City Council Study Session

AGENDA

Revised

May 10, 2016 6:30 pm – 10:00 pm

Call to Order

Public Comment

Note: *This is an opportunity for the public to address the Council. Three-minutes limit per person or five-minutes if representing the official position of a recognized community organization***.** *If you would like to show a video or PowerPoint, it must be submitted or emailed by 5 pm, the end of the business day, to the City Clerk, Melonie Anderson at manderson@sammamish.us***.** *Please be aware that Council meetings are videotaped and available to the public.*

Topics

- Update: Tamarack Stormwater Improvement Project
- Update: Town Center
- Discussion: Critical Areas Updates/Shoreline Master Plan
- Sound Transit ST3 Guidance for Sound Cities Association

Adjournment

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

Memorandum

Date: **May 5, 2016**

To: **City Council**
Lyman Howard, City Manager

From: **Steve Leniszewski, Public Works Director**
Cheryl Paston, Deputy Public Works Director

Re: **Tamarack Drainage Improvement Project Financing Options**

At its meeting on April 12, Council asked staff to assess how much benefit the general public would gain from the Tamarack Drainage Improvement Project. It is currently at the 30% design stage and the current cost estimate for design and construction is $954,000. We assumed that there will be no property acquisition costs.

Several councilmembers voiced concerns over the legality and fairness of all city property owners paying for 100% of the project given that the road and drainage systems are privately owned. Others have pointed out that there are many competing needs for the limited funds in the Surface Water Capital Improvement Plan (CIP).

Legal counsel has advised us that public funds may permissibly be expended to "carry out a fundamental purpose of the government."[1] Public Works accordingly looked at the specific components of the project and determined that the water quality portion would provide positive benefits to the general public in terms of improving the stormwater discharge to Lake Sammamish. Based on previous Transportation CIP budgets, where monies were set aside as 25% matching funds for future Local Improvement Districts, we recommend that the City contribute up to 25% of the total cost to pay for the water quality elements of the project. City Councilmembers could adjust the City's contribution above that threshold.

The most viable financial partnership with the benefitting property owners, should Council decide to move forward with the project, appears to be to create a Local Improvement District (LID). LIDs are a means of assisting benefiting property owners in financing needed capital improvements over time through the formation of special

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[1] CLEAN v. State, 130 Wn.2d 782, 797 (1996). The Court further described the purpose of the state constitutional prohibitions on gifts or loans of public funds as to "prevent state funds from being used to benefit private interests where the public interest is not primarily served.")

assessment districts on benefitting properties. Bonds must be sold and retirement of them is done via annual billing to the benefitting property owners.

A variation of the LID is the Utility Local Improvement District (ULID). The difference between ULIDs and LIDs is that utility revenues are pledged to the repayment of the ULID debt, in addition to the assessments on the benefiting properties. State statutes provide that an LID can be converted to a ULID after formation. The reverse is not possible.

There are two ways to form an LID. The steps are essentially the same but are initiated by different parties. The Resolution of Intention Method is initiated by the Council and the Petition Method is initiated by a petition of the property owners. A city is deprived of authority to form a LID under the Council resolution method if the owners of 60% or more of the total cost of the improvement protest the formation.[2] If residents seek to form a LID under the petition method, a sufficient petition requires the signatures of "the owners of property aggregating a majority of the area within the proposed district."[3]

The basic criteria that must be met to create an LID are the following:

- Statutes specify that the assessment per parcel must not exceed the special benefit of the improvement to that parcel, which is defined as the difference between the fair market value of the property before and after the local improvement project. Properties not benefited by the improvements may not be assessed.
- The assessments must be proportionate to one another.

A municipality can choose whatever assessment method they want as long as it meets the basic criteria, although the following two are the most commonly used.

A. Mathematical - Relatively inexpensive, easier to explain to property owners. Examples include determining allocation by street frontage along improvement, per parcel, zone termini or traffic volumes. It is recommended that a limited appraisal be conducted on a few strategic parcels to minimize unpleasant surprises at the final assessment roll hearing.

B. Special Benefit Analysis - Safest, but relatively expensive and time consuming.
   1. Certified appraiser calculates the value of each parcel with and without the infrastructure improvement project and the difference is the special benefit.
   2. The portion of project costs assignable to the LID is then divided by the total of all special benefits.
   3. This ratio is then applied to the special benefit of each parcel to determine the assessment for each parcel

The process takes a minimum of six months, is time consuming and costly, and requires the following, but not limited to: State Environmental Protection Act (SEPA) review or an Environmental Impact Statement (EIS) as needed, extensive public outreach and

[2] RCW 35.43.180.
[3] RCW 35.43.120.

involvement; preparation of an assessment map and assessment roll; resolution and ordinance to form the LID; public hearings; and arrangement for a 30-day protest period and a 30-day appeal period, the latter of which a property owner could appeal to Superior Court.

We are aware that properties in this area have been paying stormwater fees without receiving direct benefit to their property. The stormwater fees that property owners pay are not utilized solely for their parcel's runoff, but their impact on the stormwater system including public roads they use. Council may desire to increase the City's contribution, but staff recommends that the property owners receiving a direct benefit on improvements to their property should have significant financial ownership. There will be a direct benefit to property owners in this area with some increase in value to their property.

The City should also be aware of setting a precedent with this program. There are other private roadways and enclaves in the City that have less than efficient stormwater conveyance mechanisms, and additional requests for assistance can reasonably be expected.

Staff will give a short presentation to Council summarizing the contents of this memo and will seek guidance regarding next steps at the May 10 Council meeting.

Memorandum

Date: May 5, 2016

To: City Council

From: Lyman Howard, City Manager

Re: Town Center – Council Briefing Summary

Summary

In late March and early April 2016, the staff met with the City Council in small groups to provide an overview of the current status of the Town Center. The intent of these meetings was to provide City Council with an overview of the original Town Center work, a report on the status of current Town Center development projects, and began to lay out the "opportunities and challenges" facing the City as Town Center development progresses.

The purpose of this memorandum is to generally summarize these staff discussions with the City Council and to request direction regarding the recommended strategies identified in Table A.

Current status

The Town Center plan was adopted in 2008, with implementing regulations adopted in late 2010 and early 2011. During the Town Center planning process, there was extensive public outreach and participation, including more than 30 public meetings, open houses, surveys, design charrettes, and other public input opportunities.

Currently, three projects are under construction:

A. The Village (159 dwelling units, approximately 110,000 square feet of commercial space);
B. Plateau 120 (92 dwelling units, approximately 15,000 square feet of commercial space); and,
C. Southeast Village (75 dwelling units, approximately 6,000 square feet of commercial space).

A fourth project, "The Commons at Sammamish" has been received, but is currently on hold pending resolution of financing. The Commons at Sammamish, if developed will include another 235 dwelling units and approximately 42,000 square feet of commercial space.

Most recently, the staff has been engaged in conversations with the "STC, LLC", which appears to have acquired control of a substantial portion of the land in the Town Center "Core" (west of 228th Avenue) and the Town Center "Southeast Quadrant" (south of Crusader Way, east of 228th Avenue). In addition to STC, LLC, the City is also aware of three or four other developers in the feasibility stage of Town Center development.

Opportunities and Challenges

The information provided below summarizes the City Council and staff discussion related to Town Center opportunities and challenges. Many of the issues identified will be addressed through the recommended strategies summarized in the next section.

Opportunities:

1. The City has an opportunity to implement something great in the Sammamish Town Center!
2. The developers are here and eager to move forward.
3. Land assembly is happening – currently the development community is taking the lead, not the City.
4. The City is a landowner in Town Center and we need to be proactively participating in the design and planning.
5. There are potential land acquisition opportunities the City may consider to facilitate implementation of the Town Center.
6. Accommodate growth and implement smart growth strategies.
7. Develop a marketing "brand" for Town Center that reflects the Sammamish community and character.
8. Prepare a communication and public outreach strategy to inform the public about Town Center, future development and construction.
9. We are early in the process and have an opportunity to further study, analyze and design the infrastructure plan. This includes, regional stormwater facilities, street design and layout, green spine/central green, trails/walkability and more.

Challenges:

1. The Town Center was adopted in 2008. There have been staff, Council, and Commissions transitions since adoption.
2. Staff are also having a hard time keeping up with the pace of development.
3. Development is happening fast and it is often difficult for members of the community to navigate and understand the change.
4. Numerous coordination challenges involving complex infrastructure projects, many of which may be the responsibility of the City.
5. Multiple developers that may have different goals and ideas.
6. If City strategies, planning and design lag, it may halt or interfere with desired development.
7. SE 4th Street is in design and needs to move forward to support pending development in the Town Center core.
8. There are concerns about increased congestion, pedestrian safety and the ability to get around Sammamish easily.
9. Town Center will change the "character" of Sammamish.
10. Developer goals may or may not align with the Town Center plan.

Strategies

The recommended strategies outlined in Table A were developed by both staff and City Council leading up to and during the small group meetings. They are divided into three categories – short-term items that the City will start in less than 6 months, moderate-term items that the City will start in 6 to 18 months, and long-term items that will be started in 18 months or later.

The "Resource Allocation" column summarizes the anticipated need for staff or consultant time on each strategy with an estimated range of cost. Implementation of these strategies may result in additional follow up actions by the City as they are developed further.

Direction Requested

Staff is seeking City Council direction on pursuing the short term strategies (#'s 1 through 7) outlined in Table A.

Once the implementation of these short term strategies is underway, staff would then seek City Council direction at the beginning of 2017 on pursuing the moderate term strategies.

Town Center Strategies: Table A

Strategy	Timing to Begin	Resource Allocation	Estimated $ Range
1. Continue to review / manage / coordinate Town Center development proposals A. "Internal" resource allocation through 2018 B. Select and hire a consultant to inform Town Center strategies	A. Short B. Short	A. Staff B. Consultant	A. $425k-$475k[1] B. $100k-$150k
2. Review the Transfer of Development Rights (TDR) strategy	Short	Staff	$0 (part of #1)
3. Begin to plan for non-motorized components of the Town Center (trails)	Short	Staff/Consultant	$0 (part of #1)
4. Begin regional stormwater analysis	Short	Consultant	$100k-$150k
5. Continue street / infrastructure planning	Short	Staff/Consultant	$0 (part of #1)
6. Finalize the scope and design of the SE 4th street project	Short	Staff	$0 (budgeted)
7. Develop communication strategy (community outreach, CC updates, branding)	Short	Staff Consultant	$0 (part of #1) $20k-$30k
8. Master Plan changes to Lower Commons Park and the "Green Spine"	Moderate	Staff Consultant	$0 (part of #1) $75k-$100k
9. Update the Transfer of Development Right (TDR) regulations and policy	Moderate	Staff	$0 (part of #1)
10. Zoning and density analysis to inform Town Center regulations and action: A. Environmentally Critical Areas (limited BAS update) B. Affordable Housing Pool C. Tree retention D. Design Standards E. Environmental Impact Statement / Zoning designations (TC-E)	A. Moderate B. Moderate C. Moderate D. Moderate E. Long	A. Consultant B. Staff C. Staff D. Consultant E. Consultant	A. $50k-75k B. $0 (part of #1) C. $0 (part of #1) D. $10k-$20k E. TBD
11. Develop a land acquisition strategy (purchase / easement / other)	Moderate	Staff Appraiser	$0 (part of #1) $20k-$30k
12. Update Economic Analysis	Moderate	Consultant	$20k-$30k
13. Demolition of the Sween House	Long	Staff Contractor	TBD $50k-$75k
14. Construct infrastructure: A. SE 4th Street B. Regional Stormwater Facilities C. Public Facilities within and adjacent to Sammamish Commons Park	A. Moderate B. Long C. Long	A. Both B. Both C. Both	A. $0 (budgeted) B. TBD C. TBD

[1] Parks Assistant funded 2017-2018 and Senior Planner funded mid 2016-2018

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

Summary of amendments proposed through April 27, 2016

"Normal Text" is existing code language
"~~Strikethrough Text~~" is existing language that will be deleted
"Underline Test" is code language that will be added
"…" indicates that there is additional code language that has been omitted

#	Commenter	Code Section	Current Regulation	Proposed Amendment
1	Ecology **Required** Amendment (Attachment B)	25.01.060	(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City's Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009).	(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC 13 (Surface Water Management, adopted by Ord 2011-304, on May 16, 2011), SMC 21.10.120 (Historic Resources, adopted by Ord 2008-240, on Dec 16, 2008) and sections of the City's Critical Areas Ordinance as described within this program 25.01.070 (adopted by Ord 2005-193, on December 20, 2005 and revised by Ord 2009-264 on October 6, 2009, and Ord 2009-274 on December 1, 2009, and Ord 02013-350 on July 9, 2013).
2a	Ecology **Required** Amendment (Attachment B)	25.01.070	Provisions of the Sammamish critical areas ordinance codified in Chapter 21A.50 SMC, exclusive of SMC 21A.50.050 (Complete exemptions), 21A.50.060 (Partial exemptions – Critical areas), 21A.50.070 (Exceptions), and 21A.50.400 (Sunset provisions) are considered part of this SMP.	Provisions of the Sammamish critical areas ordinance codified in Chapter 21A.50 SMC, exclusive of SMC 21A.50.050 (Complete exemptions), 21A.50.060 (Partial exemptions – Critical areas), 21A.50.070 (Exceptions), and 21A.50.400 (Sunset provisions) are considered part of this SMP. In shoreline jurisdictions, the environmentally critical area regulations shall be implemented consistent with the following:

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
				1. Under 21A.50.320(1) and 21A.15.1410, isolated wetlands shall be determined by the United States Army Corps of Engineers. ~~1.~~2. Pilot projects under 21A.50.320(3) shall require approval of a shoreline conditional use permit if located within the shoreline jurisdiction. The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to beginning any ground disturbing activities or timber harvest.
2b	Staff Recommended Alternative Amendment	21A.50.320(3)	(3) Pilot Program. (a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section. (b) Purpose. The purpose of this pilot program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values. (c) Application. Applications for eligible projects meeting the provisions of subsections (3)(d) through (g) of this section must be submitted within two calendar years from the effective date of the revision to the Sammamish shoreline master program. (d) Pilot Program Administration.	~~(3) Pilot Program.~~ ~~(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section.~~ ~~(b) Purpose. The purpose of this pilot program is to allow for limited alterations of low habitat value isolated category III and IV wetlands with an area of 4,000 square feet or less, to evaluate the effects of such alterations on hydrologic, habitat, and water quality functions and values.~~ ~~(c) Application. Applications for eligible projects meeting the provisions of subsections (3)(d) through (g) of this section must be submitted within two calendar years from the effective date of the revision to the Sammamish shoreline master program.~~ ~~(d) Pilot Program Administration.~~

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			(i) Three projects associated with the construction of a single-family home are authorized by this pilot project, subject to the provisions of this section. (ii) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the City's application material and Chapter 20.05 SMC, and completed any necessary preliminary steps prior to application as set forth in Chapter 20.05 SMC. (iii) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the director prior to the expiration of the pilot program, the next submitted application shall be accepted into the pilot program. (iv) The director shall use the authority under SMC 20.05.100 to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application. (e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be	~~(i) Three projects associated with the construction of a single-family home are authorized by this pilot project, subject to the provisions of this section.~~ ~~(ii) Eligible projects shall be accepted in the order received. To qualify for submittal, an applicant must have a complete application as described in the City's application material and Chapter 20.05 SMC, and completed any necessary preliminary steps prior to application as set forth in Chapter 20.05 SMC.~~ ~~(iii) In the event that an application for a project accepted into the pilot program is withdrawn by the applicant or cancelled by the director prior to the expiration of the pilot program, the next submitted application shall be accepted into the pilot program.~~ ~~(iv) The director shall use the authority under SMC 20.05.100 to ensure expeditious processing of applications. In particular, the director shall set a reasonable deadline for the submittal of corrections, studies, or other information when requested; an extension may be provided based upon a reasonable request. Failure by the applicant to meet a deadline shall be cause for the department to cancel/deny the application.~~ ~~(e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be~~

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following: (i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and (ii) The total area of the isolated wetland is 4,000 square feet or less; and (iii) The wetland is not adjacent to a riparian area; and (iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and (v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife. (f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310, shall be prepared for review and approval by the director; and (g) Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and assessment of the performance of required mitigation shall be provided by the applicant for five years following the completion of pilot projects authorized by this section. Annual monitoring reports shall be provided to the City for review and approval. Monitoring shall include the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features	~~altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following:~~ ~~(i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and~~ ~~(ii) The total area of the isolated wetland is 4,000 square feet or less; and~~ ~~(iii) The wetland is not adjacent to a riparian area; and~~ ~~(iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and~~ ~~(v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.~~ ~~(f) Mitigation. Mitigation to replace lost wetland functions and values, consistent with SMC 21A.50.310, shall be prepared for review and approval by the director; and~~ ~~(g) Monitoring. Monitoring of the effect on biologic, hydrologic, and water quality, and assessment of the performance of required mitigation shall be provided by the applicant for five years following the completion of pilot projects authorized by this section. Annual monitoring reports shall be provided to the City for review and approval. Monitoring shall include the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features~~

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			including, but not limited to, gathering baseline data. (h) No subsequent exemption from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) or 21A.50.290 is authorized for the property participating in this pilot program. (i) Effective Date. The pilot program described in this subsection (3) shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish shoreline master program.	~~including, but not limited to, gathering baseline data.~~ ~~(h) No subsequent exemption from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) or 21A.50.290 is authorized for the property participating in this pilot program.~~ ~~(i) Effective Date. The pilot program described in this subsection (3) shall take effect following the adoption of the pilot program into a Department of Ecology approved Sammamish shoreline master program.~~
3	Ecology **Required** Amendment (Attachment B)	25.01.080	This program and all amendments thereto shall become effective immediately upon final approval by the Department of Ecology.	This program and all amendments thereto shall become effective ~~immediately~~ fourteen days from the date of the Department of Ecology's written notice of ~~upon~~ final approval ~~by the Department of Ecology~~.
4	Ecology **Recommended** Amendment (Attachment C)	21A.50.290(1) & (2)	(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below: (a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to 70 based on functions, or those that are rated	(1) Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology, ~~2004~~2014, or as may be amended or revised by the Department from time to time). This document contains the definitions, methods and a rating form for determining the categorization of wetlands described below: (a) Category 1. Category 1 wetlands include those that receive a score of greater than or equal to ~~70~~ 23-27 based on functions, or those that are rated

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

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Category 1 based on special characteristics as defined in the rating form.

(b) Category 2. Category 2 wetlands include those that receive a score of 51 through 69 based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.

(c) Category 3. Category 3 wetlands include those that receive a score of 30 through 50 based on functions.

(d) Category 4. Category 4 wetlands score less than 30 points based on functions.

(2) The following standard buffers shall be established from the wetland edge:
<table>
<tr><th colspan="2">Wetland Category</th><th>Standard Buffer Width (ft)</th></tr>
<tr><td>Category I:</td><td>Natural Heritage or bog wetlands</td><td>215</td></tr>
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Category 1 based on special characteristics as defined in the rating form.

(b) Category 2. Category 2 wetlands include those that receive a score of ~~51 through 69~~20-22 based on functions, or those that are rated Category 2 based on special characteristics as defined in the rating form.

(c) Category 3. Category 3 wetlands include those that receive a score of ~~30 through 50~~16-19 based on functions.

(d) Category 4. Category 4 wetlands ~~score less than 30~~ equal to or less than 15 points based on functions.

(2) The following standard buffers shall be established from the wetland edge:
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Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation			Proposed Amendment		
				Habitat score 29 – 36	200	**Wetland Category**		**Standard Buffer Width (ft)**
				Habitat score 20 – 28	150	Category I:	Natural Heritage or bog wetlands	215
				Not meeting above criteria	125		Habitat score ~~29 – 36~~8-9	200
			Category II:	Habitat score 29 – 36	150		Habitat score ~~20 – 28~~5-7	150
				Habitat score 20 – 28	100		Not meeting above criteria	125
				Not meeting above criteria	75	Category II:	Habitat score ~~29 – 36~~8-9	150
			Category III:	Habitat score 20 – 28	75		Habitat score ~~20 – 28~~5-7	100
				Not meeting above criteria	50		Not meeting above criteria	75
			Category IV:		All land use types – 50	Category III:	Habitat score ~~20 – 28~~8-9	75

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			Category III and IV: Subject to SMC 21A.50.320	Not meeting above criteria: 50 Category IV: All land use types – 50 Category III and IV: Subject to SMC 21A.50.320
5	Ecology **Recommended** Amendment (Attachment C)	21A.50.290 (7) (c)	The buffer width is not reduced to less than 50 percent of the standard buffer width at any location	The buffer width is not reduced to less than ~~50~~ 75 percent of the standard buffer width at any location
6	Ecology **Recommended** Amendment (Attachment C)	21A.50.290 (7) (f)	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of standard buffer width at any location.	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than ~~50~~ 75 percent of standard buffer width at any location.
7	Ecology **Recommended** Amendment (Attachment C)	21A.50.290 (8) (a)	When a Category 1 or 2 wetland with a habitat score of greater than 29 points (per Washington State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is located within 200 feet of the wetland subject to the increased buffer;	When a Category 1 or 2 wetland with a habitat score of greater than ~~29~~ 8 points (per Washington State Wetland Rating System for Western Washington – Department of Ecology 2009 or as revised) is located within 200 feet of the wetland subject to the increased buffer;
8	Ecology **Recommended** Amendment (Attachment C)	21A.50.290 (9)	Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be	Buffer Reduction. Buffers may be reduced when buffer reduction impacts are mitigated and result in equal or greater protection of the wetland functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be

Proposed Amendments to the Environmentally Critical Area / SMP Regulations

#	Commenter	Code Section	Current Regulation	Proposed Amendment
			prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.	prepared using selected incentive-based mitigation options from the list below. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of ~~50~~ 25 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
9	Ecology **Recommended** Amendment (Attachment C)	21A.50.290 (9) (i)	Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed 50 percent of the standard buffer width.	Percentages listed above may be added together to create a total buffer reduction; provided, that the total reduction does not exceed ~~50~~ 25 percent of the standard buffer width; the remaining buffer shall be no less than 75% of the standard buffer.
10	Ecology **Recommended** Amendment (Attachment C)	21A.50.320 (1)	Isolated wetlands, as designated by a qualified professional using the adopted Washington State Wetland Rating System for Western Washington in a written and approved critical areas study meeting the requirements of SMC 21A.50.130, with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered.	Isolated wetlands, ~~as designated by a qualified professional using the adopted Washington State Wetland Rating System for Western Washington~~as defined consistent with SMC 21A.15.1410, and evaluated in a written and approved critical areas study meeting the requirements of SMC 21A.50.130, with a total area of up to 1,000 square feet may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) ~~and the provisions of SMC 21A.50.290 and may be altered~~.
11	Ecology **Recommended** Amendment (Attachment C)	21A.50.320 (2) (a)	(2) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet, provided: (a) The wetland does not score 15 points or greater for habitat in the adopted Western Washington rating system; and	(2) Category III and IV wetlands with a total area of 4,000 square feet or less may have the buffer reduced by 15 feet, provided: (a) The wetland does not score ~~15~~ 4 points or ~~greater~~ less for habitat in the adopted Western Washington rating system; and
12	Ecology	21A.50.320 (3)	(3) Pilot Program.	(3) Pilot Program.

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	Recommended Amendment (Attachment C)		(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to the provisions of this section. … (e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following: (i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and (ii) The total area of the isolated wetland is 4,000 square feet or less; and (iii) The wetland is not adjacent to a riparian area; and (iv) The wetland has a score of 15 points or less for habitat in the adopted Western Washington rating system; and (v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.	(a) Establishment of Pilot Program. A pilot program is hereby established to allow isolated category III and IV wetlands to be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290, subject to approval of a shoreline conditional use permit if located within shoreline jurisdictions and the provisions of this section. … (e) Eligible Projects. Subject to the limitation in the total number of projects in subsection (3)(d) of this section, wetlands that meet the following criteria may be exempted from the avoidance sequencing provisions of SMC 21A.50.135(1)(a) and the provisions of SMC 21A.50.290 and may be altered. To be eligible, a critical areas study prepared by a qualified professional shall be approved by the director and shall document the following: (i) The wetland is a category III or IV wetland that is hydrologically isolated from other aquatic resources; and (ii) The total area of the isolated wetland is 4,000 square feet or less; and (iii) The wetland is not adjacent to a riparian area; and (iv) The wetland has a score of ~~15~~ 4 points or less for habitat in the adopted Western Washington rating system; ~~and~~ (v) The wetland does not contain habitat identified as essential for local populations of priority species identified by the

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				Washington Department of Fish and Wildlife; and~~.~~ (vi) The applicant shall obtain all necessary state and federal authorizations for isolated wetland impacts prior to beginning any ground disturbing activities or timber harvest. Isolated wetlands are those wetlands as defined consistent with SMC 21A.50.1410.
13	Ecology **Recommended** Amendment (Attachment C)	21A.50.330 (4) (c)	The buffer width is not reduced to less than 50 percent of the standard buffer;	The buffer width is not reduced to less than ~~50~~ 75 percent of the standard buffer;
14	Ecology **Recommended** Amendment (Attachment C)	21A.50.330 (4) (e)	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than 50 percent of the standard buffer width at any location.	Buffer averaging may be used in conjunction with buffer reduction options in this section, provided the total combined reduction does not reduce the buffer to less than ~~50~~ 75 percent of the standard buffer width at any location.
15	Ecology **Recommended** Amendment (Attachment C)	21A.50.330 (6)	(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of 50 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction	(6) Buffer Reduction. Buffers may be reduced when buffer-reduction impacts are mitigated and result in equal or greater protection of the ecological stream functions. Prior to considering buffer reductions, the applicant shall demonstrate application of mitigation sequencing as required in SMC 21A.50.135. A plan for mitigating buffer-reduction impacts must be prepared using selected incentive-based mitigation options from the list below, and is subject to approval by the City. The following incentive options for reducing standard buffer widths shall be considered cumulative up to a maximum reduction of ~~50~~ 25 percent of the standard buffer width. In all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction

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			plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.	plan shall include replanting with native vegetation in the degraded portions of the remaining buffer area and shall include a five-year monitoring and maintenance plan.
16	Ecology **Recommended** Amendment (Attachment C)	21A.50.330 (6) (e) (ii)	Up to 30 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.	Up to ~~30~~ 25 percent reduction in standard buffer width for improving fish passage and/or creation of side channel or backwater areas.
17	Ecology **Recommended** Amendment (Attachment C)	21A.50.13XX	No current limit on the wetland delineation.	A wetland delineation completed over five years ago needs to be revisited. Revisiting a wetland delineation that is five or more years old does not necessarily mean that a new wetland delineation needs to be completed. It means that a field verification may need to be performed to determine whether the delineation is still accurate or whether it needs to be redone based on existing conditions.
18	Staff Recommended Amendment	21A.50.327	On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29, that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to 29, a fish and wildlife habitat corridor shall be set aside and protected as follows:	On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to ~~29~~8, that are also located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to ~~29~~8, a fish and wildlife habitat corridor shall be set aside and protected as follows:
19	Staff Recommended Amendment	21A.15.469	"Fish and wildlife habitat corridors" means those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington (Department of Ecology 2004 or as revised) that are located within 200 feet of an on-site or off-site Type	"Fish and wildlife habitat corridors" means those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to ~~29~~ 8 on the Washington State Wetland Rating System for Western Washington (Department of Ecology ~~2004~~ 2014 or as revised) that are located within 200 feet of an on-site or off-

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			F or Np stream and/or wetland with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat corridors do not increase streams buffers, except as required to provide a connection between two features as described above.	site Type F or Np stream and/or wetland with a high habitat score greater than or equal to ~~29~~ 8 on the Washington State Wetland Rating System for Western Washington. Fish and wildlife habitat corridors do not increase streams buffers, except as required to provide a connection between two features as described above.
20	Staff Recommended Amendment	21A.50.060 and 25.08.100(2)	The following developments, activities, and uses are allowed in critical areas and associated buffers and building setbacks as specified in the following subsections, provided such activities are otherwise consistent with this program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter. (1) Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according to the regulations in place at their time of establishment, may be maintained and no critical areas study or review is required. (2) Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following: (a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat	Subject to the limitations set forth in subsection (1) below, ~~T~~the following developments, activities, and uses are allowed in critical areas and associated buffers and building setbacks as specified in the following subsections, provided such activities are otherwise consistent with this program and other applicable regulations. ~~-~~The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter. (1) Change of Use and Existing Improvements. Approval of a preliminary subdivision, short subdivision or binding site plan shall require that ~~an~~ existing improvements, or nonconformance~~,~~ as that term is defined in SMC 21A.15.800, be removed or discontinued prior to recording of the final plat, final short plat, or binding site plan in the following circumstances: (a) The existing improvements or nonconformance is located within environmentally critical areas or buffers. This includes, but is not limited to, a nonconformance within an area proposed to be included in an averaged or reduced buffer; and,

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			conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property. (b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following: …	(b) Removal of the existing improvement or nonconformance will result in a reduced impact to environmentally critical areas; or (c) One of or more of the following criteria are met: i. Removal or discontinuance of the existing improvement or nonconformance is necessary to meet water quality, drainage, or re-vegetation requirements or to qualify for incentives. ii. The existing improvement or nonconformance is a use no longer allowed in the zoning designation or would be incompatible with a proposed use. iii. Removal or discontinuance of the existing improvement or nonconformance is necessary for public health, safety, or welfare, including but not limited to adequate sanitation, access, and/or safe walking conditions for school children. (2~~1~~) Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according to the regulations in place at their time of establishment, may be

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				maintained and no critical areas study or review is required. (~~2~~3) Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following: (a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property. (b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated

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				impervious surface areas lying within the buffer or building setback subject to the following: …
21	Staff Recommended Amendment	25.07.010-2	Impervious surface (max.) | R-4, no additional % for lots under 9,076 square feet | 40% | R-4, no additional % for lots under 9,076 square feet | 40%	~~Impervious surface (max.)~~ Minimum Yard Area | ~~R-4, no additional % for lots under 9,076 square feet~~45% | ~~40~~60% | ~~R-4, no additional % for lots under 9,076 square feet~~45% | ~~40~~60%
22	Staff Recommended Amendment	25.07.080(2)(c)	For shoreline residential areas, impervious surface allowances shall be in accordance with R-4 zoning requirements, with the exception that no additional impervious surface percentage is allowed for lots less than 9,076 square feet. See SMC 21A.25.030, Note (4)(c).	For shoreline residential areas, 45% of the lot shall be yard area. For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial turf, but do not include areas covered by pervious concrete or other similar materials. ~~impervious surface allowances shall be in accordance with R-4 zoning requirements, with the exception that no additional impervious surface percentage is allowed for lots less than 9,076 square feet. See SMC 21A.25.030, Note (4)(c).~~
23	Staff Recommended Amendment	25.07.080(2)(d)	For urban conservancy areas, the maximum amount of impervious surface shall not exceed 40 percent of the lot area above OHWM.	For urban conservancy areas, the ~~maximum~~ minimum amount ~~of impervious surface shall not~~ yard area shall be ~~exceed 4~~60 percent of the lot area above OHWM. For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial

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#	Commenter	Code Section	Current Regulation	Proposed Amendment
				turf, but do not include areas covered by pervious concrete or other similar materials.
24	Staff Recommended Amendment	20.05.020(4)	LAND USE DECISION TYPE … **Type 2** | Decision by director appealable to hearing examiner, no further administrative appeal | Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; shoreline substantial development permits (SSDPs); procedural and substantive SEPA decision; site development permit; approval of residential density incentives; reuse of public schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary determinations under SMC 20.05.030(3); critical areas exceptions and decisions to require studies or to approve, condition or deny a	LAND USE DECISION TYPE … **Type 2** | Decision by director appealable to hearing examiner, no further administrative appeal | Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; ~~shoreline substantial development permits (SSDPs)~~; procedural and substantive SEPA decision; site development permit; approval of residential density incentives; reuse of public schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary determinations under SMC 20.05.030(3); critical areas exceptions and decisions to require studies or to approve, condition or deny a

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#	Commenter	Code Section	Current Regulation			Proposed Amendment		
					development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan; unified zone development plan under Chapter 21B.95 SMC[3]			development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan; unified zone development plan under Chapter 21B.95 SMC[3]
			…			…		
			Type 4	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline conditional use permits	**Type 4**	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline substantial development permits (SSDPs); shoreline conditional use permits