented to the pro-rata share of existing city indebtedness, if any.

The Aldarra/Montaine subdivision submitted a 60% petition on February 1, 2010, and the King County Assessor confirmed that the signatures were owners of property located within the annexation area. State law calls for the City Council to hold a public hearing on a 60% petition and, if the annexation is approved, to thereafter adopt an ordinance annexing the area.

**Financial Impact:**

Staff is currently preparing a fiscal analysis of the proposed annexation area. The results of the analysis will be presented to the Council during a study session on March 9, 2010.

**Recommended Motion:**

Open the public hearing; take testimony and continue the public hearing. 1<sup>st</sup> Reading only, no action. (2<sup>nd</sup> reading and action scheduled for 3/16/2010).

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. \_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH ANNEXING THE ALDARRA  
ESTATES AND MONTAINE SUBDIVISIONS EFFECTIVE JULY 10, 2010.**

WHEREAS, RCW 35A.14.120 provides that “proceedings for initiating annexation of unincorporated territory to a charter code city or non-charter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed,” but that “prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings;” and

WHEREAS, the Aldarra subdivision is contiguous and located in unincorporated King County directly north of SE Duthie Hill Road and east of Trossachs Boulevard SE in a Potential Annexation Area (PAA) adopted by the City Council in 2006 and 2007; and

WHEREAS, the Montaine Subdivision is located south of SE Duthie Hill Road and just east of 273<sup>rd</sup> Avenue SE in a Potential Annexation Area (PAA) adopted by the City Council in 2006 and 2007; and

WHEREAS, on April 21, 2008 the City Council adopted Ordinances O2008-O228 and –O229, which adopted contingent zoning and comprehensive plan land use designations for such PAAs to be effective upon their annexation; and

WHEREAS, on February 27, 2009, residents of the Aldarra/Montaine subdivisions notified the city of their intent to commence annexation proceedings, by submitting a letter with the signatures of the owners of not less than ten percent in value of the proposed annexation area; and

WHEREAS, on April 7, 2009 as part of the regular City Council meeting the City Council approved resolution R2009-362 that accepted the 10 percent annexation petition and authorized the initiating parties to circulate an annexation petition seeking the signatures of the owners of at least 60% of the assessed valuation of property within the annexation area; and

WHEREAS, on February 1, 2010 a petition was submitted to the City of Sammamish that included the signatures of the owners of at least 60% of the assessed valuation of property within the annexation area; and

WHEREAS, pursuant to RCW 35A.01.040 (9), the petition was forwarded to the King County Assessor for a determination as to the sufficiency of signatures thereon; and

WHEREAS, on February 24, 2010 the King County Assessor determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed Aldarra/Montaine subdivisions, and so notified the City of Sammamish of that determination in writing; and

WHEREAS, on March 2, 2010 and March 16, 2010 the Sammamish City Council held a public hearing following publication of notice thereof as provided in RCW 35A.14.130; and

WHEREAS, the City of Sammamish desires to annex the area described and shown in the petition.

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

Section 1. Annexation. The City of Sammamish hereby annexes those portions of the Aldarra/Montaine subdivisions which are legally described in Exhibit A and depicted on the map in Exhibit B (“Aldarra/Montaine Property”), which exhibits are attached hereto and incorporated herein by reference. The City Manager or designee is authorized to prepare and submit a Notice of Intention to annex the Aldarra/Montaine Property to the King County Boundary Review Board.

Section 2. Conditions Upon Annexation.

A. Comprehensive Plan and zoning designations. All properties within the Aldarra/Montaine Property shall be subject to the Comprehensive Plan and zoning designations previously adopted and set forth in City of Sammamish Ordinance Nos. 2008-0228 and 2008-0229.

B. Assumption of Existing Indebtedness. All property within the Aldarra/Montaine subdivisions shall be assessed and taxed at the same rate and on the same basis as the property in the City of Sammamish is assessed and taxed to pay for the portion of outstanding city indebtedness, if any, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the effective date of the annexation in Section 1 of this Ordinance.

Section 3. Effective Date. **This ordinance shall be effective on July 10, 2010, following passage and publication as provided by law and the King County Boundary Review Board’s approval of the annexation of the Aldarra/Montaine Property.**

Section 4. Certification of Ordinance to King County. Pursuant to RCW 35A.14.140, upon passage the City Clerk is directed to file a certified copy of this Ordinance with the King County Council.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 16<sup>th</sup> DAY OF March, 2010**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

\_\_\_\_\_  
Approved as to form:

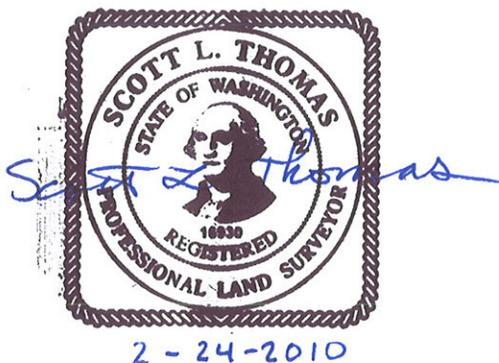
\_\_\_\_\_  
Bruce L. Disend, City Attorney

Filed with the City Clerk: February 22, 2010  
Public Hearing: March 2, 2010  
First Reading: March 2, 2010  
Public Hearing  
Passed by the City Council:  
Publication Date:  
Effective Date:

EXHIBIT 'A'  
ALDARRA DIVISION NO. 1, 3, & 4  
ANNEXATION LEGAL DESCRIPTION

That portion of the Northeast quarter, of Section 12, Township 24 North, Range 6 East, W.M., and the Northwest quarter, of Section 7, and the Southwest quarter, of Section 6, Township 24 North, Range 7 East, W.M. and described as follows:

BEGINNING at the Northwest corner of Aldarra Division No. 4, as recorded in Volume 226 of Plats, at pages 1-8 and recorded under Auditor's Fee Number 20050111001069, records of King County, Washington; THENCE Southerly, along the West line of said Plat, to the Southwest corner of said Plat; THENCE Easterly, along the Southerly line of said Plat of Aldarra Division No. 4 and the Southerly line of Aldarra Division No. 3, as recorded in Volume 218 of Plats, at pages 84-93 and recorded under Auditor's Fee Number 2003112500507, records of King County, Washington to the Southeast corner of Tract 'AD' of said Division No. 3; THENCE Northerly, along the Easterly line of Tract 'AD', Lots 65-70, Tract 'Z', Lot 71, Tract 'W' and Tract 'U' to the Southerly margin of said SE Duthie Hill Road; THENCE Easterly, along said Southerly margin, to the Southerly extension of the Easterly line of Lot 8 of Aldarra Division No. 1, as recorded in Volume 199 of Plats, at pages 72-88 and recorded under Auditor's File Number 20010508000780, records of King County, Washington; THENCE Northerly, along said Southerly extension and the Easterly line of Lot 8, the SE 26<sup>th</sup> St. right-of-way, Lots 9-12, Lot 14, the SE 24<sup>th</sup> St. right-of-way, the Easterly and Northeasterly lines of Lot 15, and the Northeasterly line of Lot 16 and the Northeasterly and Easterly line of Tract 'H', to the Northeast corner of Tract 'H'; THENCE Westerly to the Northwest corner of Tract 'H' and the Westerly line of said Plat of Aldarra Division No. 1; THENCE Southerly, along the Westerly line of said plat of Aldarra Division No. 1 and its Southerly extension to the Northerly line of said Aldarra Division No. 4; THENCE Westerly, along said Northerly line of said Aldarra Division No. 4, to the POINT OF BEGINNING.









## CITY COUNCIL AGENDA BILL

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**Subject:** “Administrative Adjustment of Setbacks”  
Code Amendments: Revisions to SMC 21A.25

**Meeting Date:** March 2, 2010

**Date Submitted:** February 22, 2010

**Originating Department:** Community Development

**Clearances:**

**Action Required:** Second Reading and continued  
Public Hearing. Motion to adopt.

**City Manager**                       **Police**

**Public Works**                               **Fire**

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

**Exhibits:**

1. Draft Ordinance
2. Attachment “A” Code Amendments
3. Memorandum to Kamuron Gurol from Senior  
Planner Evan Maxim, dated February 19,  
2010.
4. Examples of Setbacks

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**Budgeted Amount:** N/A

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**Background:**

SMC 21A.25 governs setbacks for new development and the process to allow modifications to such setbacks. The proposed code amendment will allow additional flexibility for the Director of Community Development to administratively allow for adjustment of street and interior setbacks. This would allow properties to take advantage of the City’s recently adopted interior setbacks under certain criteria.

The proposed ordinance is administrative in nature, and is consequently exempt from SEPA review. The proposed ordinance has been transmitted to the Department of Commerce for expedited review.

**Financial Impact:** N/A

**Recommended Motion:** Motion to adopt the proposed ordinance.

**DRAFT**  
**CITY OF SAMMAMISH**  
**WASHINGTON**  
**ORDINANCE NO. O2010 - \_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTER 21A.25 (DEVELOPMENT STANDARDS – DENSITY AND DIMENSIONS), OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council adopted the City’s Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, the City has found through experience that additional flexibility in applying required setbacks would improve development design and consistency; and

WHEREAS, the City Council adopted Ordinance O2009-249, which amended the Sammamish Municipal Code on January 20, 2009; the amendments included a reduction in interior setbacks; and

WHEREAS, private property owners and members of the development community are requesting that the City allow administrative adjustment of setbacks on a case-by-case basis; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities and included presentation to the Sammamish City Council on February 16, 2010 and March 2, 2010; and

WHEREAS, the proposed ordinance is procedural in nature and is exempt from SEPA review and the Department of Commerce has granted expedited review of the proposed amendment; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on February 16, 2010 and continued to March 2, 2010;

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

**Section 1. Amendments to the Municipal Code.** The municipal code amendments set forth in Attachment "A" to this ordinance are hereby adopted.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_ DAY OF \_\_\_\_\_ 2010.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

\_\_\_\_\_  
Bruce L. Disend, City Attorney

Filed with the City Clerk: February 10, 2010  
Public Hearing: February 16, 2010  
First Reading: February 16, 2010  
Public Hearing: March 2, 1010  
Passed by the City Council:  
Date of Publication:  
Effective Date:

SMC 21A.25.100 - Administrative Adjustment of Setbacks (*New Section*)

“Plain Text” is existing code language

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

“Underline Text” is code language that will be added

**SMC 21A.25.100 – Administrative Adjustment of Setbacks**

The purpose and intent of administrative adjustment of setbacks is to provide the flexibility to modify setbacks in all zoning districts at the administrative level. Administrative adjustment of setbacks may modify setbacks established in Chapter 21A.25 of the Sammamish Municipal Code, provided that such modification shall not affect setbacks or other requirements established elsewhere in Title 21A of the Sammamish Municipal Code. Approval shall be based on a determination that the adjustment is consistent with the purpose and intent of Title 21A SMC.

- (1) Process. Requests for administrative adjustment of setbacks shall be reviewed and approved concurrent with the related development application. The Director may approve or recommend approval to the Hearing Examiner on an administrative adjustment of standards based upon the factors listed in subsection (3) and as provided in subsection (4) below.
- (2) Review. The applicant shall have the burden of demonstrating that the administrative adjustment of setbacks is warranted, that the adjustment is consistent with the purpose and intent of Title 21A.SMC, and shall provide such documentation to support the request as may be required by the Director.
- (3) Criteria. In issuing an administrative adjustment of setbacks approval or recommendation, the director shall consider the following:
  - a. Any site specific characteristics or constraints affecting the subject property that may warrant the adjustment;
  - b. The consistency of the requested adjustment with other regulatory requirements governing the development application;
  - c. The consistency of the requested adjustment with the policy direction provided by the Sammamish Comprehensive Plan or other adopted policy documents;
  - d. Whether the adjustment of setbacks is compatible in scale and character with existing neighboring land uses;
  - e. Whether the adjustment of setbacks is consistent with the intent and character of the zoning district involved;
  - f. Impacts upon:
    - i. Adjacent Property Owner(s). The adjustment of setbacks shall not negatively impact the adjacent property owners through incompatible height, bulk, design, color or other features;
    - ii. Environmentally Critical Areas. The adjustment shall be consistent with the purpose and intent of the environmentally critical area regulations, and shall not negatively impact environmentally critical areas;
    - iii. Public Services. The adjustment of setbacks shall not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements;
  - g. The required impervious surface area for the property shall not be exceeded;
  - h. Whether the adjustment allows for the placement of a building to be made on the lot to allow for the retention of an existing significant tree or trees.

Significant trees retained through this provision shall be considered protected trees and shall not be removed without replacement.

- i. The reductions shall accomplish one or more of the following goals:
  - i. Allows buildings to be sited in a manner which maximizes solar access;
  - ii. Allows zero lot line, semidetached (common wall construction) or other types of cluster development when allowed and in conformance with the provisions of this Code;
  - iii. Coordinates development with adjacent land uses and the physical features of the site;
  - iv. Allows the development proposal to comply with later adopted setback provisions; or
  - v. Allows development consistent with the scale and character of the existing neighborhood.
- (4) Adjustment of Setbacks.
  - a. Residential and commercial street setbacks established pursuant to SMC 21A.25 may be reduced by up to 30%;
  - b. Residential interior setbacks may be reduced to a minimum of 5 feet (where not otherwise authorized), eaves and projections may extend eighteen inches into setbacks, and provided that projections may not exceed a width of ten feet and are limited to two per facade;





## Memorandum

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**Date:** February 19, 2010  
**To:** Kamuron Gurol, Director of Community Development  
**From:** Evan Maxim, Senior Planner  
**Re:** Administrative Adjustment of Setbacks – City Council Questions

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**Background:**

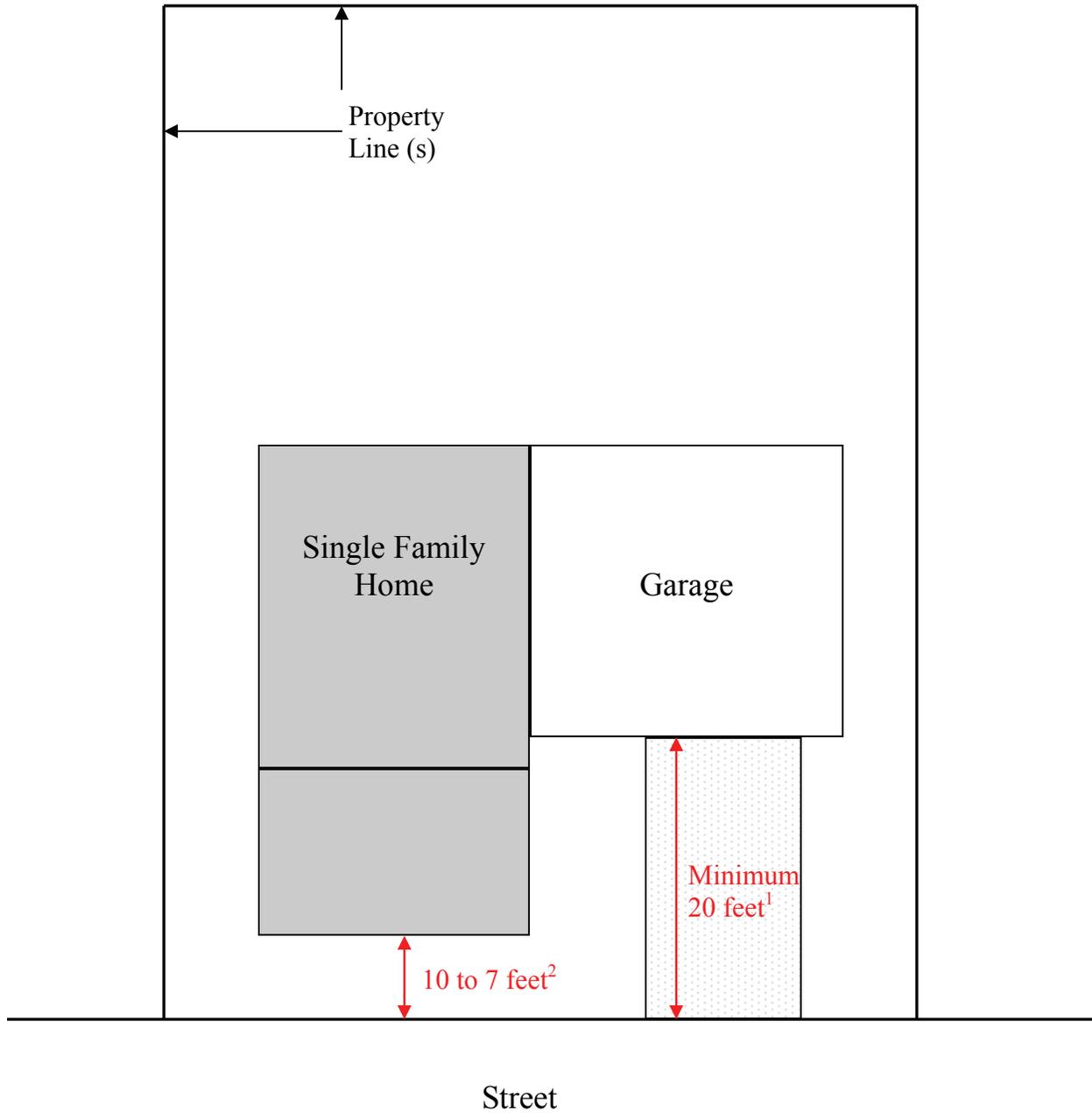
On February 16, 2010, the City Council reviewed a draft ordinance that would provide additional flexibility for administrative adjustment of street and interior setbacks. This would allow properties to take advantage of the City's recently adopted interior setbacks under certain criteria. Following review of the draft ordinance, the City Council requested a staff response to three questions. The questions and responses are below.

**Staff Responses:**

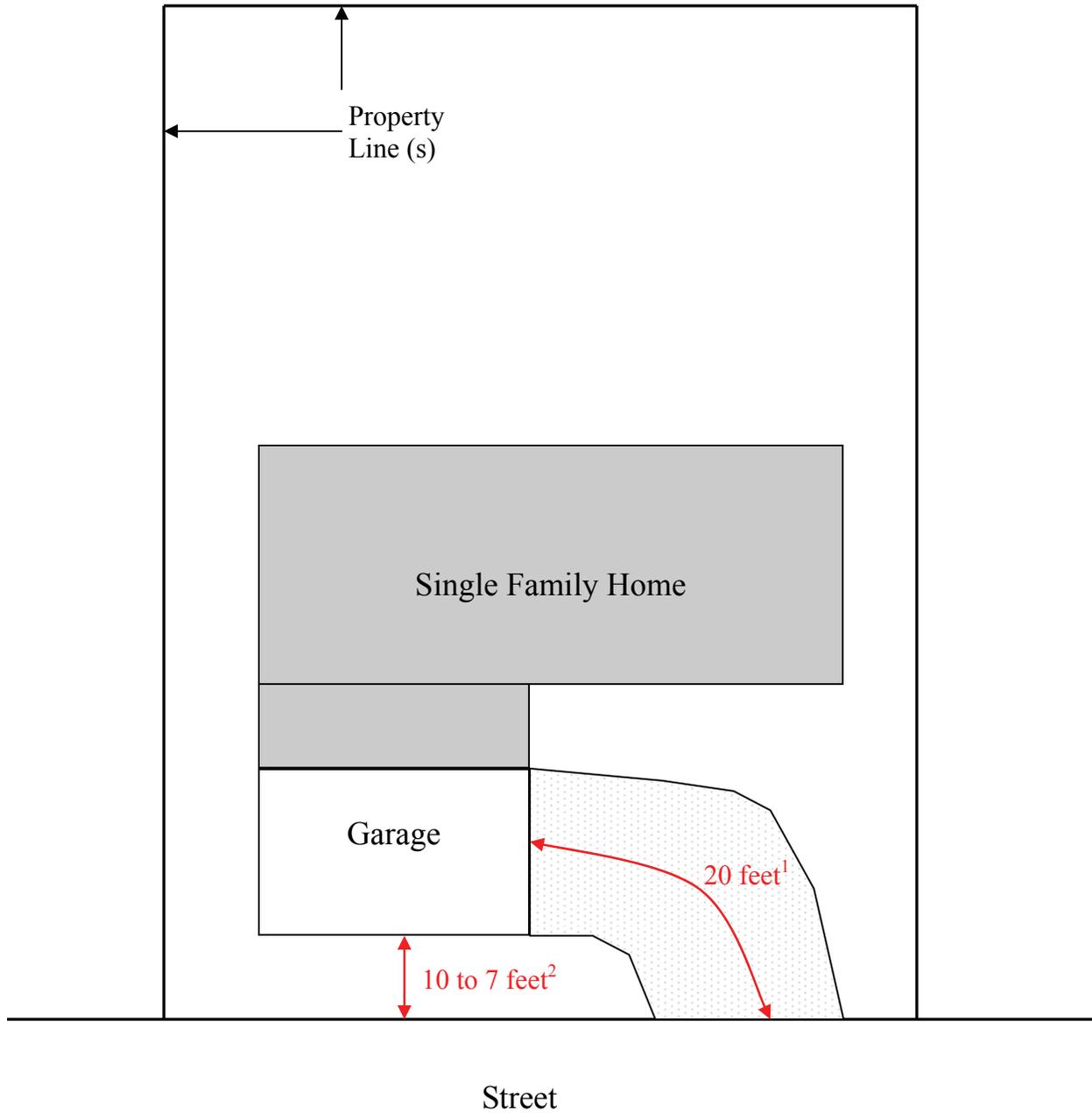
1. *What is the rationale for allowing administrative adjustment of street setbacks?* On a fairly regular basis, the City becomes involved in requiring code compliance for relatively small infractions of zoning setbacks. For example, a single family home with two to four inches of eave projection too close to the street property line along the entire frontage of the house. In situations like this, it appears that there is little or no public benefit associated with the strict application of the street setbacks. Consequently, providing flexibility to adjust street setbacks, together with appropriate criteria to ensure the public interest is served, may be appropriate.
2. *Will the proposed code amendment allow for a shorter driveway?* No. The minimum length of a single family home driveway is separately established in the Sammamish Municipal Code (SMC) at 20 feet. The 20 foot length is measured along the center line of the driveway from the street access point to the garage. Consequently a garage could be designed such that one wall of the garage was 10 feet from the street property line (and the garage door was perpendicular to the street), while the driveway was 20 feet long. The draft ordinance authorizes modifications of setbacks; however the driveway length requirement is a dimensional (length) requirement and would still apply.
3. *Is there a fire safety or fire access concern with the reduced interior setbacks and allowed projections?* City staff has confirmed both verbally and in writing with Eastside Fire and Rescue that there is not a fire safety concern or fire access concern with the reduced interior setbacks and allowed projections.

Please let me know if you need additional information.

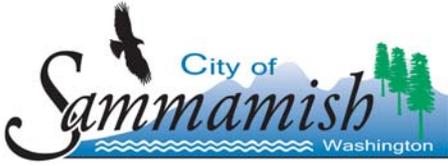




1. The driveway length is required to be a minimum of 20 feet pursuant to SMC 21A.25.030(B)(7)
2. The street setback for the house (or garage wall) could be adjusted to be as little as 7 feet.



1. The driveway length is required to be a minimum of 20 feet pursuant to SMC 21A.25.030(B)(7)
2. The street setback for the house (or garage wall) could be adjusted to be as little as 7 feet.



## CITY COUNCIL AGENDA BILL

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**Subject:** Amendments to Wireless Communication Facilities (WCF) SMC 21A.55

**Meeting Date:** March 2, 2010

**Date Submitted:** February 24, 2010

**Originating Department:** Community Development

**Clearances:**

**Action Required:** Second Reading and continued Public Hearing. Motion to adopt.

<input checked="" type="checkbox"/> <b>City Manager</b>	<input type="checkbox"/> <b>Police</b>
<input type="checkbox"/> <b>Public Works</b>	<input type="checkbox"/> <b>Fire</b>
<input checked="" type="checkbox"/> <b>Building/Planning</b>	<input checked="" type="checkbox"/> <b>Attorney</b>

**Exhibits:**

1. Draft WCF Ordinance
2. Planning Commission Memo
3. Memorandum to Kamuron Gurol from Senior Planner Emily Arteche dated February 24, 2010.

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**Budgeted Amount:** N/A

**Summary Statement:** In coordination with the city attorney's office, staff have been working to revise the Wireless Communication Facilities ordinance to codify existing emergency ordinances and to address housekeeping issues, grammatical errors, and changes in technology. The ordinance reviewed and received by the Planning Commission reflects these changes. During their review process, the Planning Commission also asked staff to address growing concerns over visual impacts. The Commission expressed specific concern about the possibility of another WCF constructed on a light standard, similar to that of the one recently built in the Trossachs subdivision. Thus, the proposed WCF ordinance prohibits new WCF's within the city right-of-way (ROW) from utilizing light standards as defined.

Since the planning commission review, this version of the amended draft WCF ordinance was also edited by staff to improve clarity and organization.

**Background:** The City has had numerous emergency ordinances since the original wireless communication ordinance was written in July 2005 including the following:

- March 2004: Wireless in ROW Ordinance
- June 2005: Comprehensive WCF Ordinance
- Dec. 2007: 1<sup>st</sup> Emergency Ordinance (*collocation*)
- Nov. 2008: 2<sup>nd</sup> Emergency Ordinance (*exempting public emergency facilities*)
- April 2009: 3<sup>rd</sup> Emergency Ordinance (*exempting public emergency facilities*)
- May 2009: 4<sup>th</sup> Emergency Ordinance (*collocation/public ROW*)
- Nov. 2009: 5<sup>th</sup> Emergency Ordinance (*collocation/public ROW*)

**Financial Impact:** None.

**Recommended Motion:** Motion to adopt the proposed ordinance.

# CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2010-\_\_\_

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATING TO SITING OF WIRELESS COMMUNICATION FACILITIES; REPEALING AND RE-ENACTING CHAPTER 21A.55 SMC; IMPLEMENTING PROVISIONS PREVIOUSLY ENACTED PURSUANT TO A DECLARATION OF EMERGENCY; AMENDING AND ADDING NEW DEFINITIONS TO CHAPTER 21A.15 SMC; REPEALING SECTION 13.01.010 SMC RELATING TO UNDERGROUNDING OF WIRELESS COMMUNICATION FACILITIES EQUIPMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City has previously adopted Chapter 21A.55 of the Sammamish Municipal Code (“SMC”), entitled Wireless Communication Facilities (“WCF”), the purpose of which is to provide general requirements, siting hierarchy, design standards, and evaluations in exchange for public benefits to help achieve reasonable location of wireless communication facilities; and

WHEREAS, the City has previously adopted emergency Ordinance Number 2009-268 for the purpose of establishing interim regulations amending the siting hierarchy standards to give equal priority to collocation on existing poles or structures; and

WHEREAS, the City has previously adopted emergency Ordinance No. 2008-239 (amended pursuant to 2009-254) for the purpose establishing interim regulations to allow an exemption for installation of emergency communications and warning systems in the event of state, local, or national emergencies or disasters; and

WHEREAS, the foregoing interim regulations were put in place to allow for more permanent revisions to SMC Chapter 21A.55 and Chapter 21A.15 to be prepared for public review and consideration by the Planning Commission and City Council; and

WHEREAS, the Planning Commission has reviewed and recommended amendments to the WCF to implement the interim regulations as provided herein, and further, to amend the existing siting hierarchy standards to give higher priority to location on high voltage electrical transmission towers; to allow attachment of concealed base station equipment to antenna support structures in the public rights of way; to allow and provide for installation and erection of temporary wireless communications facilities necessary in the event of an emergency or for

repairs; and, to prohibit use of light poles and light standards in the public right of way as antenna support structures; and

WHEREAS, the City Council of the City of Sammamish finds that there is a need for revised regulations related to wireless communication facilities to assure adequate wireless services within the City, to minimize the number of new support structures and associated aesthetic impacts, and to guide the location and appearance of necessary infrastructure; and

WHEREAS, the proposed amendments are consistent with, and serve to implement, the City's adopted Comprehensive Plan; and

WHEREAS, the prohibition upon use of light poles within the public right of way as antenna support structures is intended to create uniformity in appearance and function of light poles, especially with regard to ornamental light poles to which such facilities cannot be easily attached in a manner that maintains the appearance of the light pole; to minimize interference with maintenance of and access to light poles and light fixtures; and to protect the public health, safety and welfare; and

WHEREAS, SMC 13.01.010 (Wireless Communication Facility, Vaults), which requires all equipment associated with a wireless communication facility in the public right of way to be located underground, is inconsistent with the preferred design requirements of SMC Sections 21A.55.070 and 21A.55.090, which allow such equipment to be located above ground if shielded from public view or concealed; and

WHEREAS, the proposed amendments are consistent with the recommendations of the wireless facilities master plan; and

WHEREAS, an Environmental Checklist for a non-project action has been prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a Determination of Non-Significance ("DNS") was issued; and

WHEREAS, the Planning Commission held public meetings related to the amendments on September 3, 2009, November 3, 2009, December 3, 2009 and December 17, 2009; and

WHEREAS, the City Council held a first reading of the ordinance proposing adoption of the amendments and a public hearing on the proposed amendments on February 16 2010 and March 2, 2010; and

WHEREAS, the City Council finds that the amendments will allow for the appropriate development of wireless facilities within the City and are in the public interest;

NOW, THEREFORE, the City Council of the City of Sammamish, Washington, do ordain as follows:

Section 1. Section 21A.15.227 (Concealed WCF) Amended. Section 21A.15.227 of the Sammamish Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

**21A.15.227 Concealed WCF.**

“Concealed WCF,” sometimes referred to as a stealth or camouflaged facility, means the antenna or antenna array, antenna support structure, base station, and feed lines are not readily identifiable as such, and ~~is~~are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Examples of concealed attached facilities~~y~~ies include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. Examples of concealed antenna support structures that can have a secondary, obvious function ~~which may be include~~, but are not limited to, the following: church steeples, windmills, bell towers, clock towers, cupolas, light standards, utility poles, flagpoles with or without ~~a~~ flags or trees.

Section 2. New Section Added to Chapter 21A.15 SMC. A new section is added to Chapter 21A.55 of the Sammamish Municipal Code to be known and referred to as Section 21A.15.596 (High Voltage Electrical Transmission Tower), to read as follows:

**21A.15.596 High Voltage Electrical Transmission Tower.**

“High Voltage Electrical Transmission Tower” means a structure that is designed and constructed primarily for the purpose of overhead support of high voltage transmission lines. For purposes of this term, high voltage transmission lines shall generally mean and refer to a 68 kV or greater electric transmission line.

Section 3. New Section Added to Chapter 21A.15 SMC. A new section is added to Chapter 21A.15 of the Sammamish Municipal Code to be known and referred to as Section 21A.15.1276 (Temporary WCF), to read as follows:

**21A.15.1276 Temporary WCF.**

“Temporary WCF” shall mean a WCF that is designed for temporary use and is installed or erected, (a) in the event of a public emergency to provide emergency communications by public officials, or (b) at the site of an existing permanent WCF for only so long as is necessary, but in no event longer than 90 days, to provide signal coverage during repair, maintenance, or re-construction of such permanent WCF, or during a power outage.

Section 4. Repeal and Reenactment of Chapter 21A.55 SMC. Chapter 21A.55 of the Sammamish Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

**21A.55.010 Purpose.**

The purpose of this chapter is to:

- (1) Establish clear regulations for the siting and design of wireless communication facilities consistent with federal regulations;
- (2) Promote the health, safety, and general welfare of the public by regulating the siting of WCFs;
- (3) Minimize impacts of WCFs on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (4) Encourage the location and collocation of wireless communication equipment on existing structures;
- (5) Minimize visual, aesthetic, public safety, and environmental and wildlife effects;
- (6) Accommodate the growing need and demand for wireless communication services;
- (7) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
- (8) Encourage orderly development in a preferred hierarchy using concealed technologies; and
- (9) Assure WCF development is consistent with the City's wireless master plan.

**21A.55.020 Applicability.**

- (1) If a conflict arises between this chapter and the provisions of another chapter regarding wireless communication facilities, this chapter shall govern.
- (2) Facilities regulated by this chapter include the construction, modification, and placement of all WCFs, FCC-regulated amateur radio antennas, dish antennas, and any antennas used for multichannel multipoint distribution service (MMDS) or wireless cable, and wireless service facilities (i.e., cellular phone service, PCS – personal communication services, wireless paging services, wireless Internet services, etc.). Wireless services shall be subject to the following regulations to the extent that such requirements (a) do not unreasonably discriminate among providers of functionally equivalent services; and (b) do not

have the effect of prohibiting personal wireless services within the City of Sammamish.

### **21A.55.030 Exemptions.**

The following are exempt from the provisions of this chapter:

(1) Amateur radio antenna operated by a federally licensed amateur radio operator as part of the amateur or business radio service;

(2) Citizen band or two-way radio antenna including any mast;

(3) Satellite earth stations (satellite dish) that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts;

(4) Public agency communications systems of the City of Sammamish, without limitation, when the facility or facilities are on lands owned by the City and all other building and land development regulations are complied with. Any such facility constructed and operated under this section shall comply with all federal regulations including, but not limited to site location, aircraft warning, station power level, and frequency allocation;

(5) A temporary commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the City, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this chapter up to one week after the duration of the special event;

(56) In the event a building permit is required for any emergency repair, notification in writing to the director of community development shall occur within 24 hours of identification of the needed repair; filing of the building permit application shall be done in compliance with the City's adopted building code. (In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.);

(67) Antenna modifications, provided:

(a) There is no increase in the number of antennas; and

(b) There is no increase in the height of the antenna support structure;

and

(8) Temporary WCF.

**21A.55.040 Permit required.**

The following table summarizes the type of proposal and required land use approvals. All proposals are subject to the siting hierarchy requirements of this chapter.

Concealed Attached WCF	Consolidation of WCFs	Concealed Collocation	Flush- or Nonflush-Mounted Antenna on Existing Antenna Support Structure	Concealed Antenna Support Structure	Combined on Existing WCF
P1 C	C	P1 C	P1 C	C	P1 C

P – Permitted Use: The use is allowed subject to the requirements of the code.  
 C – Conditional Use Permit: The use is allowed subject to the conditional use review procedures and requirements of the code.

Notes:

1. If the proposal does not extend the height by more than 40 feet and it is demonstrated the proposal is consistent with any previous relevant approval conditions.

**21A.55.050 Application requirements.**

In addition to any information required for CUP and/or building permit review, an application for new WCFs or modifications to WCFs that require City approval shall provide the following information:

(1) A site plan showing existing and proposed WCFs, access, base station, ancillary structures, warning signs, fencing, landscaping and any other items necessary to illustrate compliance with the development standards of this chapter;

(2) Except as provided below, a~~A~~ stamped statement by a state of Washington registered professional engineer that the support structure shall comply with EIA/TIA-222-~~F~~Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the facility is located, and describing the general structural capacity of any proposed WCF(s), including;

- (a) The number and type of antennas that can be accommodated;
- (b) The basis for the calculation of capacity; and

- (c) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The foregoing requirements are not applicable when the support structure is a utility pole or high voltage electrical transmission tower;

- (3) A report by the applicant that includes a description of the proposed WCF, including height above grade, materials, color, lighting, and information demonstrating compliance with SMC 21A.55.060, Siting hierarchy;

- (4) Where a permit for an attachment or collocation is required, the application shall also include the following information:

- (a) The name and address of the operator(s) of proposed and existing antennas on the site;
- (b) The height of any proposed antennas;
- (c) Manufacture, type, and model of such antennas;
- (d) Frequency, modulation, and class of service; and
- (e) A description of the wireless communication service that the applicant intends to offer to provide, or is currently offering or providing within the City.

- (5) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the applicant, including a map showing all locations where an unimpaired signal can be received for that facility;

- (6) Approved WROWA= (Wireless Right of Way Use Agreement);

- (7) Other information as the director of community development may reasonably require, including additional information specific to the City's wireless communication facilities master plan; and

- (8) Fees for review as established by the City's most current fee resolution.

The director of community development may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

### 21A.55.060 Siting Hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be ~~1a, 1b,~~ 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, ~~3e,~~ and 4a, 4b, 4c, 4d, 4e and 5. Where a lower ranking alternative is proposed, the applicant must file relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility and network need.

#### Example:

A new WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy ~~1a through 1b~~. The applicant then demonstrates the new facility cannot be sited under hierarchy 2a through ~~2d~~2e. The applicant then moves to hierarchy 3 and is able to propose a site.

#### Hierarchy:

(1) Concealed WCF that is an attached WCF; provided that it is attached to an existing antenna support structure within City-classified arterial rights-of-way or attached to a high voltage electrical transmission tower, or collocation, ~~of WCF with existing WCF provided that the collocation either:~~

- ~~— (a) requires no increase in pole or structure height; or~~
- ~~— (b) requires an increase in pole or structure height which increase complies with Section 21.55.080, SMC~~

(2) New Concealed WCF:

- (a) Within City-classified arterial rights-of-way.
- (b) Within public parks, public open spaces, and on other publicly owned land.
- (c) Within other City street rights-of-way.
- (d) In any nonresidential zoning district.
- (e) In residential zoning districts on lots not used for single-family residential purposes.

(3) Concealed consolidation that is a consolidation of antenna support structures:

- (a) Within City-classified arterial rights-of-way.
- (b) Within public parks, public open spaces, and on other publicly owned land.
- (c) Within other City street rights-of-way.
- (d) In any nonresidential zoning district.
- ~~(e)~~ In residential zoning districts on lots not used for single-family residential purposes.

- (4) New concealed antenna support structure:
  - (a) Within City-classified arterial rights-of-way.
  - (b) Within public parks, public open spaces, and on other publicly owned land.
  - (c) Within other City street rights-of-way.
  - (d) In any nonresidential zoning district.
  - (e) In residential zoning districts on lots not used for single-family residential purposes.
- (5) Any other permitted or allowed location not falling within categories 1 through 4 when no reasonable alternative exists.

#### **21A.55.070 Base station hierarchy.**

Siting of base stations shall adhere to the siting hierarchy of this section. The order of ranking, from highest to lowest, shall be 1, 2, 3, and 4. Where a lower ranking alternative is proposed, the applicant must demonstrate that a higher ranking option is not technically feasible, or justified given the location or size of the proposed base station.

##### Hierarchy:

- (1) Underground or attached to the antenna support structure and concealed or shielded from public, if located within city rights-of-way.
- (2) Within an existing building, provided the use of the building is not single-family residential.
- (3) On the roof of an existing building, provided the use of the building is not single-family residential.
- (4) Fenced and landscaped or inside a building constructed for housing the base station from a consolidated WCF.

#### **21A.55.080 General requirements.**

(1) Within public parks and public open spaces, the placement of antennas on existing structures, such as power poles, ~~light poles for streets and parking lots,~~ light standards for recreational fields and antenna support structures, is the preferred option subject to the approval of the property owner. If an existing structure cannot accommodate an antenna due to structural deficiency, or does not have the height required to provide adequate signal coverage, the structure may be replaced with a new structure, provided the new structure:

- (a) ~~The new structure w~~ill serve the original purpose~~;~~

- (b) Does not exceed the original height by 40 feet or the maximum height allowed by this chapter. Any height increase in excess of 40 feet will require a conditional use permit; and
  - (c) Meets all the requirements of this chapter.
- (2) Concealed attached antennas shall comply with the following requirements:
- (a) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:
    - (i) A location as close as possible to the center of the structure; and
    - (ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and
    - (iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways; and
  - (b) Notwithstanding the height limit of the underlying zone, the top of the concealed attached WCF shall not be more than 20 feet above an existing or proposed nonresidential building or structure, or more than 15 feet above a residential building or structure; and
  - (c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.
- (3) Concealed antenna support structures shall comply with the following requirements:

- (a) Upon application for a conditional use permit or a building permit for a new concealed antenna support structure, whichever is required first, the applicant shall provide a map showing all existing antenna support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements.
- (b) No new antenna support structure shall be permitted if an existing structure suitable for attachment of an antenna or collocation is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or collocation cannot be reasonably or economically used in accordance with these criteria.
- (c) In residential districts, new concealed antenna support structures shall only be permitted on lots whose principal use is not single-family residential including, but not limited to: schools, churches, synagogues, fire stations, parks, and other public property.
- (d) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, new antenna support structures shall be concealed as defined by this chapter and shall be configured and located in a manner to have the least visually obtrusive profile on the landscape and adjacent properties. New concealed antenna support structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed concealed antenna support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
- (e) At time of application the applicant shall file a letter with the department, agreeing to allow collocation on the tower. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties,

the opportunity to collocate the antenna of other service providers on the applicant's proposed tower to the extent that such collocation is technically and structurally feasible for the affected parties.

- (f) All new concealed antenna support structures up to 60 feet in height shall be engineered and constructed to accommodate no less than two antenna arrays. All concealed antenna support structures between 61 feet and 100 feet shall be engineered and constructed to accommodate no less than three antenna arrays. All concealed antenna support structures between 101 and 140 feet shall be engineered and constructed to accommodate no less than four antenna arrays.
- (g) Grading shall be minimized and limited only to the area necessary for the new WCF.

(4) Consolidation of WCFs shall comply with the following requirements: Consolidation of two or more existing WCFs may be permitted pursuant to the provisions of this chapter including a CUP and consideration of the following:

- (a) WCF consolidation shall reduce the number of WCFs;
- (b) If a consolidation involves the removal of WCFs from two or more different sites and if a consolidated WCF is to be erected on one of those sites, it shall be erected on the site that provides for the greatest compliance with the standards of this chapter;
- (c) Consolidated WCFs shall be concealed;
- (d) All existing base station and ancillary equipment shall be brought into compliance with this chapter;
- (e) ~~A New~~ WCFs approved for consolidation ~~of~~ with an existing WCF shall not be required to meet new setback standards so long as the new WCF and its base station and ancillary structures are no closer to any property lines or dwelling units ~~as~~ than the WCF and its base station and ancillary structures being consolidated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks;
- (f) If the consolidated WCF cannot meet the setback requirements, it shall be located on the portion of the parcel on which it is situated which, ~~giving consideration to the following~~ provides the optimum

practical setback from adjacent properties, giving consideration to the following:

- (i) Topography and dimensions of the site; and
- (ii) Location of any existing structures to be retained.

(5) Collocated or combined facilities shall comply with the following requirements:

- (a) Collocation of antennas onto existing antenna support structures meeting the dimensional standards of this chapter are permitted outright. Antenna mounts shall be flush-mounted onto existing antenna support structures, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area. Furthermore, an antenna shall not extend vertically above the uppermost portion of the structure to which it is mounted or attached, as follows:
  - (i) Not more than 20 feet on a nonresidential structure; and
  - (ii) Not more than 15 feet on a residential structure~~;~~
- (b) Collocation of antennas onto a new antenna support structure constructed after the effective date of the ordinance codified in this chapter shall be concealed~~;~~
- (c) At the time of installation, the WCF base station and ancillary structures shall be brought into compliance with any applicable landscaping requirements~~;~~
- (d) A collocated or combined WCF, its new base station, and any new ancillary structures shall be subject to the setbacks of the underlying zoning district~~;~~ and
- (e) When a collocated or combined WCF is to be located on a nonconforming building or structure, then it will be subject to Chapter 21A.70 SMC.

**21A.55.090 Design standards.**

- (1) All WCFs shall:
  - (a) Be designed and constructed to present the least visually obtrusive profile~~;~~

- (b) Use colors such as grey, blue, or green that reduce visual impacts unless otherwise required by the City of Sammamish, the FAA, or the FCC; and
- (c) Flush-mount antennas when feasible. Four non-flush-mounted antennas are allowed only upon written demonstration by the applicant that flush-mounting is not feasible.

(2) Base Stations.

- (a) Base stations and ancillary structures shall be subject to the setbacks of the underlying zoning district.
- (b) Base stations that are not located underground shall not be visible from public views. Base stations attached to the antenna support structure shall be concealed or shielded from public view. New base stations and ancillary structures shall be designed to complement or match adjacent structures and landscapes, and; the antenna support structure, with Specific design considerations such as architectural designs, height, scale, color, and texture should be and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and building materials of existing buildings or structures on the property, and when the base stations are attached, the antenna support structure, and or alternative site placement to ~~allow the use utilize~~ of topography, existing vegetation or other structures to screen the base station and ancillary structures from pedestrian views. Where feasible, one building with multiple compartments shall be constructed to serve the total number of anticipated collocation tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a master site plan shall be provided to demonstrate how all potential base stations and ancillary structures will be accommodated within the vicinity of the WCF.

(3) Height Standards. The height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto. The height of any WCF shall not exceed the height provided in the table below.

Zone District(s)	Maximum Height of New Antenna Support Structures	Maximum Height of Consolidated Antenna Support Structures
------------------	--	---

CB, O	120'	140'
NB, R-1 – R-18	60'	80'

Note: Height limits in rights-of-way not zoned shall be 40 feet above existing utility ~~or light~~ poles.

(a) Increases to the height of an existing antenna support structure are permitted, provided:

- (i) ~~The increase~~ is consistent with all conditions of the CUP authorizing the use and subsequent approvals thereafter;
- (ii) The existing conditions and the proposed changes are not in violation of the SMC;
- (iii) ~~The increase~~ is necessary to accommodate an actual collocation of the antenna for additional service providers or to accommodate the current provider's antenna required to utilize new technology, provide a new service, or increase capacity;
- (iv) Height increases are limited to no more than 40 feet above the height of the existing antenna support structure unless explicitly allowed in the CUP; and
- (v) A nonconformance shall not be created or increased, except as otherwise provided by this chapter.
- ~~(vi) A detailed certification of compliance with the provisions of this section, prepared by a licensed professional engineer, is submitted and approved.~~

(4) Setback Requirements.

- (a) Antenna support structures outside of the right-of-way shall have a setback from property lines of 10 feet from any property line and 50 feet or one foot setback for every one foot in height from any residentially zoned property, whichever provides the greatest setback.
- (b) Base stations shall be subject to the setback requirements of the zone in which they are located.
- (c) The department shall consider the following criteria and give substantial consideration to on-site location and setback flexibility. ~~is~~ These are authorized when reviewing applications for new

antenna support structures and consolidations. The following shall be considered:

- (i) Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;
- (ii) Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences; and
- (iii) Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(5) Landscaping and Fencing Requirements.

- (a) All ground-mounted base stations and ancillary structures shall be enclosed with an opaque fence. In all residential zones, or a facility abutting a residential zone, or in any zone when the base station and ancillary structures adjoin a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. In the NB, CB, or O zone, if a chain link fence is installed, slats shall be woven into the security fence. All fencing shall be subject to SMC 21A.30.190.
- (b) WCFs shall have perimeter landscaping as follows:
  - (i) In the NB, CB, or O zone, the base stations and ancillary structures shall be landscaped with eight feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone; and
  - (ii) In residential zones or abutting rights-of-way, the base station and ancillary structures shall be landscaped with 10 feet of Type I landscaping pursuant to Chapter 21A.35 SMC; and
  - (iii) When a fence is used to prevent access to a WCF or base station, any landscaping required shall be placed outside of the fence; and
  - (iv) Landscaping provisions may be modified in accordance with Chapter 21A.35 SMC.

(6) Lighting Standards. Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, except lighting for security purposes that is compatible with the surrounding neighborhood.

Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property, and be consistent with FAA and FCC requirements.

(7) Signage. Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, base station, or fence shall be informational—and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high-contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(8) Sounds. Maximum permissible sound levels to intrude into the real property of another person from a ~~wireless communication facility~~ WCF shall not exceed 45 dB(A). In the case of maintenance, construction, and emergencies, these sound levels may be exceeded for short durations as required by the specific circumstance.

#### **21A.55.100 Technical evaluation.**

The City may retain the services of an independent technical expert such as a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator's license. The engineer will provide technical evaluation of permit applications for WCFs. The applicant shall pay all the costs of said review.

#### **21A.55.110 Interference.**

Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

(1) Upon notification by the City to WCF service providers potentially interfering with public safety communications equipment, the providers shall cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry – public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.

(2) If any WCF owner fails to cooperate with the City in complying with the owner’s obligations under this section, or if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of the City’s notification.

#### **21A.55.120 Cessation of use.**

(1) Antennas shall be removed, at the owner’s expense, from WCFs ~~within~~ no more than 180 days after the antenna is no longer operational, unless the abandonment is associated with a consolidation, in which case the removal shall occur within 90 days of cessation of use.

(2) The whole WCF shall be removed, at the owner’s expense, within 180 days of the date the last antenna is removed.

(3) An owner wishing to extend the time for removal or reactivation shall submit a written request along with the appropriate documentation demonstrating the reason for such extension request. The City may extend the time for removal up to 90 additional days upon a showing of good cause with one additional 90-day extension. If the antenna support structure or antenna is not removed in a timely fashion, the City may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the City may cause removal of the antenna support structure with costs being borne by the current WCF owner or landowner.

(4) Upon removal of the WCF, base station, and ancillary structures, said area shall be returned to its natural state and topography, and vegetated consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF owner or landowner.

Section 5. SMC 21A.55.130 (Light Poles) Adopted. Sammamish Municipal Code Section 21A.55.130 (Light Poles) is hereby adopted to read as follows:

**21A.55.130 Light Poles.**

Light poles and light standards located within the public rights of way are prohibited from use as an antenna support structure or for the attachment of an antenna or antenna array. For purposes of this prohibition, “light pole” shall mean and refer to a structure affixed to the ground, such as a pole, that has as its primary purpose the support of an overhead light fixture; and, “public rights of way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, any easement now or hereafter held by the City within the corporate boundaries of the City as now or hereafter constituted for the purpose of public travel, excluding railroad rights-of-way.

Section 6. Repealer. Sammamish Municipal Code Section 13.01.010 (Wireless Communication Facility, Vaults) is hereby repealed in its entirety.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

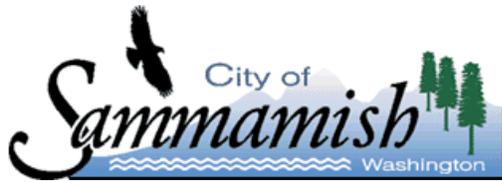
CITY OF SAMMAMISH

\_\_\_\_\_  
Donald J. Gerend, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk





## *Planning Commission*

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801 228<sup>th</sup> Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)

# MEMO

Date: February 10, 2010  
To: The City Council  
From: Tom Vance, Planning Commission Chair  
RE: Proposed Wireless Communications Facilities, WCF Municipal Code (SMC) amendments

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On behalf of the Planning Commission I'm pleased to forward our recommendations for proposed WCF code amendments to the City's Municipal Code. I am happy to attend the upcoming City Council session to discuss these recommendations further.

During our review process we completed four public meetings; September 3, 2009, November 3, 2009, December 3, 2009 and December 17, 2009. Our review involved feedback from the members of the Northwest Wireless Association, wireless communication facility applicants/industry representatives and one written public comment which was received during the planning commission hearing.

At our December 3, 2009 deliberation session on the proposed ordinance we recommended minor revisions based on our deliberations. The Commission recommends for adoption the proposed code changes which include the following:

- Adding Bonneville Power Administration, (BPA) tower to the top of the siting hierarchy;
- Clarifying the exemption for temporary/emergency facilities;
- Removing the engineering stamped statement for WCF facilities located on Puget Sound Energy poles or BPA towers;
- Citing the appropriate regulations for utility poles;
- Removing the requirement for detailed certification of compliance;
- Allowing the base station hierarchy to be attached equipment;
- Prohibiting WCF's on light pole/light standard within the ROW.

Again I am happy to provide more information or answer questions.



## Memorandum

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**Date:** February 24, 2010  
**To:** Kamuron Gurol, Director of Community Development  
**From:** Emily Arteche, Senior Planner  
**Re:** Questions on Proposed Wireless Communications Facilities, WCF Municipal Code (SMC)

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### **Background:**

At the City Council February 16, 2010 meeting two questions about the existing WCF ordinance arose, 1. Antenna design type and 2. Faux trees and Church Steeples.

### **Staff Responses:**

1. Under 21A.55.090, Design Standards all WCF's shall be flush-mount antennas when feasible. (4) non-flush mounded antennas are allowed only upon written demonstration by the applicant that flush mounting is not feasible.
2. Under 21A.55.040 Permit Required the code does require concealed (aka stealth or camouflaged) WCF's. "Concealed WCF," means the antenna or antenna array, antenna support structure, base station, and feed lines are not readily identifiable as a WCF. The facilities are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Examples include: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. In addition the facility may be hidden in primary uses such as: church steeples, windmills, bell towers, clock towers, cupolas, flagpoles or designed as a faux trees.

In accordance with the City siting hierarchy the SMC requires all newly constructed antenna support structures to be concealed.



## CITY COUNCIL AGENDA BILL

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**Subject:**  
Public Facilities Code Amendments to Chapters  
21A.15, 21A.20, and 21A.25.

**Meeting Date:** March 2, 2010

**Date Submitted:** February 24, 2010

**Originating Department:** Community Development

**Clearances:**

**Action Required:** Second Reading and continued  
Public Hearing. Motion to adopt.

**City Manager**

**Police**

**Public Works**

**Fire**

**Building/Planning**

**Attorney**

**Exhibits:**

1. Revised Draft Ordinance amending the Sammamish Municipal Code (adding a 2 year sunset clause)
2. Attachment "A" Code Amendments
3. Transmittal Letter from Planning Commission
4. Memorandum to Kamuron Gurol from Senior Planner Rob Garwood, dated February 17, 2010.

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**Budgeted Amount:** N/A

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**Background:**

The memorandum addresses questions asked by the City Council about setbacks, height limits and impervious surface allowances at their February 16, 2010 meeting. A second version of the ordinance is attached which contains the sunset clause language.

**Financial Impact:** N/A.

**Recommended Motion:** Motion to adopt the proposed ordinance.

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2010-\_\_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING CHAPTERS 21A.15, 21A.20 and  
21A.25, OF THE SAMMAMISH MUNICIPAL CODE RELATING TO  
PUBLIC FACILITIES**

**WHEREAS**, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 21A which regulates construction, land use; and

**WHEREAS**, the City Council finds it in the interest of the City of Sammamish to amend the City Code to provide for the siting of public facilities and parks, increase the allowance for impervious surfaces on public sites, allow for placement of field lighting and to allow for Farmer's Markets as an accessory use on public sites, and make other minor revisions; and

**WHEREAS**, the Planning Commission considered the proposed revisions to the Sammamish Municipal Code, Title 21A, during their regular meetings on October 15, November 5 and 19 and December 3 and 10, 2009; and

**WHEREAS**, the Department of Community Development sent the Washington State Department of Commerce copies of the proposed amendments and was granted expedited review on November 16, 2009, and was informed that the City was in compliance with RCW 36.70A; and

**WHEREAS**, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on November 2, 2009 with the comment period ending on November 16, 2009; and

**WHEREAS**, the Planning Commission held public hearings on November 5 and 19, 2009, to consider the proposed amendments to the Sammamish Municipal Code; and

**WHEREAS**, the Planning Commission, after due consideration, recommended amendments to Title 21A, Chapters 21A.15, 21A.20 and 21A.25, of the Sammamish Municipal Code to the City Council; and

**WHEREAS**, after providing public notice, the City Council held a public hearing on February 16, 2010 and continued to March 2, 2010 to consider amending the Sammamish Municipal Code in accordance with the proposed amendments;

**WHEREAS**, the City Council finds the proposed amendments to the Sammamish Municipal Code to be consistent with, and to implement the intent of, the City's Comprehensive Plan; and

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

**SECTION 1.** The proposed amendments to Title 21A are adopted as set forth in Exhibit A to this Ordinance

**SECTION 2. Effective Date.**

This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**SECTION 3. Sunset Clause.**

The amendments to Title 21A adopted by this ordinance shall terminate on the \_\_\_ day of March, 201\_ unless renewed or revised by the City Council prior thereto. In the event of such termination, Title 21A shall revert to the provisions in effect immediately prior to the adoption of this amendment.

**SECTION 4. Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF MARCH 2010.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Don Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk:

First Reading:

Passed by the City Council:

Date of Publication:

Effective Date:



Attachment A-Public Facilities Code Amendments

**21A.15.452. Farmer’s Market.** Farmer’s Market means an outdoor market held in public spaces which allows farmers and other vendors to sell produce, and other locally produced products directly to the public.

**21A.20.040 Recreation and cultural uses.**

A. Table of Recreation/Cultural Land Uses.

**KEY**

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential		COMMERCIAL		
	Urban Residential		Neighborhood Business	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	PARK/RECREATION:					
*	Park	P 1	<b>P1&amp;10</b>	P	P	P
*	Trails	P	P	P	P	P
*	Marina	C2	C2	P4	P	P
*	Sports Club(9)	C3	C3			
	AMUSEMENT/ENTERTAINMENT					
*	Theater				P5	P5
7833	Theater, drive-in			P2	P2	P2
793	Bowling center				P	
*	Golf facility	P6	P6			
7999	Amusement and recreation services	P7 C	P7 C		P	
	Cultural					
823	Library	P8 C	P8 C	P	P	P
841	Museum	P8 C	P8 C	P	P	P
842	Arboretum	P	P	P	P	P
*	Conference Center:	P8 C	P8 C	P		P

## Attachment A-Public Facilities Code Amendments

## B. Development Conditions.

1. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on sites less than 10 acres;
  - b. Lighting for structures and fields shall be directed away from residential areas;
  - c. ~~Except as specifically noted herein, buildings or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in SMC 21A.30.140 and 21A.30.160.~~ Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to SMC 21A.25.030. **Buildings, service yards**, swing sets, sandboxes, playhouses, other playground equipment, basketball hoops, tennis courts, camping tents, temporary tent structures used for functions and gathering, and dumpsters, shall maintain a minimum distance of 20 feet from property lines adjoining residential zones **R1-8**.
2. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available prior to date of application.
  3. Limited to recreation facilities subject to the following conditions and limitations:
    - a. The bulk and scale shall be compatible with residential or rural character of the area;
    - b. For sports clubs, the gross floor area shall not exceed 10,000 square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and
    - c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.
  4. Limited to day moorage.
  5. Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
  6. Clubhouses, maintenance buildings and equipment storage areas, and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones.
  7. Limited to a golf driving range as an accessory to golf courses.
  8. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21A.70 SMC.
  9. Only for stand-alone sports clubs that are not part of a park. (Ord. O2005-171 § 2; Ord. O2003-132 § 11)

**10.Park structures shall maintain a minimum distance of 10 feet from property lines adjoining multifamily zones R12 and R18.**

Attachment A-Public Facilities Code Amendments

**21A.20.060 Government land uses.**

A. Table of Residential Land Uses.

**KEY**

P – Permitted Use

C – Conditional Use

S – Special Use

ZONE	Residential	COMMERCIAL		
	Urban Residential	Neighborhood Business	Community Business	Office

SIC #	Specific Land Use	R-1-R-8	R-12-R-18	NB	CB	O
	<b>Government Services:</b>					
*	Public agency or utility yard (25)	C25	C25	P	P	P
	Satellite public agency or utility yard	P26 C	P26 C	P	P	P
*	Public agency or utility office	P2 <u>P27</u>	P2 <u>P27</u> C	P	P	P
*	Public agency archives	<u>P27</u>	<u>P27</u>			P
921	Court	<u>P27</u>	<u>P27</u>	P3	P3	P
9221	Police Facility	<del>P5</del> <u>P27</u>	<del>P5</del> <u>P27</u>	P5	P	P
9224	Fire Facility-	C4	C4	P	P	P
*	Utility Facility	P22 C21	P22 C21	P	P	P
*	Commuter Parking Lot	C P14	C P14	P	P	P
*	Private storm water management facility	P6	P6	P6	P6	P6
*	Vactor waste receiving facility	P14	P13	P23	P23	P23
*	<u>Farmers Market</u>	<u>P26,27</u>	<u>P26,27</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<b>BUSINESS SERVICES:</b>					
	NO CHANGES TO THIS SECTION					
	<b>ACCESSORY SERVICES</b>					

Attachment A-Public Facilities Code Amendments

	NO CHANGES TO THIS SECTION					

**B. Development Conditions.**

1. Except SIC Industry No. 8732, Commercial economic, sociological, and educational research, see general business service/office.
2.
  - a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 21A.70 SMC; or
  - b. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
3. Only as a re-use of a surplus nonresidential facility subject to Chapter 21A.70 SMC.
4.
  - a. All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
  - c. No outdoor storage.
5. Limited to "storefront" police offices. Such offices shall not have:
  - a. Holding cells;
  - b. Suspect interview rooms (except in the NB zone); or
  - c. Long-term storage of stolen properties.
6. Private stormwater management facilities serving development proposals located on commercial zoned lands shall also be located on commercial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated "urban" in the King County comprehensive plan shall only be located in the urban area.
7. No outdoor storage of materials.
8. Limited to office uses.
9. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
10. Limited to SIC Industry No. 4215, Courier services, except by air.
11. Accessory to an apartment development of at least 12 units, provided:
  - a. The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
  - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
  - c. The use of the facility shall be limited to dead storage of household goods;
  - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
  - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
  - f. No residential occupancy of the storage units;
  - g. No business activity other than the rental of storage units; and
  - h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

Attachment A-Public Facilities Code Amendments

- 12. No outdoor storage.
- 13. Only as an accessory use to a public agency or utility yard, or to a transfer station.
- 14. Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;
- 15. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
- 16. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
- 17. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facilities.
- 18. Limited to private road ambulance services with no outside storage of vehicles.
- 19. Limited to two acres or less.
- 20. a. Utility yards only on sites with utility district offices; or  
b. Public agency yards are limited to material storage for road maintenance facilities.
- 21. Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
- 22. Excluding bulk gas storage tanks.
- 23. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
- 24. Provided:
  - a. Off-street required parking for a land use located in the urban area must be located in the urban area;
  - b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
  - c. Off-street required parking must be located on a lot which would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
- 25. Prior to issuing the notice of decision, the applicant shall hold a second neighborhood meeting consistent with the provisions of SMC 20.05.035.
- 26. Accessory to an existing publicly owned and improved site, ~~including but not limited to parks, and schools, and civic centers.~~

**27. Accessory to an existing publicly owned and improved site, containing a school, city hall, or civic center.** (Ord. O2005-170 § 1; Ord. O2003-132 § 11)

**21A.25.030 Densities and Dimensions-Residential Zones.**

**A. Residential Zones.**

Zones		Residential	Urban Residential			
Standards	R-1 (14)	R-4	R-6	R-8	R-12	R-18
Maximum Density	1 du/ac	4 du/ac (5)	6 du/ac	8 du/ac	12 du/ac	18 du/ac

## Attachment A-Public Facilities Code Amendments

DU/Acre (12)						
Minimum Density <sup>2</sup>				85%-(15)	80% +(15)	75%(15)
Minimum Lot Width	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback	20 ft (6)	10 ft (7)	10 ft(7)	10 ft (8) (7)	10 ft (7)	10 ft (7)
Minimum Interior Setback (2 and 13)	5 ft (7)	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (16)	35 ft	35 ft	35 ft 45 ft (11)	35 ft 45 ft(11)	60 ft	60 ft 80 ft (11)
Maximum Impervious Surface: Percentage (4)	30% (9)	55%	70%	75%	85%	85%

1. Also see SMC 21A.25.060.
2. These standards may be modified under the provisions for zero lot line and townhouse developments.
3. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.
4. Applies to each individual lot. Impervious surface area standards for:
  - a. Regional uses shall be established at the time of permit review;
  - b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;
  - c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;
  - d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
5. Mobile home parks shall be allowed a base density of six dwelling units per acre.
6. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
7. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.
8. a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8,

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except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

9. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the impervious surface area allowed shall be 10,000 square feet or 30 percent of the property, whichever is greater. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SMC 21A.70.170 (1)(b). **Public projects shall be subject to the applicable impervious surface provisions of the R-4 zone.**

10. The base height to be used only for projects as follows:

a. In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and

b. In the R-18 zone using residential density incentives and transfer of density credits pursuant to this title.

11. Density applies only to dwelling units and not to sleeping units.

12. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

13. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet the provisions of SMC 21A.30.030.

14. See SMC 21A.25.090.

15. Subject to the increase in maximum height permitted pursuant to SMC 21A.85.070, preferred low impact development incentives, and SMC 21A.30.020. (Ord. O2009-249 § 1; Ord. O2008-236 § 1; Ord. O2004-143 § 1; Ord. O2003-132 § 12)

### **21A.25.200 Height – Exceptions to limits.**

The following structures may be erected above the height limits of SMC 21A.25.030 through 21A.25.030:

(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(2) Fire or parapet walls, skylights, flagpoles, **public athletic field lighting**, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures. (Ord. O2003-132 § 12)



## Planning Commission

801 228<sup>th</sup> Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: www.ci.sammamish.wa.us

# MEMO

Date: February 10, 2010  
 To: The City Council  
 From: Tom Vance, Planning Commission Chair  
 RE: Proposed Public Facilities Municipal Code (SMC) amendments

*Tom Vance*

On behalf of the Planning Commission I'm pleased to forward our recommendations for proposed Public Facilities code amendments to the City's Municipal Code. I look forward to discussing these recommendations with you at an upcoming City Council session.

During our review process we completed five public meetings; October 15, November 5 and 19, with deliberations on December 3 and 10, 2009. Our review involved hearing testimony from one citizen who submitted written comments.

At our December 3 and 10, 2009, deliberation sessions on the proposed ordinance we recommended minor revisions based on our deliberations. The Commission recommends for adoption the proposed code changes including:

- Increasing the amount of allowed impervious surface in the R-1 zone from 30% to 55 % impervious surface consistent with the R-4 zone. The original proposal was that public projects be able to utilize the impervious surface allowance in the nearest R-4-through R-8 zone. We deleted the reference to the nearest R-4 through R-8 zones to limit the increase to that allowed in the R-4 zone.
- Exempting athletic field lighting from the height limits for public projects.
- Allowing Farmer's Markets, as an outright permitted accessory use on sites which have already been developed as public parks or facilities. They are required to obtain a temporary use under the existing code.
- Revising and reducing the setbacks for structures in parks and other public projects.
- Making public offices, police facilities, courts and archives an allowed accessory use on developed public sites and facilities.
- The Planning Commission recommends that a 2 year sunset provision be incorporated into the proposed ordinance.

Again I look forward to presenting our recommendation at an upcoming City Council session.



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# MEMO

Date: February 24, 2010  
To: Kamuron Gurol  
From: Rob Garwood, Senior Planner  
RE: Proposed Municipal Code (SMC) amendments for Public Projects

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The Parks and Recreation Department and the Public Works Department requested the amendments related to setbacks, height and impervious surface allowances for a number of reasons:

- The 50 foot setback for parks makes the placement of structures in parks difficult. Other public facilities are allowed to locate their structures closer to property lines. Fire structures can locate structures within 20 feet of a property line; and both utilities and schools can be within 10 feet of a property lines (determined by landscaping requirements that set the minimum as 10 feet).
- Impervious surface limitations also may prevent development on some sites. For example, in order for the King County Library to be located next to City Hall, the City had to complete a Boundary Line Adjustment to increase the square footage of the parcel so that an adequate land area was available. As the City begins to install more artificial surfaces on soccer and other athletic fields the impervious surface limitation makes this difficult. Artificial athletic fields are considered impervious surfaces under the City's Drainage Manual and therefore are limited by other structures and impervious surfaces on the same site. Many of the sites with athletic fields are already developed, so the amount of impervious surface area available is limited.
- Some athletic fields are also considered candidates for having lighting installed. Standard athletic field lighting needs to exceed the allowed height limits in order to prevent light from being directed onto adjacent property. In some cases this is not allowed under the current code which allows height increases with additional setbacks, but limits the height of any structure in a residential zone to 75 feet.
- The Planning Commission recommendation to add a 2 year sunset clause to these code amendments has been added to ordinance for your consideration.