

25.02.010 Definitions.

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(17) Buffer. "Buffer" means a critical area buffer as designated by regulations in Chapter 21A.50 SMC and defined in Section 21A.15.122 SMC.

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(49) Maintenance. "Maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use. Maintenance may include, but is not limited to, pruning, plant material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape replaced with plant material.

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25.02.020 Scope of chapter.

This chapter contains definitions of technical and procedural terms used throughout the Sammamish Municipal Code. The definitions in this chapter supplement those in Chapter 21A.15 SMC and the Standard Industrial Classification Manual (SIC). Where there is a conflict between a definition in Chapter 21A.15 SMC and this chapter, the definition herein shall apply.

25.08.100 Existing development.

(1) Existing single-family homes, other structures, existing uses, and appurtenances that were legally established prior to the effective date of this SMP are considered to be conforming to the SMP. Additions, expansion or reconstruction must meet the provisions of the SMP.

~~(a) Allowed Activities in Critical Areas. The following developments, activities and uses are allowed, provided such activities are otherwise consistent with this program and other applicable regulations. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this chapter.~~

~~(i) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, which do not~~

~~meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, critical area or buffer.~~

~~(ii) Structural modification of, addition to or replacement of legally created single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the above-described buffer or building setback area by more than 1,000 square feet over that existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the critical area. Mitigation of impacts to critical areas or buffers disturbed is required and shall be evaluated to assure no net loss of ecological function.~~

~~(iii) Maintenance or repair of structures that do not meet the development standards of this chapter for landslide or seismic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair.~~

~~(iv) Conservation, Preservation, Restoration and/or Enhancement.~~

~~(A) Conservation and preservation of soil, water, vegetation, fish and other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing critical area or buffer; and~~

~~(B) Restoration and enhancement of critical areas or buffers; provided, that actions do not alter the location, dimensions or size of the critical area or buffer; that actions improve and do not reduce the existing quality or functions of the critical areas or buffers; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.~~

~~(C) Existing and ongoing agriculture and grazing of livestock is allowed subject to any limitations established by law, if the agriculture or grazing activity was in existence before~~

~~(1) Maintenance of Existing Improvements. Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this~~

chapter, which were legally established according to the regulations in place at their time of establishment, may be maintained and no critical areas study or review is required.

~~(2) Modifications of Existing Improvements. Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:~~

~~(a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.~~

~~(b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following:~~

~~(i) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with the provisions of SMC 21A.50.130 and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;~~

~~(ii) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and~~

~~(iii) If an existing legally created single detached dwelling unit and an accessory dwelling unit and associated impervious surfaces are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:~~

~~(A) No portion of the modification, addition or replacement may be located closer to a wetland or stream than the nearest extent of the existing single detached dwelling unit, except as provided under subsection (2)(b)(iii)(B) of this section.~~

~~(B) When there is an intervening single detached dwelling unit(s) or accessory dwelling unit(s) on a perpendicular line in between the subject wetland or stream and a single detached dwelling unit or accessory dwelling unit that is proposed to be modified, added to, or replaced, the modification, addition or replacement may be located closer to the wetland or stream, provided no portion of the modification, addition or replacement is located closer than 50 feet to the wetland or stream.~~

~~(C) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:~~

~~(1) A critical areas study approved by the City demonstrates a net improvement in hydrologic and habitat values to the subject affected wetland, stream, fish and wildlife~~

habitat conservation area through restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and

(2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter. November 27, 1990.

SMC 25.08.100(2) Maintenance of Existing Improvements. *Existing single detached dwelling units, other structures, landscaping, and other existing uses that do not meet the requirements of this chapter, which were legally established according to the regulations in place at their time of establishment, may be maintained and no critical areas study or review is required.*

(3) Modifications of Existing Improvements. *Addition, expansion, reconstruction or revision of existing building(s) or other structures is subject to the following:*

(a) Modification or Replacement. Structural modification or replacement of legally established structures that do not meet the building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, wildlife habitat corridors, or landslide hazard areas is allowed if the modification, replacement or related activity does not increase the existing footprint of the structure lying within the critical area, buffer or building setback area, and there is no increased risk to life or property.

(b) Expansions of Single Detached Dwelling Units and Accessory Dwelling Units. Structural modification of, addition to, or replacement of legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation areas, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surface areas lying within the buffer or building setback subject to the following:

(i) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located within the building setback or buffer required for

a landslide hazard area, a critical areas study must be supplied consistent with the provisions of SMC 21A.50.130 and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;

(ii) If the existing legally created single detached dwelling unit(s) and accessory dwelling unit(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and

(iii) If an existing legally created single detached dwelling unit and an accessory dwelling unit and associated impervious surfaces are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:

(A) No portion of the modification, addition or replacement may be located closer to a wetland or stream than the nearest extent of the existing single detached dwelling unit, except as provided under subsection (2)(b)(iii)(B) of this section.

(B) When there is an intervening single detached dwelling unit(s) or accessory dwelling unit(s) on a perpendicular line in between the subject wetland or stream and a single detached dwelling unit or accessory dwelling unit that is proposed to be modified, added to, or replaced, the modification, addition or replacement may be located closer to the wetland or stream, provided no portion of the modification, addition or replacement is located closer than 50 feet to the wetland or stream.

(C) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:

1) A critical areas study approved by the City demonstrates a net improvement in hydrologic and habitat values to the subject affected wetland, stream, fish and wildlife habitat conservation area through restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and

(2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter.

(c) Expansions of Buildings in Commercial Zoning Districts. Structural modification of, addition to, or replacement of legally created buildings and associated impervious surfaces located in the community business, neighborhood business, office, and Town Center A zones, that do not meet the applicable building setback or buffer requirements for wetlands, streams, fish and wildlife habitat conservation area, or landslide hazard areas are allowed a one-time up to 1,000 square foot increase in the existing total footprint of the building and associated impervious surface areas lying within the buffer or building setback subject to the following:

(i) If the existing legally created building(s) and associated impervious surfaces are located within the building setback or buffer required for a landslide hazard area, a critical areas study must be supplied consistent with the provisions of SMC 21A.50.130 and approved by the City that demonstrates that there will be no increased risk to life or property by the proposed footprint expansion;

(ii) If the existing legally created building(s) and associated impervious surfaces are located over or within a wetland, stream, or landslide hazard area, no further expansion within the wetland, stream, or landslide hazard area is allowed; and

(iii) If an existing legally created building(s), and associated impervious surfaces, are located within the building setback or buffer for a stream or wetland, or within a fish and wildlife habitat conservation area:

(A) No portion of the modification, addition or replacement may be located closer to a wetland or stream than the nearest extent of the existing building(s), except as provided under subsection (2)(c)(iii)(B) of this section.

(B) When there is an intervening building(s) on a perpendicular line in between the subject wetland or stream and building(s) that is proposed to be modified, added to, or replaced, the modification, addition or replacement may be located closer to the wetland or stream, provided no portion of the modification, addition or replacement is located closer than 50 feet to the wetland or stream.

(C) Modifications, additions, or replacements authorized under this subsection shall meet the following criteria:

(1) A critical areas study approved by the City demonstrates that the proposed modification, addition, or replacements authorized by this subsection will also result in a net improvement in hydrologic and habitat values to the subject affected wetland, stream, fish and wildlife habitat conservation area through restoration of degraded areas and/or buffer or through provision of additional vegetated buffer; and

(2) Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this chapter.

(4) Revisions to existing legally established landscaping are allowed subject to the following:

(a) The landscaped area shall not be increased within the critical area or buffer; and

(b) Landscaping features may be revised or replaced with similar features or features with less impact to the critical area or buffer, such that the remaining functions of the critical area and/or buffer are maintained or improved (e.g., plant material replaced with alternate plant material, hardscape replaced with alternate hardscape, hardscape replaced with plant material, etc.); and

(c) Revisions authorized under this subsection shall not require a critical areas study.

(5) Conservation, preservation, restoration and/or enhancement is allowed within critical areas or buffers subject to the following:

(a) Conservation and preservation of soil, water, vegetation, and other fish and wildlife habitat is allowed where it does not include alteration of the location, size, dimensions or functions of an existing critical area or buffer.

(b) Restoration and enhancement of critical areas or buffers is allowed; provided, that actions do not alter the location, dimensions or size of the critical area or buffer, that actions improve and do not reduce the existing quality or functions of the critical areas or buffers, and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.

(6) Select Vegetation Removal Activities.

(a) Removal of nonnative or invasive Washington State and/or King County listed noxious weeds in an area of up to 2,500 square feet within a critical area or buffer is allowed with no permit requirement if the following provisions are met:

(i) The plants are removed using hand labor and/or light equipment;

(ii) Soil disturbance is minimized and no filling or modification of soil contours occurs;

(iii) Water quality is protected and there is no modification of hydrology patterns within the critical area or buffer;

(iv) Native plants are protected from removal or damage;

(v) Appropriate erosion-control measures are used;

(vi) The area is replanted with a like kind and density of native vegetation following nonnative plant removal. For example, if dense nonnative blackberry is removed, at a minimum, dense native shrubs must be replanted following blackberry removal, though native trees and groundcover could also be included and are encouraged if desired; and

(vii) Removal of nonnative or invasive plants authorized under this subsection shall not require a critical areas study.

(b) For removal of nonnative vegetation in an area greater than 2,500 square feet, a clearing and grading permit is required and must be accompanied by a native plant restoration plan in accordance with applicable provisions of this chapter. A critical areas study may be required by the director.

(7) Reconstruction or replacement of the exterior footprint of an existing, legally established structure not meeting current regulations is allowed; provided, that the addition or reconstruction does not increase the noncompliance to current regulations. A critical areas study may be required by the director.

(a) Replacement may be allowed in a different location not meeting current regulations if a determination is made by the City that the new location results in less impact to environmentally critical area functions and values than replacement in the existing footprint.

(b) Existing structures that were legally established but which are not meeting current regulations may be maintained, reconstructed, or repaired; provided, that the maintenance/reconstruction/repair does not increase the extent of noncompliance with current regulations by encroaching upon or extending into the environmentally critical areas or other area where new construction or use would not be allowed.

(c) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural disaster or is otherwise demolished, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred or in accordance with subsection (6)(a) of this section; provided, that all of the following criteria are met:

(i) The owner(s) submit a complete application within 24 months of the date the damage occurred; and

(ii) All permits are issued within two years of initial submittal of the complete application, and the restoration is completed within two years of permit issuance. This period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

(d) A structure not meeting current regulations that is moved outside the existing footprint must be brought into conformance with this chapter, except as allowed by subsection (6)(a) of this section.

(7) A permit or approval sought as part of a development proposal where previous critical areas review has been completed is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 21A.50.180 and 21A.50.190, if:

(a) The City previously reviewed all critical areas on the site;

(b) There is no material change in the development proposal since the prior review that would affect a critical area;

(c) There is no new information available that is important to any critical area review of the site or particular critical area;

(d) No more than five years have lapsed since the issuance of the permit or approval under which the prior review was conducted; provided, that the director may allow a longer time period if new review would be unlikely to provide new information about the critical area; and

(e) The prior permit or approval, including any conditions, has been complied with.