

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. 02005-172**

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO RECREATION FACILITIES, AMENDING SECTION 16.15 OF THE SAMMAMISH MUNICIPAL CODE TO CLARIFY LANGUAGE AND AMEND STANDARDS RELATING TO PASSIVE RECREATION FACILITIES AND AMENDING SECTIONS 21A.15, 21A.30 AND 21A.50 OF THE SAMMAMISH MUNICIPAL CODE TO CLARIFY LANGUAGE AND AMEND STANDARDS RELATING TO PUBLIC AND PRIVATE TRAILS.

WHEREAS, the adopted City of Sammamish Comprehensive Land Use Plan supports a variety of non-motorized transportation options for city residents, addresses protection and public enjoyment of environmentally sensitive areas, and encourages the development and maintenance of a variety of recreational opportunities, including a comprehensive network of trails; and

WHEREAS, the State of Washington Growth Management Act sets forth thirteen planning goals in RCW 36.70A.020 that are intended to guide the development and adoption of comprehensive plans and development regulations, and those goals include: (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans; (9) Open Space and Recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource land and water, and develop parks and recreation facilities; (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water; and such multiple goals must be balanced by local jurisdictions in their consideration and adoption of plans and regulations; and

WHEREAS, the City researched and assessed the experience of other jurisdictions in regard to standards and requirements for permitting the development of public and private trails, undertook an extensive Best Available Science (BAS) review and public process in accordance with the requirements of the State Growth Management Act (GMA), developed Sammamish Municipal Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the City has been provided feedback on draft work products and guidance from members of the public, city staff, the Sammamish Planning Commission, and elected and appointed officials during the development of the staff report and the recommended code amendments; and

WHEREAS, in developing this ordinance, the City has followed the GMA's requirements to provide "early and continuous public involvement" through a variety of mechanisms described in the staff report and public record; and

WHEREAS, the City has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the staff report and public record; and

WHEREAS, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Community, Trade and Economic Development and to other State agencies on September 10, 2004 for a 60 day review and comment period in accordance with State law; and

WHEREAS, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on September 16, 2004 in the King County Journal; and

WHEREAS, the Planning Commission held a public open house on July 22, 2004 related to the amendments, and a public hearing on September 23, 2004 and October 7, 2004 and deliberated on October 7, 2004 and on October 21, 2004; and

WHEREAS, the Planning Commission has provided a recommendation memorandum to the City Council related to the proposed amendments; and

WHEREAS, the City Council held a public hearing on the proposed amendments on November 2 and 9, 2004, a first reading of the ordinance on those same dates, and a second reading of the ordinance on November 16, 2004 and February 1, 2005; and

WHEREAS, the City Council has considered the recommendation of the City Planning Commission and the public comments received; and

WHEREAS, the City Council has reviewed and considered a variety of information sources including the staff report and appendices, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the City Council; and

WHEREAS, based upon the foregoing process, the City Council has made the following Findings of Facts and Conclusions:

1. Trails are a permitted use within all zones in the City of Sammamish, and proposals to establish or improve public and/or private trails will likely be made in the future.
2. The City of Sammamish has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.

3. The proposed requirements for trails in or adjacent to environmentally sensitive areas are sufficient and appropriate to protect the functions and values of those areas.
4. The amendments hereafter set forth address requirements related to passive recreation facilities including public and private trails in environmentally sensitive areas and buffers, and will therefore help the City to review trails proposals in a consistent and appropriate manner.
5. The amendments will better implement the comprehensive plan, facilitate increased transportation options for City residents, protect environmentally sensitive areas, provide a variety of recreational opportunities in the City, and are in the public interest.
6. The public record demonstrates that the amendments have followed the regulatory recommendations for trails contained in the agency comments and BAS literature available to the City for review and consideration.
7. The City has followed the GMA's requirements for public involvement and for including and considering BAS in modification of the regulations for environmentally sensitive areas.
8. The public testimony provided to the City included both support for the proposed amendments and suggestions for modifications.
9. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the City's balancing of the public interests under the planning goals of the State of Washington Growth Management Act as set forth in RCW 36.70A.020, including those related to Transportation, Open Space and Recreation, and Environment.

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

Section 1. Clearing and Grading. The amendments to SMC Chapter 16.15, Clearing and Grading, shown in Attachment A to this ordinance are hereby adopted.

Section 2. Terms and Definitions. The amendments to SMC Chapter 21A.15, Terms and Definitions shown in Attachment B to this ordinance are hereby adopted.

Section 3. Development Standards and Design Requirements. The amendments to SMC Chapter 21A.30, Development Standards and Design Requirements, shown in Attachment C to this ordinance are hereby adopted.

Section 4. Environmentally Sensitive Areas. The amendments to SMC Chapter 21A.50, Environmentally Sensitive Areas, shown in Attachment D to this ordinance are hereby adopted.

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.

Section 6. 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 1ST DAY OF FEBRUARY 2005

CITY OF SAMMAMISH



Mayor Don Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: October 26, 2004
Public Hearing: November 2 and November 16, 2004
First Reading: November 2, 2004
Passed by the City Council: February 1, 2005
Date of Publication: February 5, 2005
Effective Date: February 10, 2005

Attachment A

Proposed Amendments to SMC 16.15 Clearing and Grading Proposed changes shown in red ~~strikethrough~~ and underline

16.15.120 Clearing standards

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

- (a) The sensitive areas code, Chapter 21A.50 SMC, and its adopted administrative rules;
- (b) Property-specific development standards pursuant to Chapter 21A.85 SMC;
- (c) Critical drainage area designations identified by adopted administrative rule; and
- (d) Wildlife habitat corridors pursuant to Chapter 21A.30 SMC.
- (e) Shoreline Management Plan, SMC Title 25.

(2) Within sensitive areas designated pursuant to Chapter 21A.50 SMC, permitted alterations, development standards, mitigation requirements, activities and uses shall be limited to those specified in that chapter or elsewhere in the SMC. ~~Within any other areas subject to clearing restrictions referenced or contained in this section~~

(3) In addition to the uses otherwise allowed in areas subject to the native vegetation retention requirements in (1)(b)-(e) above, the following uses activities or permitted alterations are allowed under a clearing permit:

(a) Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses, ~~that do not require permanent structures; provided, that cleared areas and/or areas of compacted soils associated with these uses and facilities do not exceed eight percent of the area of the tract or easement~~ Cleared areas shall be the minimum necessary, and all other applicable standards shall be

required consistent with the standards and requirements in 21A.30, 21A.85 and any other requirements in the SMC. Within wildlife habitat corridors, trails shall be designed and constructed according to the trail design standards in 21A.30 ~~trail widths shall be the minimum allowed under adopted trail standards~~ and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;

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

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

~~(4)~~ Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st:

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

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

- (ii) Limitations on activities and the extent of disturbed areas; and
- (iii) Proposed erosion and sedimentation control measures.
- (b) The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.
- (c) Clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department that shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.
- (d) If, during the course of construction, silt-laden runoff exceeding standards in the applicable City-adopted stormwater requirements ~~King County surface water design manual~~ leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.
- (e) If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.
- (f) The following activities are exempt from the seasonal clearing and grading requirements of this subsection:
 - (i) Routine maintenance and necessary repair of erosion and sediment control facilities;
 - (ii) Routine maintenance of public facilities or existing utility structures as provided by SMC 21A.50.050;
 - (iii) Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
 - (iv) Typical landscaping activities of existing single-family residences that do not require a permit; and
 - (v) Public agency response to emergencies that threaten the public health, safety, and welfare.

ATTACHMENT B

Move the definition for "Alteration" from 21A.50.200 to 21A.15 and amend as shown:

21A.15.xxx ~~50.200~~ Alteration

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

Add the following new definitions to 21A.15:

21A.15.xxx Anadromous Fish

Anadromous fish are those that live part or the majority of their lives in saltwater, but return to freshwater to spawn.

21A.15.xxx Best Available Science

Best Available Science means the process used and information developed consistent with requirements in RCW 36.70A.172 and WAC 365-195-900 through 925.

21A.15.xxx Existing Corridor

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

21A.15.xxx Linear Activity or Development

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

21A.15.xxx Reasonable Alternative

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

21A.15.1285 Trails

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. Trails may be paved or unpaved, and may be intended and constructed for transportation, recreation, and nature contact and enjoyment. Types of trails are described and defined in the Park and Recreation Plan, Trails, Bikeways and Paths Plan, or elsewhere in the city Comprehensive Plan.

ATTACHMENT C

21A.30.200 Trail corridors – Applicability

Trail easements, or tracts, of sufficient width and length consistent with the dimensional standards as defined below, shall be provided by any all development, except for single detached residential permits, when such developments are located on properties that include trail corridors shown within an adopted City parks or trails plan. In addition to the general public, the residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement shall be counted as part of the site for purposes of density and floor area calculations.
(Ord. 099-29 § 1)

21A.30.210 Trail corridors – ~~Design~~ Development standards

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

- ~~(1) Width of the trail corridor;~~
- ~~(2) Location of the trail corridor on the site;~~
- ~~(3) Surfacing improvements; and~~
- ~~(4) Use(s) permitted within the corridor.~~

(1) Use of existing corridors. Trails should generally be located along existing cleared areas or on improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, so as to avoid or minimize the need to remove additional vegetation and create other associated impacts. Where an existing right-of-way is wider than the cleared or improved area, proposed trails should generally be located on the cleared or improved portion of the right-of-way wherever possible subject to safety and other technical factors. If sensitive areas exist on or in proximity to an existing cleared or improved corridor, then impacts from constructing the trail shall be mitigated consistent with SMC 21A.50, including the recommendations from any required sensitive areas study. Trails may be located in other areas if it is demonstrated that a new corridor creates less overall or less incremental impacts to sensitive areas and habitat while still achieving overall project goals and objectives. As shown in the adopted City comprehensive plan, parks plan or trails plan, trail and corridors should connect public lands, utility corridors, or rights-of-way or other public infrastructure to maximize transportation and public recreation uses.

(2) Compatibility with adjacent land uses. Trails should be designed and constructed to encourage users to remain on the trail, to diminish the likelihood of trespass and to promote privacy for adjacent landowners. The applicant shall propose for the department's review and approval the use of fencing, signage, landscaping or other appropriate means to accomplish this requirement. Any proposed lighting should be directed away from houses along the trail corridor. Safety of trail users and adjacent landowners shall be addressed through review of vehicle access and crossing locations and design. Allowed uses should be consistent with the trail types identified in an adopted city comprehensive plan, parks plan or trails plan, and/or determined through a city-approved, site-specific master planning process if applicable.

(3) Width. The width of the cleared area, trail corridor, surface and shoulder should be designed consistent with AASHTO standards for public multi-use paved trails (Guide for the Development of Bicycle Facilities, 1999, as amended. American Association of State Highway and

Transportation Officials), and with US Forest Service standards (Trails Management Handbook, 1991, as amended, and Standard Specifications for Construction of Trails Handbook, 1984, as amended) if unpaved. Cleared areas shall be the minimum necessary consistent with the standards and requirements in the SMC.

(4) Sensitive Areas and Buffers. Trail impacts to sensitive areas should be reviewed consistent with the impact avoidance and mitigation sequencing requirements of SMC 21A.50. Mitigation of impacts is required, even for trails located on existing corridors consistent with subsection (1) above. Wetland and stream buffers shall be expanded to compensate for the total area of the trail corridor including all disturbed areas located within the buffer area. No expansion shall be required for trails located on existing improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, within wetland or stream buffers. Mitigation shall be required for all impacts consistent with 21A.50.

(5) Location. Except for approved viewing platforms, spur trails, wetland or stream crossings proposed consistent with 21A.50, or trails located on existing corridors consistent with subsection (1) above, trails that are proposed in proximity to wetlands or streams or associated buffers may only be located in the outer 25 percent of the wetland or stream buffer and should be generally aligned parallel to the stream or perimeter of the wetland. Spur trails and viewing structures should be designed to minimize impacts on sensitive area and wildlife habitat. Viewing platforms shall be placed landward of the wetland or stream edge.

(6) Wildlife. Trails should be designed and constructed encourage users to remain on the trail through the use of fencing, signage, landscaping or other appropriate means to minimize impacts to wildlife and habitat. In addition to the requirements related to wildlife corridors elsewhere in the SMC, trail location, lighting, and construction decisions, and requirements for use (e.g., pet leash requirements, bicycle speed limits, etc.) should be guided by recommendations from sensitive areas studies to avoid, minimize and mitigate impacts to habitat for sensitive species. In a vegetation management plan developed for City review and approval consistent with 21A.50.160, all disturbed areas shall be landscaped with appropriate native vegetation upon completion of trail construction or as soon thereafter as possible. The trail maintenance entity shall ensure that such vegetation survives through an appropriate mechanism. An integrated vegetation and pest management plan shall be developed by the applicant and approved by the department that avoids or minimizes the use of pesticides, herbicides and other hazardous substances.

(7) Surfacing. To promote infiltration and groundwater recharge and to minimize slope instability, trail surfaces shall be made of pervious materials. Public multi-use trails, or other trails determined by the department to require impervious surfaces, may be paved however pervious paving or other low-impact techniques that meet overall project goals for cost and durability are encouraged. Boardwalks may be used for areas subject to regular inundation, and should be constructed with non-hazardous materials. ~~Public multi-purpose trails may be made of impervious materials (asphalt or concrete) if they meet all other requirements including water quality.~~ Impervious ~~meable~~ materials may also be used if necessary for soil stabilization or to prevent soil erosion, or if the trail is specifically designed and intended to be accessible to physically challenged persons and is identified as such in an adopted city comprehensive plan, parks plan or trails plan.

ATTACHMENT D

21A.50.010 Purpose

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

- (1) Establishing development standards to protect defined sensitive areas;
- (2) Protecting members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, avalanche, landslides, seismic events, soil subsidence or steep slope failures;
- (3) Protecting unique, fragile, and valuable elements of the environment including, but not limited to, wildlife and its habitat;
- (4) Requiring mitigation of unavoidable impacts on environmentally sensitive areas by regulating alterations in or near sensitive areas;
- (5) Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater, wetlands, and streams;
- (6) Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions and values;
- (7) Protecting the public trust as to navigable waters and aquatic resources;
- (8) Meeting the requirements of the National Flood Insurance Program and maintaining the City as an eligible community for federal flood insurance benefits;
- (9) Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of sensitive areas; and
- (10) Providing City officials with sufficient information to protect sensitive areas. (Ord. 099-29 § 1)

21A.50.050 Complete exemptions

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

- (1) Alterations in response to emergencies that threaten the public health, safety, and welfare or that pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the department immediately. The director shall confirm that an emergency exists and determine what, if any, mitigation shall be required to protect the health, safety, welfare and environment and to repair any resource damage;
- (2) Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices, as follows:
 - (a) Normal and routine maintenance or repair of existing utility structures or rights-of-way;
 - (b) Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency that approves the new location of the facilities;
 - (c) Replacement, operation, repair, modification, installation, or construction in existing developed utility corridors, an improved City street right-of-way or City-authorized private street

- of all electric facilities, lines, equipment, or appurtenances, not including substations;
- (d) Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances, only when required by a local governmental agency that approves the new location of the facilities;
- (e) Replacement, operation, repair, modification, installation, or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances when such facilities are located within an improved public right-of-way or authorized private street;
- (3) Maintenance, operation, repair, modification, or replacement of publicly improved streets as long as any such alteration does not involve the expansion of streets or related improvements into previously unimproved rights-of-way or portions of rights-of-way;
- (4) Maintenance, operation, or repair of parks, trails and publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved ~~recreation~~ areas or new clearing of native vegetation beyond routine pruning and related activities;
- (5) All clearing and grading activities that are exempt from the requirement for a clearing and grading permit as specified in SMC 16.15.050, unless these activities require other permits or authorizations as specified in SMC 21A.50.020. (Ord. O99-29 § 1)

21A.50.070 Exceptions

If the application of this chapter would prohibit an activity or a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this subsection:

- (a) The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
- (b) The department shall review the application based on the following criteria:
- (i) There is no other ~~practical~~ reasonable alternative to the activity or proposed development with less impact on the sensitive area; and
- (ii) The activity or development proposal is designed to avoid, mitigate or minimizes the impact on environmentally sensitive areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and, if applicable,
- (iii) The proposed development or activity is of a linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.
- (c) The department shall process exceptions, provide public notice, provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of Chapter 20.05 SMC.
- (d) This exception shall not allow the use of the following sensitive areas for regional stormwater management facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
- (i) Class 1 streams or buffers;
- (ii) Class 1 wetlands or buffers with plant associations of infrequent occurrence; or
- (iii) Class 1 or 2 wetlands or buffers that provide critical or outstanding habitat for herons, raptors, or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

(2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

(a) The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of Chapter 21A.110 SMC. The applicant shall apply to the department, and the department shall make a final decision based on the following criteria:

(i) The application of this chapter would deny all reasonable use of the property;

(ii) There is no other reasonable use with less impact on the sensitive area;

(iii) The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

(iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan. (Ord. O99-29 § 1)

NEW SECTION

21A.50.14X Avoidance and Mitigation Sequencing

(1) An applicant for a development proposal, activity, or alteration, shall document the consideration and subsequently shall implement the following sequential measures, which appear in general order of preference, to avoid, minimize, and mitigate impacts to environmentally sensitive areas and associated buffers:

(a) Avoiding the impact or hazard by not taking a certain action, or re-designing the proposal to eliminate the impact. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid sensitive area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, conditional, or special use in the SMC. In determining the extent to which the proposal should be redesigned to avoid the impact, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified modifications to the proposal.

The department may also consider the extent to which the avoidance of one type or location of an environmentally sensitive area could require or lead to impacts to other types or locations of nearby or adjacent environmentally sensitive areas. The department should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of the relevant environmentally sensitive areas and based on the recommendations of a sensitive areas study. If impacts cannot be avoided through redesign, or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in (b) through (g) below.

(b) Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact with appropriate technology or by changing the timing of the action.

(c) Restoring the impacted sensitive areas by repairing, rehabilitating or restoring the affected critical area or its buffer.

21A.15.xxx Reasonable Alternative

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

21A.15.1285 Trails

“Trails” means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. Trails may be paved or unpaved, and may be intended and constructed for transportation, recreation, and nature contact and enjoyment. Types of trails are described and defined in the Park and Recreation Plan, Trails, Bikeways and Paths Plan, or elsewhere in the city Comprehensive Plan.

ATTACHMENT C

21A.30.200 Trail corridors – Applicability

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

21A.30.210 Trail corridors – ~~Design~~ Development standards

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

- ~~(1) Width of the trail corridor;~~
- ~~(2) Location of the trail corridor on the site;~~
- ~~(3) Surfacing improvements; and~~
- ~~(4) Use(s) permitted within the corridor.~~

(1) Use of existing corridors. Trails should generally be located along existing cleared areas or on improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, so as to avoid or minimize the need to remove additional vegetation and create other associated impacts. Where an existing right-of-way is wider than the cleared or improved area, proposed trails should generally be located on the cleared or improved portion of the right-of-way wherever possible subject to safety and other technical factors. If sensitive areas exist on or in proximity to an existing cleared or improved corridor, then impacts from constructing the trail shall be mitigated consistent with SMC 21A.50, including the recommendations from any required sensitive areas study. Trails may be located in other areas if it is demonstrated that a new corridor creates less overall or less incremental impacts to sensitive areas and habitat while still achieving overall project goals and objectives. As shown in the adopted City comprehensive plan, parks plan or trails plan, trail and corridors should connect public lands, utility corridors, or rights-of-way or other public infrastructure to maximize transportation and public recreation uses.

(2) Compatibility with adjacent land uses. Trails should be designed and constructed to encourage users to remain on the trail, to diminish the likelihood of trespass and to promote privacy for adjacent landowners. The applicant shall propose for the department's review and approval the use of fencing, signage, landscaping or other appropriate means to accomplish this requirement. Any proposed lighting should be directed away from houses along the trail corridor. Safety of trail users and adjacent landowners shall be addressed through review of vehicle access and crossing locations and design. Allowed uses should be consistent with the trail types identified in an adopted city comprehensive plan, parks plan or trails plan, and/or determined through a city-approved, site-specific master planning process if applicable.

(3) Width. The width of the cleared area, trail corridor, surface and shoulder should be designed consistent with AASHTO standards for public multi-use paved trails (Guide for the Development of Bicycle Facilities, 1999, as amended. American Association of State Highway and

Transportation Officials), and with US Forest Service standards (Trails Management Handbook, 1991, as amended, and Standard Specifications for Construction of Trails Handbook, 1984, as amended) if unpaved. Cleared areas shall be the minimum necessary consistent with the standards and requirements in the SMC.

(4) Sensitive Areas and Buffers. Trail impacts to sensitive areas should be reviewed consistent with the impact avoidance and mitigation sequencing requirements of SMC 21A.50. Mitigation of impacts is required, even for trails located on existing corridors consistent with subsection (1) above. Wetland and stream buffers shall be expanded to compensate for the total area of the trail corridor including all disturbed areas located within the buffer area. No expansion shall be required for trails located on existing improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, within wetland or stream buffers. Mitigation shall be required for all impacts consistent with 21A.50.

(5) Location. Except for approved viewing platforms, spur trails, wetland or stream crossings proposed consistent with 21A.50, or trails located on existing corridors consistent with subsection (1) above, trails that are proposed in proximity to wetlands or streams or associated buffers may only be located in the outer 25 percent of the wetland or stream buffer and should be generally aligned parallel to the stream or perimeter of the wetland. Spur trails and viewing structures should be designed to minimize impacts on sensitive area and wildlife habitat. Viewing platforms shall be placed landward of the wetland or stream edge.

(6) Wildlife. Trails should be designed and constructed encourage users to remain on the trail through the use of fencing, signage, landscaping or other appropriate means to minimize impacts to wildlife and habitat. In addition to the requirements related to wildlife corridors elsewhere in the SMC, trail location, lighting, and construction decisions, and requirements for use (e.g., pet leash requirements, bicycle speed limits, etc.) should be guided by recommendations from sensitive areas studies to avoid, minimize and mitigate impacts to habitat for sensitive species. In a vegetation management plan developed for City review and approval consistent with 21A.50.160, all disturbed areas shall be landscaped with appropriate native vegetation upon completion of trail construction or as soon thereafter as possible. The trail maintenance entity shall ensure that such vegetation survives through an appropriate mechanism. An integrated vegetation and pest management plan shall be developed by the applicant and approved by the department that avoids or minimizes the use of pesticides, herbicides and other hazardous substances.

(7) Surfacing. To promote infiltration and groundwater recharge and to minimize slope instability, trail surfaces shall be made of pervious materials. Public multi-use trails, or other trails determined by the department to require impervious surfaces, may be paved however pervious paving or other low-impact techniques that meet overall project goals for cost and durability are encouraged. Boardwalks may be used for areas subject to regular inundation, and should be constructed with non-hazardous materials. ~~Public multi-purpose trails may be made of impervious materials (asphalt or concrete) if they meet all other requirements including water quality.~~ Impervious ~~meable~~ materials may also be used if necessary for soil stabilization or to prevent soil erosion, or if the trail is specifically designed and intended to be accessible to physically challenged persons and is identified as such in an adopted city comprehensive plan, parks plan or trails plan.

ATTACHMENT D

21A.50.010 Purpose

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

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

21A.50.050 Complete exemptions

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

- (1) Alterations in response to emergencies that threaten the public health, safety, and welfare or that pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the department immediately. The director shall confirm that an emergency exists and determine what, if any, mitigation shall be required to protect the health, safety, welfare and environment and to repair any resource damage;
- (2) Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices, as follows:
 - (a) Normal and routine maintenance or repair of existing utility structures or rights-of-way;
 - (b) Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency that approves the new location of the facilities;
 - (c) Replacement, operation, repair, modification, installation, or construction in existing developed utility corridors, an improved City street right-of-way or City-authorized private street

- of all electric facilities, lines, equipment, or appurtenances, not including substations;
- (d) Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances, only when required by a local governmental agency that approves the new location of the facilities;
- (e) Replacement, operation, repair, modification, installation, or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment, or appurtenances when such facilities are located within an improved public right-of-way or authorized private street;
- (3) Maintenance, operation, repair, modification, or replacement of publicly improved streets as long as any such alteration does not involve the expansion of streets or related improvements into previously unimproved rights-of-way or portions of rights-of-way;
- (4) Maintenance, operation, or repair of parks, trails and publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved ~~recreation~~ areas or new clearing of native vegetation beyond routine pruning and related activities;
- (5) All clearing and grading activities that are exempt from the requirement for a clearing and grading permit as specified in SMC 16.15.050, unless these activities require other permits or authorizations as specified in SMC 21A.50.020. (Ord. O99-29 § 1)

21A.50.070 Exceptions

If the application of this chapter would prohibit an activity or a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this subsection:

- (a) The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
- (b) The department shall review the application based on the following criteria:
- (i) There is no other ~~practical~~ reasonable alternative to the activity or proposed development with less impact on the sensitive area; and
- (ii) The activity or development proposal is designed to avoid, mitigate or minimizes the impact on environmentally sensitive areas consistent with the avoidance and mitigation sequencing requirements in this chapter; and, if applicable,
- (iii) The proposed development or activity is of a linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.
- (c) The department shall process exceptions, provide public notice, provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of Chapter 20.05 SMC.
- (d) This exception shall not allow the use of the following sensitive areas for regional stormwater management facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
- (i) Class 1 streams or buffers;
- (ii) Class 1 wetlands or buffers with plant associations of infrequent occurrence; or
- (iii) Class 1 or 2 wetlands or buffers that provide critical or outstanding habitat for herons, raptors, or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

(2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

(a) The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of Chapter 21A.110 SMC. The applicant shall apply to the department, and the department shall make a final decision based on the following criteria:

(i) The application of this chapter would deny all reasonable use of the property;

(ii) There is no other reasonable use with less impact on the sensitive area;

(iii) The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

(iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan. (Ord. O99-29 § 1)

NEW SECTION

21A.50.14X Avoidance and Mitigation Sequencing

(1) An applicant for a development proposal, activity, or alteration, shall document the consideration and subsequently shall implement the following sequential measures, which appear in general order of preference, to avoid, minimize, and mitigate impacts to environmentally sensitive areas and associated buffers:

(a) Avoiding the impact or hazard by not taking a certain action, or re-designing the proposal to eliminate the impact. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid sensitive area impacts. However, avoidance shall not be construed to mean mandatory withdrawal or denial of the development proposal or activity if the proposal or activity is an allowed, permitted, conditional, or special use in the SMC. In determining the extent to which the proposal should be redesigned to avoid the impact, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal and identified modifications to the proposal.

The department may also consider the extent to which the avoidance of one type or location of an environmentally sensitive area could require or lead to impacts to other types or locations of nearby or adjacent environmentally sensitive areas. The department should seek to avoid, minimize and mitigate overall impacts based on the functions and values of all of the relevant environmentally sensitive areas and based on the recommendations of a sensitive areas study. If impacts cannot be avoided through redesign, or because of site conditions or project requirements, the applicant shall then proceed with the sequence of steps in (b) through (g) below.

(b) Minimizing the impact or hazard by limiting the degree or magnitude of the action or impact with appropriate technology or by changing the timing of the action.

(c) Restoring the impacted sensitive areas by repairing, rehabilitating or restoring the affected critical area or its buffer.

(d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through plantings, engineering or other methods.

(e) Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal, activity or alteration.

(f) Compensating for the adverse impact by enhancing sensitive areas and their buffers or creating substitute sensitive areas and their buffers as required in the SMC.

(g) Monitoring the impact, hazard or success of required mitigation and taking remedial action based upon findings over time.

(2) In addition to the above steps, the specific development standards, permitted alteration requirements, and mitigation requirements of this chapter and elsewhere in the SMC apply.

(3) The department shall document the decision-making process used under this section as a part of the sensitive areas review conducted pursuant to 21A.50.110.

This next section moved to 21A.15 Terms and Definitions

21A.50.200 Alteration

~~Any human activity that results or is likely to result in an impact upon the existing condition of a sensitive area is an alteration that is subject to specific limitations as specified for each sensitive area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existent vegetation, hydrology, wildlife, or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities. (Ord. 099-29 § 1)~~

21A.50.210 Building setbacks

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of all sensitive area buffers or from the edges of all sensitive areas, if no buffers are required. The following may be allowed in the building setback area:

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

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

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

- (1) A minimum buffer of 50 feet shall be established from the top, toe, and along all sides of any slope 40 percent or steeper. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare. The buffer may be reduced to a minimum of 10 feet if, based on a special study, the City determines that the reduction will adequately protect the proposed development and the sensitive area. The buffer may only be reduced to 25 feet in the case of erosion hazard areas. For single-family residential building permits only, the director may waive the special study requirement and authorize buffer reductions, pursuant to SMC 21A.50.080 or if the director determines that the reduction will adequately protect the proposed development and the sensitive area;
- (2) Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
- (3) Vegetation on steep slopes within steep slope hazard areas or their buffers that has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to a vegetation management plan approved by the City. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by the City;
- (4) Alterations to steep slope hazard areas and buffers may be allowed only as follows:
 - (a) Approved surface water conveyances, as specified in the applicable City-adopted stormwater requirements ~~King County surface water design manual~~, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;
 - (b) Public and private trails should not be located on steep slopes if possible, but may be allowed on steep slopes subject to the standards and mitigations contained in this chapter and the SMC. ~~Trails shall be constructed of permeable materials and under no circumstances shall trails be constructed of concrete, asphalt, or other impervious surfaces which will contribute to instability of the steep slope including increased surface water run-off, unless such surface materials are necessary for soil stabilization or to prevent soil erosion. Impervious materials may only be used for trail systems or segments when such a system or segment is specifically designed and intended to be accessible to handicapped persons and identified as such in an adopted trail plan. Additional requirements for trail construction are set forth elsewhere in this chapter or in the SMC and may also be specified in administrative rules;~~
 - (c) Utility corridors may be allowed on steep slopes if a special study shows that such alteration will not subject the area to the risk of landslide or erosion;
 - (d) Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules;
 - (e) Stabilization of sites where erosion or landsliding threaten public or private structures, utilities, roads, driveways or trails, or where erosion and landsliding threatens any lake, stream, wetland, or shoreline. Stabilization work shall be performed in a manner that causes the least

possible disturbance to the slope and its vegetative cover; and

(f) Reconstruction, remodeling or replacement of existing structures.

Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed provided:

(i) If within the buffer, the structure is located no closer to the steep slope than the existing structure;

(ii) The existing impervious surface within the buffer or steep slope is not expanded as a result of the reconstruction or replacement;

(5) Point discharges from surface water facilities onto or upstream from steep slope hazard areas that are also erosion hazard areas shall be prohibited except as follows:

(a) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;

(b) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predevelopment state; or

(c) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff;

(6) The following are exempt from the provisions of this section:

(a) Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

(b) The approved regrading of any slope that was created through previous legal grading activities. Any slope that remains 40 percent or steeper following site development shall be subject to all requirements for steep slopes. (Ord. O99-29 § 1)

21A.50.290 Wetlands – Development standards

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

(1) The following minimum buffers shall be established from the wetland edge:

(a) A Class 1 wetland shall have a 150-foot buffer;

(b) A Class 2 wetland shall have a 50-foot buffer;

(c) A Class 3 wetland shall have a 25-foot buffer;

(d) Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved; and

(e) Any wetland within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:

(i) The minimum buffer required for the wetland class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class; or

(ii) A 25-foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;

(2) Buffer width averaging may be allowed by the department if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer

on the development proposal site does not decrease (see also 21A.30.210(4) for buffer compensation requirements for trails);

(3) Increased buffer widths shall be required by the department when necessary to protect wetlands. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to wetlands, and groundwater recharge and discharge ~~and the location of trail or utility corridors~~;

(4) The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the City;

(5) Unless otherwise provided, the following restrictions shall apply to all development proposals that include the introduction of livestock:

(a) To prevent damage to Class 1 and 2 wetlands:

(i) A plan to protect and enhance the wetland's water quality shall be implemented pursuant to Chapter **21A.65 SMC**; or

(ii) Fencing located not closer than the buffer edge shall be required; and

(b) Standards pertaining to access to streams for watering purposes, stream crossing requirements and use of natural barriers and vegetative buffering in lieu of fencing shall be included in administrative rules promulgated pursuant to this chapter;

(6) The livestock restrictions contained in subsection (5) of this section shall not apply to wetlands defined as grazed wet meadows, regardless of their classification. (Ord. O99-29 § 1)

21A.50.300 Wetlands – Permitted alterations

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

(1) Alterations may be permitted if the department determines, based upon its review of special studies completed by qualified professionals, that:

(a) The wetland does not serve any of the valuable functions of wetlands identified in SMC **21A.15.1415** including, but not limited to, biologic and hydrologic functions; or

(b) The proposed development will:

(i) Protect, restore or enhance the wildlife habitat, natural drainage, or other valuable functions of the wetland resulting in a net improvement to the functions of the wetland system;

(ii) Develop a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist;

(iii) Perform the restoration or enhancement under the direction of a qualified biologist; and

(iv) Will otherwise be consistent with the purposes of this chapter;

(2) To establish the conditions in subsection (1) of this section, detailed studies may be required as part of the special study on habitat value, hydrology, erosion and deposition and/or water quality. Such detailed studies shall include specific recommendations for mitigation that may be required as a condition of any development proposal approval. The recommendations may include, but are not limited to, construction techniques or design, drainage or density specifications;

(3) If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;

(4) There shall be no introduction of any plant or wildlife that is not indigenous to King County

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

habitat corridor and all requirements of the applicable City-adopted stormwater requirements King County surface water design manual are met; and

(d) Use of a wetland buffer for a surface water management activity or facility, other than a flow control or water quality treatment facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the department, that:

(i) No practicable alternative exists; and

(ii) The functions of the buffer or the wetland are not adversely affected;

(9) Public and private trails may be allowed in wetland buffers ~~only upon adoption of administrative rules~~ consistent with the standards and requirements in this chapter, development standards in 21A.30, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a certified wetland biologist and a sensitive area study may be required. following:

~~(a) The trail surface shall not be made of impervious materials, except that public multi-purpose trails such as the East Lake Sammamish Trail may be made of impervious materials if they meet all other requirements including water quality; and~~

~~(b) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;~~

(10) A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25, if:

(a) The existing and zoned density around the wetland is three dwelling units per acre or more;

(b) At least 75 percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and

(c) Open water is a significant component of the wetland;

(11) Alterations to isolated wetlands may be allowed only as follows:

(a) On sites of less than 20 acres in size, one isolated wetland may be altered by relocating its functions into a new wetland on the site pursuant to an approved mitigation plan;

(b) On sites 20 acres or greater in size, up to three isolated wetlands may be altered by combining their functions into one or more replacement wetlands on the site pursuant to an approved mitigation plan; and

(c) Whenever an isolated wetland is altered pursuant to this subsection, the replacement wetland shall include enhancement for wildlife habitat;

(12) One additional agricultural building or associated residence may be allowed within the wetland buffer on a grazed wet meadow if all hydrologic storage is replaced on the site;

(13) Subject to a clearing and grading permit issued pursuant to Chapter 16.15 SMC, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;

(14) The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way, within wetlands or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. ~~W~~New wetland road and trail crossings may be allowed if:

~~(a) The director determines that; no alternative access is practical;~~

(i) The crossing is identified as a part of a corridor shown in an City-adopted parks or trails plan, park master plan, transportation plan, or comprehensive plan, or otherwise is necessary to connect or construct the road or trail to publicly-owned lands, utility corridors, rights-of-way or

other public infrastructure, or is required to provide access to property where no other reasonable alternative access is possible; or,

(ii) The applicant demonstrates that the new crossing creates less overall or less incremental impacts to sensitive areas and habitat than the use of an existing corridor while still achieving overall project goals and objectives.

(b) All crossings avoid or minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas as described in this chapter and in the SMC;

(c) Crossings do not significantly change the overall wetland hydrology;

(d) Crossings do not diminish the flood storage capacity of the wetland; and

(e) All crossings are constructed during summer low water periods;

(15) Reconstruction, remodeling, or replacement of existing structures. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City of Sammamish ordinances and regulations may be allowed provided:

(a) If within the buffer, the structure is located no closer to the wetland than the existing structure;

(b) The existing impervious surface within the buffer or wetland is not expanded as a result of the reconstruction or replacement;

(16) Wetland enhancement or restoration not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist. Restoration or enhancement must result in a net improvement to the functions of the wetland system; and

(17) A minor wetland restoration project for fish habitat enhancement may be allowed if:

(a) The restoration is sponsored by a public agency with a mandate to do such work;

(b) The restoration is not associated with mitigation of a specific development proposal;

(c) The restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements that result in a net improvement to the functions of the wetland system;

(d) The restoration only involves the use of hand labor and light equipment, or the use of helicopters and cranes that deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and

(e) The restoration is performed under the direction of a qualified biologist. (Ord. O99-29 § 1)

21A.50.330 Streams – Development standards

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

(1) The following minimum buffers shall be established from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified:

(a) A Class 1 stream shall have a 150-foot buffer;

(b) A Class 2 stream used by salmonids shall have a 150-foot buffer;

(c) A Class 2 stream shall have a 50-foot buffer;

(d) A Class 3 stream shall have a 25-foot buffer;

(e) Any stream restored, relocated, replaced, or enhanced because of a stream alteration shall

- have the minimum buffer required for the stream class involved;
- (f) Any stream with an ordinary high water mark within 25 feet of the toe of a slope 30 percent or steeper, but less than 40 percent, shall have:
- (i) The minimum buffer required for the stream class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that stream class; or
- (ii) A 25-foot buffer beyond the minimum buffer required for the stream class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that stream class; and
- (g) Any stream adjoined by a riparian wetland or other contiguous sensitive area shall have the buffer required for the stream class involved or the buffer that applies to the wetland or other sensitive area, whichever is greater;
- (2) Buffer width averaging may be allowed by the City if it will provide additional natural resource protection, as long as the total area contained in the buffer on the development proposal site does not decrease (see also 21A.30.210(4) for buffer compensation requirements for trails);
- (3) Increased buffer widths shall be required by the City when necessary to protect streams. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to streams, groundwater recharge and discharge and the location of trail or utility corridors;
- (4) The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be prohibited by the City; and
- (5) The livestock restrictions in SMC 21A.50.290 shall also apply to Class 1 and 2 streams and their buffers. (Ord. O99-29 § 1)

21A.50.340 Streams – Permitted alterations

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

- (1) Alterations may only be permitted if based upon a special study;
- (2) The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration;
- (3) There shall be no introduction of any plant or wildlife which is not indigenous to King County into any stream or buffer unless authorized by a state or federal permit or approval;
- (4) Utilities may be allowed in stream buffers if:
- (a) No practical alternative location is available;
- (b) The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
- (c) The requirements for sewer utility corridors in SMC 21A.50.300 shall also apply to streams; and
- (d) Joint use of an approved sewer utility corridor by other utilities may be allowed;
- (5) The following surface water management activities and facilities may be allowed in stream buffers as follows:
- (a) Surface water discharge to a stream from a flow control or water quality treatment facility,

sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the applicable City-adopted stormwater requirements surface water design manual;

(b) A Class 2 stream or buffer may be used for a regional stormwater management facility if:

(i) A public agency and utility exception is granted pursuant to SMC 21A.50.070;

(ii) All requirements of the applicable City-adopted stormwater requirements King County surface water design manual are met;

(iii) The use will not alter the rating or the factors used in rating the stream;

(iv) There are no significant adverse impacts to the stream; and

(c) A Class 3 stream or buffer may be used as a regional stormwater management facility if the alteration will have no lasting adverse impact on any stream and all requirements of the applicable City-adopted stormwater requirements surface water design manual are met;

(6) Except as provided in subsection (7) of this section, public and private trails may be allowed in stream buffers ~~only upon adoption of administrative rules~~ consistent with the standards and requirements in this chapter, the development standards in 21A.30, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a certified wetland biologist and a sensitive area study may be required. The number, location and design of viewing platforms and associated access trails and spur trails should be determined based on the recommendations of a sensitive area special study following:

(a) ~~The trail surface shall not be made of impervious materials, except that public multi-purpose trails such as the East Lake Sammamish Trail may be made of impervious materials if they meet all other requirements including water quality; and~~

(b) ~~Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;~~

(7) The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way, across streams or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. ~~§~~New stream crossings may be allowed and may encroach on the otherwise required stream buffer if:

(a) ~~All crossings use bridges or other construction techniques that do not disturb the stream bed or bank, except that~~ Bridges, bottomless culverts or other appropriate methods demonstrated to provide fisheries protection shall ~~may~~ be used for ~~Class 2 or 3~~ streams ~~if crossings and~~ the applicant shall demonstrate that such methods and their implementation will pose no harm to the stream habitat or inhibit migration of anadromous fish;

(b) All crossing are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;

(c) Crossings do not occur over ~~salmonid~~ spawning areas used by resident or anadromous fish including salmonids unless the City determines that no other possible crossing site exists;

(d) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;

(e) Crossings do not diminish the flood-carrying capacity of the stream;

(f) Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the state of Washington. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in SMC 21A.50.330. Crossing of Class 3 streams when dry may be made with

open cuts; and

(g) ~~Crossings~~ The number of crossings are minimized and consolidated to serve multiple purposes and properties whenever possible;

(8) Stream relocations may be allowed only for:

(a) Class 2 streams as part of a public road or trail project for which a public agency and utility exception is granted pursuant to SMC 21A.50.050; and

(b) Class 3 streams for the purpose of enhancing resources in the stream if:

(i) Appropriate floodplain protection measures are used; and

(ii) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;

(9) For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:

(a) The equivalent base flood storage volume and function will be maintained;

(b) There will be no adverse impact to local groundwater;

(c) There will be no increase in velocity;

(d) There will be no interbasin transfer of water;

(e) There will be no increase in sediment load;

(f) Requirements set out in the mitigation plan are met;

(g) The relocation conforms to other applicable laws; and

(h) All work will be carried out under the direct supervision of a qualified biologist;

(10) A stream channel may be stabilized if:

(a) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and

(b) The stabilization is done in compliance with the requirements of SMC 21A.50.230 through 21A.50.240 and administrative rules promulgated pursuant to this chapter;

(11) Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance, and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist;

(12) A minor stream restoration project for fish habitat enhancement may be allowed if:

(a) The restoration is sponsored by a public agency with a mandate to do such work;

(b) The restoration is unassociated with mitigation of a specific development proposal;

(c) The restoration is limited to placement of rock weirs, log controls, spawning gravel, and other specific ~~salmonid~~ habitat improvements for resident or anadromous fish including salmonids;

(d) The restoration only involves the use of hand labor and light equipment; or the use of helicopters and cranes that deliver supplies to the project site; provided, that they have no contact with sensitive areas or their buffers; and

(e) The restoration is performed under the direction of a qualified biologist;

(13) Roadside ditches that carry streams with salmonids may be maintained through the use of best management practices developed in consultation with relevant City, state, and federal agencies. These practices shall be adopted as administrative rules;

(14) Subject to a clearing and grading permit issued pursuant to Chapter 16.15 SMC, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if

the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;

(15) Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface that was established pursuant to City ordinances and regulations may be allowed provided:

- (a) If within the buffer, the structure is located no closer to the stream than the existing structure;
- (b) The existing impervious surface within the buffer or stream is not expanded as a result of the reconstruction or replacement. (Ord. O99-29 § 1)

21A.50.350 Streams – Mitigation requirements

(1) Restoration shall be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration shall demonstrate that:

- (a) The stream has been degraded and will not be further degraded by the restoration activity;
- (b) The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
- (c) The restoration will have no lasting significant adverse impact on any stream functions; and
- (d) The restoration will assist in stabilizing the stream channel.

(2) The following minimum requirements shall be met for the restoration of a stream:

- (a) All work shall be carried out under the direct supervision of a qualified biologist;
- (b) Basin analysis shall be performed to determine hydrologic conditions;
- (c) The natural channel dimensions shall be replicated including its depth, width, length and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
- (d) The bottom shall be restored with identical or similar materials;
- (e) The bank and buffer configuration shall be restored to its original condition;
- (f) The channel, bank and buffer areas shall be replanted with vegetation native to King County that replicates the original vegetation in species, sizes and densities; and
- (g) The original biologic functions of the stream shall be recreated.

(3) The requirements in subsection (2) of this section may be modified if the applicant demonstrates to the satisfaction of the City that a greater biologic function can otherwise be obtained.

(4) Replacement or enhancement shall be required when a stream or buffer is altered pursuant to an approved development proposal. There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations.

(5) The requirements that apply to the restoration of streams in subsection (2) of this section shall also apply to the relocation of streams, unless the applicant demonstrates to the satisfaction of the City that a greater biologic function can be obtained by modifying these requirements.

(6) Replacement or enhancement for approved stream alterations shall be accomplished in the streams ~~and~~ on the site unless the applicant demonstrates to the satisfaction of the City that:

- (a) Enhancement or replacement on the site is not possible;
- (b) The off-site location is in the same drainage sub-basin as the original stream; and
- (c) Greater biologic and hydrologic functions will be achieved.



(7) Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved.