

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2008 - 236

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING
THE CITY OF SAMMAMISH MUNICIPAL CODE TO CREATE A LOW IMPACT
DEVELOPMENT CHAPTER, AND AMENDING CERTAIN OTHER CHAPTERS
OF THE CITY OF SAMMAMISH MUNICIPAL CODE TO ENSURE
CONSISTENCY WITH THE LOW IMPACT DEVELOPMENT CHAPTER**

WHEREAS, the City Council adopted the City's Comprehensive Plan on September 16, 2003; and

WHEREAS, the Growth Management Act ("GMA"), Chapter 36.70A RCW, authorizes amendments or revisions of a comprehensive plan to be made annually and allows more frequent amendments to the capital facilities element of a comprehensive plan that occur concurrently with the adoption or amendment of a city budget; and

WHEREAS, pursuant to RCW 36.70A.020, the City is required to plan under the adopted GMA goals adopted to guide the development and adoption of comprehensive plans and development regulations; and

WHEREAS, the City Council adopted the City of Sammamish Municipal Code on December 2, 2003; and

WHEREAS, the City of Sammamish is home to environmentally sensitive areas. Three of the six 303(d) lakes in the County are in Sammamish: Lake Sammamish, Pine Lake and Beaver Lake. Pine Lake, Beaver Lake, and Laughing Jacobs Lake in the City and Allen, Mystic and Yellow lakes in nearby unincorporated King County all drain into Lake Sammamish; along with many wetlands, streams and creeks; and

WHEREAS, the drinking water supply for the entire north end of the City of Sammamish, served by the Northeast Sammamish Water and Sewer District, obtains its entire water supply from aquifers. Much of the water supply from the Sammamish Water and Sewer District in the south half of the City comes from aquifers; and

WHEREAS, the City of Sammamish contains one of the remaining spawning creeks (Ebright Creek) for the kokanee salmon and the kokanee have been petitioned to become a threatened species under the US Endangered Species Act (ESA). Chinook and chum salmon and bull trout are listed as threatened under the ESA and scientists have cited loss of habitat due to development and stormwater runoff as factors that have contributed to their population declines;

WHEREAS, new stormwater management tools, including Low Impact Development can address a number of critical environmental issues facing Puget Sound. The Washington Department of Ecology estimates about one-third of polluted waters on the section 303(d) list are degraded because of stormwater runoff; and

WHEREAS, complementary preferred stormwater management techniques are a critical element of Low Impact Development (LID). In higher density settings, comprehensive application of LID practices is necessary to reduce the hydrologic changes and pollutant loads to surface and ground waters. Initial research modeling experimental, medium density, residential LID designs indicates that pre-development hydrologic conditions may be approximated on soils with low infiltration rates when using a full suite of LID practices and 40 to 50% open space protection. In this difficult type of development scenario it is essential to apply a full complement of LID practices. Soil enhancement, bioretention, open conveyance, dispersion to open space, minimal excavation foundation systems, aggregate storage under paving and roof water harvesting techniques must be integrated into the design to minimize hydrologic impacts; and

WHEREAS, the Council intends to adopt an updated King County Stormwater Design Manual to comply with Department of Ecology National Pollution Discharge Elimination System (NPDES) permit requirements. The King County Stormwater Design Manual includes Low Impact Development requirements for small site residential development; and

WHEREAS, the Council wishes to provide a voluntary, incentive-based option for large residential developments to incorporate preferred stormwater management techniques or to incorporate Low Impact Development into the development design; and

WHEREAS, an environmental review of the proposed Sammamish Municipal Code amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), and a SEPA threshold determination of non-significance and notice of adoption was issued on November 7, 2007 and sent to state agencies and interested parties; and

WHEREAS, in accordance with WAC 365-195-620, a notice of intent to adopt the proposed Sammamish Municipal Code Plan amendments was sent to the Washington State Department of Community, Trade and Economic Development on August 28, 2007 to allow for a 60 day review and comment period; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation; and

WHEREAS, the Planning Commission considered the proposed amendments to the Sammamish Municipal Code Plan at public hearing sessions beginning on June 28, 2007 and continuing to July 12, 2007;

WHEREAS, the Planning Commission has considered the public comment received and other information presented and voted to recommend to the City Council adoption of the proposed amendments; and

WHEREAS, the City Council has considered the recommended amendments to the Sammamish Municipal Code; and

WHEREAS, the City Council has considered the goals of the GMA as set forth in RCW 36.70A.020 and the amendments attached to this ordinance reflect the City's balancing of the public interests under the planning goals of the GMA.

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

Section 1. Amendments to the City of Sammamish Municipal Code Adopted. The amendments to the City of Sammamish Municipal Code, as set forth in Attachments "A" to this ordinance, are hereby adopted.

Section 2. Interpretation. The City Council authorizes the applicable director to administratively interpret these provisions as necessary to implement the intent of the City Council.

Section 3. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. 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.

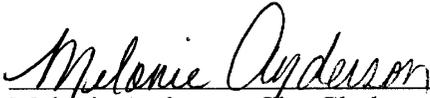
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 16TH DAY OF SEPTEMBER, 2008.

CITY OF SAMMAMISH



Mayor Lee Felling

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	January 29, 2008
Public Hearing:	February 5, 2008
First Reading:	February 5, 2008
Public Hearing	September 16, 2008
Passed by the City Council:	September 16, 2008
Date of Publication:	September 20, 2008
Effective Date:	September 25, 2008

Proposed Sammamish Municipal Code Amendments:
Low Impact Development Code Amendments

Amendment List:

- SMC 19.15.370 - Definition of Short Subdivision
- SMC 19.15.390 - Definition of Subdivision
- SMC 21A.15.XXX - Definition of Bio-retention (*New Section*)
- SMC 21A.15.XXX - Definition of Low Impact Development (*New Section*)
- SMC 21A.25.030 - Density and Dimension – Residential zones (*Added cross reference to LID chapter*)
- SMC 21A.25.040 - Density and Dimension – Commercial zones (*Added cross reference to LID chapter*)
- SMC 21A.25.080 - Calculations – Site area used for base density and maximum density floor area calculations (*Revised for correct terminology, added cross reference to LID chapter*)
- SMC 21A.30.020 - Lot segregations – Zero lot line development. (*Revised to for incentive, added cross reference to LID chapter*)
- SMC 21A.30.140 - On-site recreation – Space required (*Added cross reference to LID chapter*)
- SMC 21A.30.160 - On-site recreation – Play areas required (*Added cross reference to LID chapter*)
- SMC 21A.85.050 - Low Impact Development - Introduction (*New Section*)
- SMC 21A.85.010 - Intent and Goals (*New Section*)
- SMC 21A.85.020 - Applicability (*New Section*)
- SMC 21A.85.030 - Full Low Impact Development Design (*New Section*)
- SMC 21A.85.040 - General Low Impact Development LID Approaches and Standards (*New Section*)
- SMC 21A.85.050 - Residential Low Impact Development LID Approaches and Standards (*New Section*)
- SMC 21A.85.060 - Non-Residential Low Impact Development LID Approaches and Standards (*New Section*)
- SMC 21A.85.070 - Low Impact Development Incentives (*New Section*)
- SMC 21A.85.080 - Review Process (*New Section*)

19.15.370 Short subdivision

“Short subdivision” means the administrative approval of the division or redivision of land into four or fewer lots for the purpose of sale or transfer of ownership pursuant to Chapter [19.35 SMC](#), or for nine or fewer lots only when full Low Impact Design is utilized pursuant to Chapter 21A.85. A short subdivision also may include any number of tracts for ingress, egress, utilities, open space preservation, or other approved public purpose.

19.15.390 Subdivision.

“Subdivision” is the division or redivision of land into two or more lots for the purpose of sale, lease, or transfer of ownership, except as provided by the short subdivision of two to four lots or of one to nine lots when utilizing full Low Impact Development design pursuant to Chapter 21A.85.

SMC 21A.15.XXX Bio-retention. Excavated or otherwise formed depressions in the landscape that provide for storage, treatment, and infiltration of stormwater runoff.

SMC 21A.15.XXX Low Impact Development. Low impact development (LID) is a land development strategy applied at the parcel and subdivision scale that emphasizes minimizing soil disturbance, conserving on-site natural features, adding vegetation; using pervious surfaces, minimizing impervious surfaces, and integrating all of these elements with engineered, small-scale hydrologic controls in order to mimic pre-development hydrologic functions.

SMC 21A.25.030 – Densities and Dimensions – Residential zones

		RESIDENTIAL					
		URBAN RESIDENTIAL					
STANDARDS		R-1(15)	R-4	R-6	R-8	R-12	R-18
Maximum Density: Dwelling Unit/Acre (13)		1	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac
Minimum Density (2)					85% (11) (16)	80% (16)	75% (16)
Minimum Lot Width		35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback		20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)(14)		5 ft (7)	7 ft (1)	5 ft	5 ft	5 ft (9)	5 ft (9)
Base Height (4) (17)		35 ft	35 ft	35 ft 45 ft (12)	35 ft 45 ft (12)	60 ft	60 ft 80 ft (12)
Maximum Impervious Surface: Percentage (5)		30% (10)	55%	70%	75%	85%	85%

1. Interior setbacks may be reduced to five feet pursuant to SMC 21A.25.155.
2. Also see SMC 21A.25.060.
3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.
4. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support structures for the netting or

- fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements; provided, that the maximum height shall not exceed 75 feet.
5. Applies to each individual lot. Impervious surface area standards for:
 - a. Regional uses shall be established at the time of permit review;
 - b. Nonresidential uses in residential zones shall comply with SMC 21A.25.130;
 - c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;
 - d. Lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
 6. Mobile home parks shall be allowed a base density of six dwelling units per acre.
 7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
 8. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.
 9.
 - a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet.
 - b. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, except for structures in on-site play areas required in SMC 21A.30.160, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.
 10. Lots smaller than 0.5 acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are 0.5 acre in area or larger, the maximum impervious surface area allowed shall be at least 10,000 square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than 0.5 acre, an additional 10 percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of SMC 21A.70.170 (1)(b).
 11. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area(s) of the site pursuant to SMC 21A.25.100.
 12. The base height to be used only for projects as follows:
 - a. In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade; and
 - b. In the R-18 zone using residential density incentives and transfer of density credits pursuant to this title.
 13. Density applies only to dwelling units and not to sleeping units.
 14. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.
 15. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet the provisions of SMC 21A.30.030.
 16. See SMC 21A.25.090.
 17. Subject to the increase in maximum height permitted pursuant to SMC 21A.85.070 – Preferred Low Impact Development Incentives.

SMC 21A.25.040 – Densities and Dimensions – Commercial zones

	Z O N E S	COMMERCIAL		
		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE
STANDARDS		NB	CB	O
Maximum Density DU/Acre		8 du/ac (1)	18 du/ac (1)	18 du/ac (1)
Minimum Lot Area				
Maximum Lot Depth/Width Ratio			10 ft (8)	10 ft (8)
Minimum Street Setback		10 ft (3)	10 ft (3)	10 ft
Minimum Interior Setback		20 ft (5)	20 ft (5)	20 ft (5)
Base Height (8) (9)		35 ft 45 ft (4)	35 ft 60 ft (4)	45 ft 60 ft (4)
Maximum Floor/Lot Ratio: Square Feet		1/1 (7)	1.5/1 (7)	2.5/1 (7)
Maximum Impervious Surface: Percentage (9)		85%	85%	75%

B. Development Conditions.

1. These densities are allowed only through the application of mixed use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
2. Gas station pump islands shall be placed no closer than 25 feet to street front lines.
3. This base height allowed only for mixed use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
4. Required on property lines adjoining residential zones.
5. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.
6. The floor/lot ratio for mixed use developments shall conform to Chapter 21A.30 SMC.
7. Height limits may be increased when portions of the structure building which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed 75 feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement; provided, that the maximum height shall not exceed 75 feet.
8. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
9. Subject to the increase in maximum height permitted pursuant to SMC 21A.85.070 – Preferred Low Impact Development Incentives.

21A.25.080 Calculations – Site area used for base density and maximum density floor area calculations.

1. All site areas may be used in the calculation of base and maximum allowed residential density or project floor area, except as outlined under ~~the provisions of~~ subsection (2) of this section.
2. Submerged lands, landslide hazard areas ~~steep slopes~~ and buffers, Category I-IV ~~Class 1–3~~ wetlands and buffers, Type S, F, Np, and Ns ~~Class 1–3~~ streams and buffers, and property to be used as a public or private street or alley(s), shall not be included in the site area used for ~~credited toward~~ base and maximum density or floor area calculations unless:

~~(a) The site has accumulated sufficient Technique points pursuant to SMC 21A.85.070 – Preferred Low Impact Development Incentives to allow for inclusion of such areas as set forth in; Provided, that section; or~~

~~(b) The site meets subdivisions or short plats that meet the tree retention incentives standards of SMC 21A.35.2202210(2), in which case, Tree retention incentives requirements, shall be credited 10 percent of the critical environmentally sensitive areas and critical area associated buffers identified above; and further provided that critical areas, critical area buffers, and streets may be included in ereditd into the site area used for calculating base and maximum net density or floor area calculation pursuant to SMC 21A.85.070 – Preferred Stormwater Management Technique Incentives.~~

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

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

1. If a building is proposed to be located within a normally required interior setback in the NB zone:
 - (a) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
 - (b) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
 - (c) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
 - (d) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.
2. If a building is proposed to be located within a normally required interior setback in an R zone:
 - (a) The residential development must qualify for the attached housing incentive provided in SMC 21A.85.070(8);
 - (b) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
 - (c) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
 - (d) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
 - (e) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

SMC 21A.85.010 Intent and Goals

Low Impact Development (LID) is an approach to land use planning and project design that seeks to:

1. Increase the ability of a developed site to effectively emulate pre-development hydrologic conditions, including without limitation, stormwater retention, water quality treatment, and infiltration functions;
2. Minimize overland stormwater runoff from a developed site;
3. Maximize the retention of trees, native vegetation, understory plants, and native soils;
4. Minimize soil disturbance;
5. Minimize the conversion of site surfaces from vegetated to non-vegetated surfaces; and
6. Maximize the quantity and use of appropriate native plants onsite.

The Purpose of this Ordinance is to encourage development proposals to incorporate LID planning and design approaches into project development by providing incentives tied to LID’s use.

This Ordinance seeks to guide land use planning decisions only and does not replace any federal, state or local stormwater flow control and water quality treatment regulations. While some LID approaches encouraged by this Ordinance for land use purposes may also be eligible for stormwater credits under applicable stormwater flow control and water quality treatment regulations, some LID approaches designed pursuant to section SMC 21A.85 may not qualify for stormwater credits. Applicants are responsible for ensuring that their project proposal complies with all applicable regulations.

SMC 21A.85.020 Applicability.

All new development shall have the option to:

1. Design a project that incorporates LID into all aspects of the development proposal subject to SMC 21A.85.030; or
2. Incorporate the preferred LID approaches described in SMC 21A.85.040-.060 into project design in order to accumulate sufficient Technique points to allow the applicant to take advantage of the incentives identified in SMC 21A.85.070.

The City of Sammamish shall apply this Ordinance to all City projects and encourage other governmental entities to utilize LID in accordance with this Ordinance in their projects.

SMC 21A.85.030 Sammamish Comprehensive Low Impact Development Design.

Incorporating LID into a project’s design in a comprehensive manner is preferred over partial use of LID approaches. The City shall encourage applicants to utilize comprehensive LID design as defined in this section (“Sammamish Comprehensive LID”). Applicants who choose to design a development proposal pursuant to this section shall be eligible to obtain the incentives set forth in SMC 21A.85.070 without being subject to the point system of techniques and incentives contained within SMC 21A.85, shall be eligible for a waiver of the density incentive limits contained in SMC 21A.85.070 (1) and (2), and may utilize the short plat process for up to nine lots. In order to be considered to be a project which incorporates Sammamish Comprehensive LID, the project must:

1. Use all of the following LID approaches:
 - a. SMC21A.85.040(1) Retention of 50% Existing Forested Condition, or SMC21A.85.040(2) Retention and Restoration of Fifty Percent (50%) Vegetated Area; and
 - b. SMC21A.85.040(4) Limited Site Disturbance; and
 - c. SMC21A.85.040(5) Pervious Pavements; and
 - d. SMC21A.85.040(6) Onsite Infiltration; and
 - e. SMC21A.85.040(9) Reduced Impervious Surface.

SMC 21A.85.040 General Low Impact Development Approaches and Standards.

The following list identifies preferred LID approaches that may be proposed within any zoning designation and the “Technique points” associated with the successful use of each approach. Whether the implementation of any LID approach is sufficient to earn Technique points shall be subject to the review and approval of the Director.

1. Retention of Fifty Percent (50%) of Existing Forested Condition – 20 Technique Points
 - (a) The Applicant may retain fifty percent (50%) of the subject site’s existing forested area;
 - (b) Existing forested areas shall be subject to the tree protection standards of SMC 21A.35.230 and the maintenance and irrigation requirements of SMC 21.A.35.110-140.
2. Retention and Restoration of Fifty Percent (50%) Vegetated Area – 15 Technique Points:

- (a) The Application may retain and/or restore fifty percent (50%) of the subject site in one or more permanent Open Space Tracts;
- (b) Open Space Tracts and vegetation shall be subject to the tree protection standards of SMC 21A.35.230 and the maintenance and irrigation requirements of SMC 21A.35.110-140. Landscaping plans for open space tracts shall be designed consistent with SMC 21A.35.080 and 21A.35.100.
- (c) An area shall be considered an Open Space Tract if it is:
 - i. An existing forested area which comprises less than fifty percent (50%) of the subject site; or
 - ii. Shall be landscaped as part of the site's development and meets the following requirements:
 - 1. The site design shall maximize the amount of existing mature vegetation retained on site;
 - 2. The revegetation plan shall be designed by a licensed professional or ISA certified arborist;
 - 3. The plantings shall provide a multilayer canopy of large trees (50%), small trees, shrubs, and ground cover at maturity;
 - 4. A minimum of 75% of the Open Space Tract shall be planted with trees, shrubs and groundcover. Groundcover does not include pasture or turf;
 - 5. All invasive plants on the site shall be removed;
 - 6. No more than 15% of the proposed Open Space Tract shall be pasture or turf;
 - 7. Plants shall be selected by a licensed professional based upon site suitability;
 - 8. For proposed Open Space Tracts exceeding 0.5 acres in area, a ratio of 2 evergreens to 1 deciduous tree is required;
 - 9. Three (3) trees shall be planted per 1,000 square feet of proposed Open Space Tract area;
 - 10. Trees shall be native to the coastal Pacific Northwest. On planting, deciduous trees shall have a minimum caliper of 3/4 inches and coniferous and broadleaf evergreen trees shall be at least five (5) feet in height;
 - 11. 80% of shrubs and 80% of groundcover shall be species native to the coastal Pacific Northwest; and
 - 12. Shrubs shall be spaced a maximum of four (4) feet on center and ground cover shall be spaced a maximum of two (2) feet on center.
 - 13. Significant trees retained in an Open Space Tract may also be counted towards total tree retention requirements for the parcel.
- (d) A single contiguous Critical Area Tract, required pursuant to SMC 21A.50.190, may be used to satisfy this technique. Critical Area Tracts that do not constitute 50% of the area within the subject site may be credited for a proportionate amount of the proposed 50% open space retention (see Diagram A).

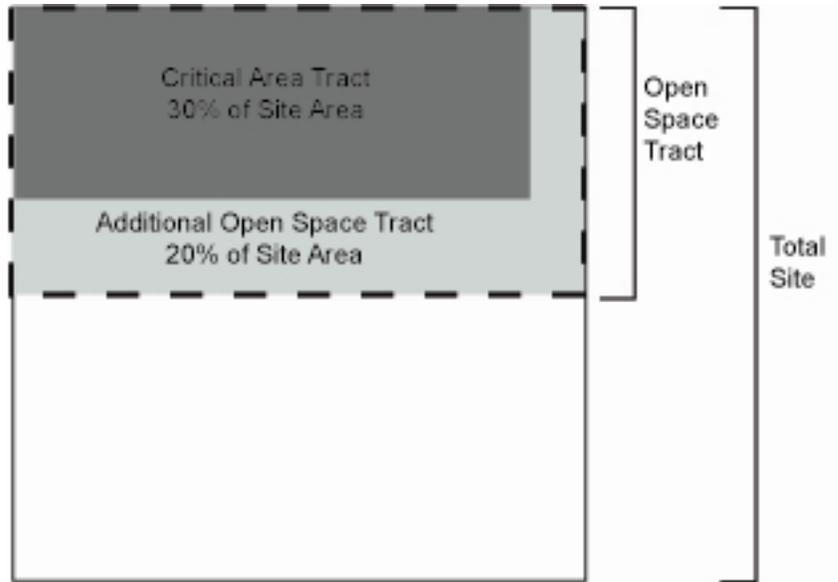
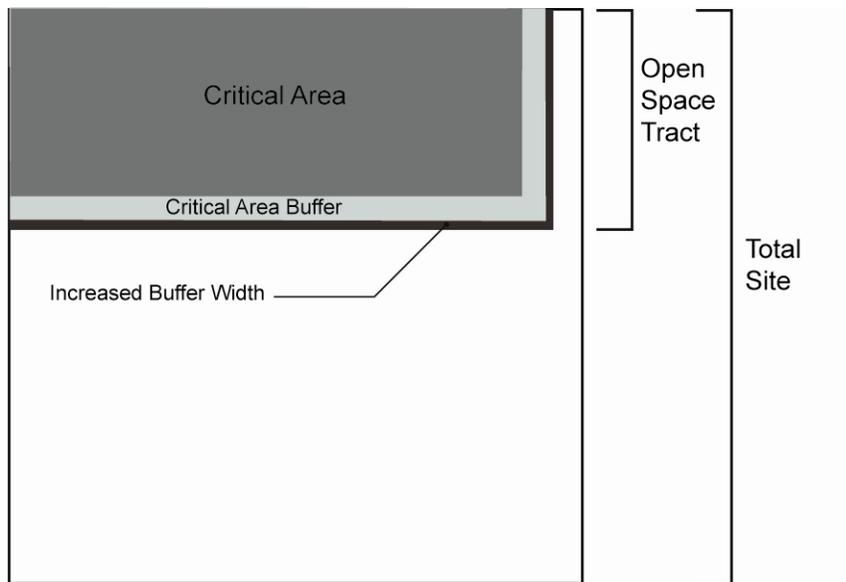


Diagram A

3. Increased Width of Critical Area Buffer - 8 Technique Points:

- (a) The applicant may increase the width of a Critical Area buffer required under SMA 21A.50 by 35%.
- (b) Any such increased width may also be included as part of a contiguous Critical Area Tract counting as Open Space Tract under Section (2) above. (See Diagram B).



- Open Space Tract = Critical area + Critical Area Buffer + Increased Buffer Width
- Additional technique points **ALSO** achieved for increasing buffer width

Diagram B

4. Limited Site Disturbance – 10 Technique Points:

- (a) Soil disturbance of the site shall be limited to 50% of the site area otherwise unconstrained by environmentally critical areas and associated buffers during plat and subsequent building construction;

- (b) Limited clearing may occur within the area where soil is undisturbed, subject to the following limitations:
 - i. The top four inches (4") of soil may be disturbed but not removed from the site or lot, as needed to allow for removal of unsuitable vegetation; provided that the disturbed soil is moved to an isolated location where it will not be driven upon and such soil is then returned and respread on the parcel;
 - ii. Six inches (6") of arborist chippings are placed on top of in-place soil areas that may be subject to construction activities or operations;
 - iii. Soil that is not protected as set forth in subsections (i) or (ii) above shall be tilled to a depth of twelve inches (12") upon completion of all site disturbance;
 - iv. Stump removal shall consist of grinding the stump in the existing location; and,
 - v. In no case shall the natural grade of the undisturbed area be modified by more than four inches (4").
- 5. Pervious Pavements / Materials – 10 Technique Points:
 - (a) Residential development – Pervious pavements / materials shall be used for eighty percent (80%) of all proposed hard surfaces, including but not limited to, private driveways, patios, squares, courtyards, walkways, private roads, parking areas, and sidewalk areas;
 - (b) Commercial / institutional developments - Pervious pavements / materials shall be used for eighty percent (80%) of all proposed hard surfaces, including but not limited to sidewalk areas, playgrounds, plazas, courtyards, sports courts, and parking areas;
 - (c) Public road areas and public sidewalks shall be excluded from the calculation of a site's proposed total hard surface area hereunder;
 - (d) Pervious pavement / materials may only be installed on sites where:
 - i. Information has been generated by a certified professional (e.g. a geotechnical engineer) and approved by the City Engineer, demonstrating that the pervious pavement installation shall function as designed; and
 - ii. Installation shall be performed by a contractor experienced in the installation of pervious pavements and materials.
 - (e) All pervious pavement shall be maintained in accordance with the manufacturer's or industry recommendations, as applicable.
- 6. Onsite Infiltration – 8 Technique Points:
 - (a) 90% of the site's runoff shall drain to one or more onsite infiltration systems;
 - (b) The onsite infiltration system shall be designed to accommodate the design volumes for the site's runoff up to and including the 100-year storm; and,
 - (c) All infiltration systems shall be designed and maintained in accordance with the adopted King County Surface Water Design Manual and shall be reviewed and approved by the City Engineer on a site specific basis.
- 7. Biofiltration Swale(s) and Rain Gardens – 8 Technique Points:
 - (a) Residential development – See SMC 21A.85.050(1) for points and design standard;
 - (b) Commercial / institutional development – 90% of the subject site shall drain to biofiltration swales or raingardens;
 - (c) Biofiltration swales and rain gardens proposed on sites located outside the Beaver or Pine Lake Management Areas shall be:
 - i. Designed and maintained in accordance with the adopted King County Surface Water Design Manual or the Low Impact Development Technical Guidance Manual for Puget Sound; and,
 - ii. Reviewed and approved by the City Engineer.
 - (d) Biofiltration swales and rain gardens proposed on sites located within the Beaver or Pine Lake Management Areas:
 - i. Shall not include amended soil;
 - ii. Shall have the upper twelve inches (12") of native soil tilled prior to planting;
 - iii. Except as set forth in subsections (i-ii) above, shall be designed and maintained in accordance with the adopted King County Surface Water Design Manual or the Low Impact Development Technical Guidance Manual for Puget Sound; and
 - iv. Shall be reviewed and approved by the City Engineer.
- 8. Reforestation – 6 Technique Points:

- (a) Residential development – All of the lots within a residential development shall be re-forested;
 - (b) Commercial / institutional development –The site shall be re-forested;
 - (c) Reforestation shall consist of:
 - i. For lots of 4,000 square feet or less, a minimum of two (2) trees planted per lot;
 - ii. For lots greater than 4,000 square feet in area, a minimum of three (3) trees planted per 1,000 square feet.
 - iii. Trees shall be native to the coastal Pacific Northwest. On planting, deciduous trees shall have a minimum caliper of 3/4 inches and coniferous and broadleaf evergreen trees shall be at least five (5) feet in height.
9. Reduced Impervious Surface – 7 Technique Points:
- (a) Lots created through a development proposal shall qualify for points under this Subsection if each lot’s total impervious surface area is twenty percent (20%) less than the applicable maximum allowable impervious surface area pursuant to SMC 21A.25.030 or SMC 21A.25.040, as applicable (e.g. the maximum impervious surface area of a site within the R-4 zone would be reduced from 55% to 35% and the maximum impervious surface area of a site within the CB zone would be reduced from 85% to 65%);
 - (b) Impervious surface areas which are public roads or public sidewalks shall be excluded from the calculation of the site’s total impervious surface area hereunder; and
 - (c) The allowed increases in the maximum permitted impervious surface area for smaller lots pursuant to SMC 21A.25.030 and 21A.25.040 shall not apply to this Subsection 9.
10. Drought Tolerant Landscaping – 3 Technique Points:
- (a) Ninety percent (90%) of required street landscaping, recreation tracts, and open space tracts, shall be landscaped with drought resistant vegetation native to Western Washington. Such vegetation shall be maintained as required for plant health.
11. LID Consultation with the City – 5 Technique Points:
- (a) Prior to site design, the applicant shall meet and consult with the City to identify opportunities to incorporate preferred LID approaches into the site’s design. The applicant shall bring the following materials to the meeting:
 - i. A survey of the site which includes topography, critical areas, and existing vegetation, including tree sizes and species; and
 - ii. Photographs of the site.
 - (b) The City will bring to the meeting any relevant environmental information it has readily available concerning the site, which may include soil surveys, groundwater depths, habitat maps, and the like.
12. Performance Guarantee for LID Approaches – Required
- (a) In order to receive points under SMC 21A.85.040 for employing LID approaches on a project site:
 - i. The developer shall prepare and distribute a maintenance plan to all property owner(s) that addresses:
 - 1. Structural and drainage maintenance;
 - 2. Vegetation management; and,
 - 3. Establishment and appropriate long term irrigation.
 - ii. The developer shall obtain written agreement from all property owners to comply with the maintenance plan and to maintain and retain all LID approaches employed on the site for a period of not less than fifteen (15) years from the date of construction. The agreement must include wording that if all or part of any LID approach ceases to function or is removed, equivalent LID approach(es) must be installed and all other stormwater management requirements met, prior to removal:
 - iii. The developer shall provide the City with a copy of the maintenance plan and all written agreements with property owners obtained under this Section.
13. Vegetated Roofs – 1-20 Technique Points:
- (a) A roof area shall be considered a vegetated roof if:
 - i. The roof area is fully covered with vegetation;
 - ii. It meets the definition of a Vegetated Roof set forth in the adopted King County Surface Water Design Manual or the Low Impact Development Technical Guidance Manual for Puget Sound; and

- iii. It is designed and maintained in accordance with the adopted King County Surface Water Design Manual or the Low Impact Development Technical Guidance Manual for Puget Sound.
- (b) Residential development – 2 Technique points shall be awarded per 10% of dwelling units whose roof is a vegetated roof up to a maximum of 20 total points;
- (c) Commercial / institutional development - 1 Technique point shall be awarded per 1,000 square feet of vegetated roof area up to a maximum of 20 total points;
- (d) Compliance with this LID approach shall require review and approval by the Building Official.

SMC 21A.85.050 Residential Preferred LID Approaches and Standards.

The following list identifies preferred LID approaches that may only be proposed for residential development proposals and the “Technique points” associated with the successful completion of each technique. Whether the implementation of any technique is sufficient to earn credit for an incentive shall be subject to the review and approval of the Director.

1. Biofiltration Swales and Rain Gardens – 10 Technique Points:
 - (a) Sixty-five percent (65%) of the site’s stormwater runoff shall be directed to a biofiltration system.
 - (b) Except as set forth in subsection (a) above, biofiltration swales and rain gardens proposed on sites located outside a Lake Management Area shall be:
 - i. designed consistent with the adopted King County Surface Water Design Manual, and shall be subject to the review and approval of the City Engineer; and
 - ii. Reviewed and approved by the City Engineer.
 - (c) Except as set forth in subsection (a) above, biofiltration swales and rain gardens proposed on sites located within a Lake Management Area:
 - i. Shall not include amended soil;
 - ii. Shall have the upper twelve inches (12”) of native soil tilled prior to planting;
 - iii. Except as set forth in subsections (i-ii) above, shall be designed and maintained in accordance with the adopted King County Surface Water Design Manual or the Low Impact Development Technical Guidance Manual for Puget Sound; and
 - iv. Shall be reviewed and approved by the City Engineer.
2. Open Space – 10 Technique Points:
 - (a) Thirty percent (30%) of the total site area shall be retained in its existing forested condition as defined in SMA 21A.85.040(1); or
 - (b) Thirty percent (30%) of the total site area shall be retained and restored to a permanent Open Space Tract as defined in SMA 21A.85.040(2);
 - i. Limited clearing / grading within twenty percent (20%) of the Open Space Tract shall be permitted solely to allow for the installation of passive recreation uses, including but not limited to soft surface trails, benches, and picnic tables;
 - ii. Open Space Tracts shall be located outside of critical areas and critical area buffers.
 - (c) Area retained in its existing forested condition or as Open Space Tracts may be used to satisfy the recreation space requirements of SMC 21A.30.140 – On-site Recreation – space required.
3. Minimal Foundation Excavation – 10 Technique Points:
 - (a) All of the structures within a residential development shall be designed with minimal foundation excavation which shall include:
 - (b) Limited or no disturbance of the natural soil profile within the footprint of all proposed structures. “Limited disturbance” shall have the meaning set forth in SMA 21A.85.040(4);
 - (c) Using a foundation that consists of a combination of driven piles and a connection at or above the existing grade of the subject site.
 - (d) Compliance with this technique shall require review and approval by the Building Official.
4. Soil Amendments – 3 Technique Points:

Only sites located outside a Lake Management District may employ this technique. On qualifying sites, four inches (4”) of soil amendments may be tilled into the top twelve inches (12”) inches of the site areas to be used for landscaping, including but not limited to proposed landscaping tracts, recreation tracts, and individual lots. Soil amendments:

 - (a) Shall be added

during soil preparation for permanent landscaping and prior to final building inspection, provided that, if the project is a subdivision, one bond for all of the lots within the subdivision shall be recorded prior to final plat; and

- (b) Shall consist of compost that complies with City standards as of the date of submittal.
- 5. Joint Use Driveway – 4 Technique Points:
 - (a) 65% of lots within a proposed residential development shall be accessed from a joint use driveway. A “joint use driveway” is a driveway for two (2) or more residences that shares a curb cut plus a minimum of ten feet (10’) of shared access.
- 6. Hollywood Driveway – 6 Technique Points:
 - (a) 65% of lots within a proposed residential development shall be accessed from a Hollywood driveway. A Hollywood driveway consists of two paved wheel tracks between 2.5 and 3.5 feet wide separated by a planted strip at least three (3) feet wide.

SMC 21A.85.060 Placeholder for Town Center LID Approaches and Standards to be adopted at a later date.

SMC 21A.85.070 Preferred LID Incentives.

Technique points earned by installing one or more of the Preferred LID Approaches described in SMA21A.85.040-060 above may be used to obtain the following LID incentives. These incentives are completely separate from any credits for the use of LID approaches that may be granted to the applicant under applicable stormwater flow control and water quality treatment regulations. In certain cases, a LID approach that qualifies for the incentives described in SMC 21A.85.070 may not qualify for credits under the stormwater regulations. Technique points are cumulative and may be combined to gain the use of one or more incentives below. Technique points may only be used for obtaining incentives for the development proposal that generates the points and may not be used for other development proposals. Except as otherwise noted in this section, technique points may only be used once.

- 1. 20% Increased Density: Subject to compliance with the provisions of SMC 21A.50 Environmentally Critical Areas, and so long as increasing the site’s density will not negatively impact any critical areas or critical area buffers on the site or adjacent to the site, this density incentive may be used to increase the site density permitted under SMC 21A.25.030-040, as applicable, by up to 20%.
 - (a) 30 Technique points required - The applicant may include up to 75 percent of the area within streets within the site density calculations required under SMC 21A.25.080;
 - (b) 27 Technique points required - The applicant may include up to 50 percent of the area within streets within the site density calculations required under SMC 21A.25.080;
 - (c) 24 Technique points required - The applicant may include up to 25 percent of the area within streets within the site density calculations required under SMC 21A.25.080.
- 2. 30% Increased Density Incentive: Subject to compliance with the provisions of SMC 21A.50 Environmentally Critical Areas, and so long as increasing the site’s density will not negatively impact any critical areas or critical area buffers on the site or adjacent to the site, this density incentive may be used to increase the site density permitted under SMC 21A.25.030-040, as applicable, by up to 30%.
 - (a) 40 Technique points required - The applicant may include up to 75 percent of the area within critical areas and critical area buffers within the site density calculations required under SMC 21A.25.080;
 - (b) 35 Technique points required - The applicant may include up to 50 percent of the area within critical areas and critical area buffers within the site density calculations required under SMC 21A.25.080;
 - (c) 30 Technique points required - The applicant may include up to 25 percent of the area within critical areas and critical area buffers within the site density calculations required under SMC 21A.25.080.
- 3. Street Improvement and Right-of-way Reduction. All reductions allowed pursuant to this Section shall be subject to review and approval by the City Engineer:
 - (a) 1 Technique point required - Variation requests submitted pursuant to this section shall be given preference over non-LID related variation requests;
 - (b) 20 Technique points required – The applicant may request a variation from the public works standards to reduce the required public right-of-way dedication from 60 feet to 56 feet and to reduce the required street improvement to 49 feet. Such a reduction shall include:

- i. Providing parking only on one side of the street (i.e., requiring 28 feet of paved asphalt for a 20' wide street plus one 8' wide parking lane); and,
 - ii. Reversed planter strip and sidewalk on the parking side.
 - (c) 16 Technique points required – The applicant may request a variation from the public works standards to reduce the required street improvement to 49 feet of improvement to include:
 - i. Parking only on one side of the street (i.e. requiring 28 feet of paved asphalt for a 20' wide street plus one 8' wide parking lane); and,
 - ii. Reversed planter strip and sidewalk on the parking side.
 - (d) 18 Technique points required – The applicant may request a variation from the public works standards to reduce the required public right-of-way dedication from 60 feet to 56 feet and to reduce the required street improvements to 46 feet including:
 - i. Pocket parking (8 foot depth) on alternating sides of the street;
 - ii. 20 feet of paved asphalt travel lanes;
 - iii. 5 foot sidewalks on both sides of the street; and,
 - iv. Landscaping (8 foot depth) on alternating sides of the street (i.e. opposite parking).
 - (e) 18 Technique points required – The applicant may request a variation from the public works standards to reduce the required street improvement to 56 feet of improvement to include:
 - i. Parking on one side of the street (28 feet of paved asphalt); and
 - ii. Standard sidewalks and planter strips.
- 4. Recognition. 24 Technique points required – The applicant may request that the City generate a “Featured LID Development” article in the City newsletter covering the development which has earned the Technique points. Technique points used for this incentive may be reused to obtain additional incentives.
- 5. Building Height Incentive. 20 Technique points required – Subject to compliance with the provisions of SMC 21A.50 Environmentally Critical Areas and so long as increasing building height will not negatively impact any critical areas or critical area buffers on the site or adjacent to the site, the applicant may increase the maximum building height by up to fifteen (15) feet.
- 6. Increased Signage. 12 Technique points required – The applicant may increase the allowed signage pursuant to SMC 21A.45 by:
 - (a) Adding one additional monument sign; or
 - (b) Increasing the size of the allowed sign by 10%.
- 7. Attached Housing. 12 Technique points required – 100% of the lots within a proposed residential development may be designed to accommodate attached housing consistent with SMC 21A.30.020.

SMC 21A.85.080 Review.

1. Process. The use of preferred LID approaches or full LID design shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn the Incentives as follows:
 - (a) For the purpose of this section, a primary proposal is defined as a proposed subdivision, binding site plan, conditional use permit, or commercial site development permit;
 - (b) The applicant shall identify the proposed techniques and incentives at the time of the first permit application for the primary proposal;
 - (c) When the primary proposal requires a public hearing under this code or SMC Title 19 or 20, the public hearing on the primary proposal shall serve as the hearing on the preferred LID approaches proposed, and the reviewing authority shall make a consolidated decision on the proposed development and use of techniques and the resulting incentives;
 - (d) When the primary proposal does not require a public hearing under this code or SMC Title 19 or 20, the LID approach proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 21A.100 SMC and to the procedures set forth in SMC Title 20,;
 - (e) All notices required by SMC 20.05 for the proposed development shall include a brief description of the proposed preferred LID approaches and associated incentives; and,
 - (f) A notice on title or conditions on the face of final plat shall be required documenting the use of preferred LID approaches or use of Sammamish Comprehensive LID and identifying limitations on future development.
2. Review. In evaluating the feasibility of a preferred LID approach proposal or Sammamish Comprehensive LID proposal, the Director shall have the authority to request additional technical information prepared by a certified professional to:
 - (a) Determine whether the development proposal is consistent with this chapter;

- (b) Determine if a proposed approach is consistent with the standards of the King County Surface Water Design Manual, City of Sammamish Stormwater Comprehensive Plan, or the Low Impact Development Technical Guidance Manual for Puget Sound, or other suitable reference, as determined by the Director;
 - (c) Determine whether the proposed combination of techniques adequately work together toward meeting the goals of this chapter.
 - (d) Determine if the monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public benefit, health, safety, and welfare, consistent with this chapter; and,
 - (e) Determine that the proposed LID approaches shall function as intended.
3. Health and Safety. Approval of all proposed LID approaches, Sammamish Comprehensive LID, and incentives grants shall be subject to the review of the City to determine that 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.
4. Adjustments.
- (a) Minor. When reviewing and issuing construction permits in an approved development, the department may allow minor adjustments in the approved approaches and incentives used by the development proposal involving the location and site specific approaches or incentives.
 - (b) Major. Changes to a development proposal that result in significant adjustments to the project shall require resubmittal of the development proposal pursuant to subsection 1 above of this section. Significant adjustments include, but are not limited to, elimination of proposed LID approaches, increases in the number of dwelling units generated, or additional reduction of proposed street improvements.
5. Maintenance of Low Impact Development Chapter. The Director shall evaluate SMC 21A.85 at least once every three years. Following review, the Director shall:
- (a) Identify any LID approaches, incentives, or other features of this chapter that are resulting in projects that meet the purpose of this chapter;
 - (b) Update SMC21A.85 in light of current research on the effectiveness of various LID approaches;
 - (c) If the Director identifies items that require a code amendment, the Director shall report back to the Planning Commission and City Council.