

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2015-387

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ESTABLISHING INTERIM
DEVELOPMENT REGULATIONS AS AUTHORIZED BY
THE GROWTH MANAGEMENT ACT RELATING TO
SURFACE WATER MANAGEMENT; PROVIDING FOR
SEVERABILITY; AND DECLARING AN EMERGENCY**

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote the public health, safety and welfare, the City of Sammamish (the "City") provides for geotechnical and civil engineering review of geo-hazard areas and the comprehensive management of surface and stormwaters, which is done through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance; and

WHEREAS, Title 13 of the Sammamish Municipal Code ("SMC") contains development regulations for surface and stormwater management; and

WHEREAS, plats approved prior to 1977 ("historic plats") were not subject to surface and stormwater regulations; and

WHEREAS, the City has landslide hazard areas that are potentially subject to risk of mass movement and susceptible to landslides due to a combination of geologic, topographic, and hydrologic factors; and

WHEREAS, the City has observed that when development occurs on previously vacant lots within historic plats that drain onto landslide hazard areas, there is a greater possibility for deleterious discharges associated with surface and stormwater when the development is not tightlined below the landslide hazard area; and

WHEREAS, drainage review is currently not required for development permits or approvals that would result in less than 2,000 square feet of new impervious surface, replaced impervious surface, or new plus replaced impervious surface; and

WHEREAS, the City has determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary in order to allow adequate time for the City to

effectively analyze and determine if current development regulations and review requirements address the surface and stormwater issues in landslide hazard areas;

WHEREAS, through the adoption of Ordinance No. O2014-373 on July 15, 2014, and amended through Ordinance O2014-474 on October 7, 2014, the City Council adopted interim development regulations relating to surface water management and those interim regulations have now expired;

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

Section 2. Adoption of Interim Zoning Regulations. The City Council hereby adopts interim development regulations as set forth in Attachment A to this Ordinance amending Section 13.20.020 SMC and Section 1.2.1 of the adopted Surface Storm Water Design Manual.

Section 3. Effective Duration of Interim Development Regulations. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council will hold a public hearing at the City Council's regular meeting beginning at 6:30 p.m. on March 3, 2015 or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact.

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, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3RD DAY OF FEBRUARY, 2015.

CITY OF SAMMAMISH


Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Michael R. Kenyon, City Attorney

Filed with the City Clerk:	January 30, 2015
First Reading:	February 3, 2015
Passed by the City Council:	February 3, 2015
Date of Publication:	February 6, 2015
Effective Date:	February 3, 2015

Attachment A
Interim Development Regulations

SMC 13.20.020 Drainage review – When required – Type

(1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:

(a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or

(a.1) Would result in 500 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface with an Historic Plat as defined and mapped in Exhibit A; or

(b) Would involve 7,000 square feet or more of land disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or

(e) Is located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or

(g) Is a redevelopment project on a site in which the total of new plus replaced impervious surface is 5,000 square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and frontage improvements, exceeds 50 percent of the assessed value of the existing site improvements.

(2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

(a) Small project drainage review;

(b) Targeted drainage review;

(c) Full drainage review; or

(d) Large project drainage review. (Ord. O2011-304 § 1 (Att. A)) **Surface Water Design Manual**

**1.2.1 CORE REQUIREMENTS #1:
DISCHARGE AT THE NATURAL LOCATION**

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DISCHARGE REQUIREMENTS

Proposed projects must comply with the following discharge requirements (1, 2, and 3) as applicable:

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2. IF a proposed project or any **natural discharge area** within a project is located within a Historic Plat²¹ outlined in red as depicted in Exhibit A or *Landslide Hazard Drainage Area*²² and, in fact, ultimately drains over the erodible soils of a SAO-defined landslide hazard area with slopes steeper than 15%, THEN a **tightline system must be provided** through the landslide hazard area to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirements #4 and in Section 4.2.2 unless otherwise approved by DDES. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.

Exceptions: A tightline is not required for any **natural discharge location** where one of the following conditions can be met:

- a) Less than 500 square feet of new impervious surface, replaced impervious surface or new plus replaced impervious surface will be added within the **natural discharge area**, OR
- b) All runoff from the **natural discharge area** will be infiltrated for runoff events up to and including the 100-year event, OR
- c) DDES determines that a tightline system is not physically feasible or will create significant adverse impact based on a soils report by a geotechnical engineer.

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²¹ Historic Plats are plats approved prior to 1977 that created separate lots as defined in SMC Title 19A smaller than 5,000 square feet.

ATTACHMENT A

