



City Views @ Sammamish

ISSUE 39

CITY OF SAMMAMISH NEWSLETTER

SEPTEMBER 2005

Regional board ends moratorium early

Ruling triggers developer lawsuits against city

Even though the city's development moratorium was going to expire in just seven days, giving way to a new "growth phasing" policy, a regional growth management board pulled the plug on the community's moratorium Aug. 8.

The ruling, by the Central Puget Sound Growth Management Hearings Board, gave developers a two-day window of opportunity to submit numerous new applications before the "growth phasing" ordinance took ef-



fect. Out of respect for the ruling, the city's permit center was open for business and developers attempted to submit applications for a total of 610 residential lots on Aug. 11 and 12. After accepting only those applications deemed complete, 72 new residential lots entered the city's permit pipeline.

Several lawsuits have been launched by developers who say their applications were unfairly rejected.

"Most of the applications that didn't make it lacked water certificates," City Manager Ben Yazici said. "Our rules are clear. Applications aren't complete unless they include an actual, valid certificate from the appropriate water district."

Yazici said the timing of the re-

gional board's ruling was not only odd, but very unfortunate.

"Our Planning Commission and City Council worked for more than a year to provide a smooth transition from the moratorium to "growth phasing."

"Then right before the moratorium ended, they opened a regulatory gap that created uncertainty for all and triggered lawsuits."

At press time, the city was considering an appeal of the board's ruling. If the city were to prevail, the applications already accepted this month will be invalid because, presumably, the court will have ruled that the mora-

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See **MORATORIUM**, page 2

**They Can Take Us Out of the Country, But...
...they can't take the country out of us.**

The Growth Management Act (GMA) was passed by the State Legislature in 1990. Its purpose was to limit future growth to mostly areas within Urban Growth Boundaries, and to protect the rural areas and maintain them in their natural state. That boundary was set close to the Eastern border of what is now Sammamish.



Mayor Don Gerend

That decision took Sammamish out of the **country** and made us **urban**. That **urban** designation comes with planning goals that we are to use "for the purpose of guiding the development of comprehensive plans and development regulations." Among the guidelines set down by the Legislature are:

1. Urban growth. Encourage "development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, at densities that accommodate twenty-year growth projections." One way this occurs is a process whereby the cities in this region collectively allocate how much growth

each will absorb over the following 20 years. This explains why subdivisions approved by the County before we incorporated, and under construction here during the past six years, have smaller lots than most previous developments. Now that our six-year moratorium on new subdivisions has ended, we will see more small lot subdivisions built in our community.

2. Transportation. "Encourage efficient multimodal transportation systems." In Sammamish this means lobbying Metro and Sound Transit for more bus routes and Park & Ride Lots. You can see the progress on our Sound Transit Park & Ride lot currently under construction at 228th Avenue and Issaquah-Pine Lake Road. It also means adding bike paths and walking trails to improve connectivity within Sammamish.

3. Open Space and Recreation; Environment: "Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, develop parks and recreation facilities...Protect the environment." This is where we keep the **country** in us. The City has and can continue to acquire tracts of land for parks and open space before development occurs, protect our lakes and streams by preparing and implementing basin studies, and institute new development regulations such as our tree ordinance and various innovative land use management techniques so

that we can retain some **country** features and flavor as we necessarily morph into an urban center.

The state, the county and the Central Puget Sound Growth Management Hearings Board are watching us to make sure that we abide by the GMA. However, it should be noted that the Legislature amended the GMA to spell out that "the legislature intends for the boards to grant deference to counties and cities in how they plan for growth, stating that the ultimate burden and responsibility for planning, harmonizing the planning goals and implementing a city's future rests with that community."

Sammamish has exceeded its twenty-year growth target, supported regional goals (from transit and road projects to salmon recovery), worked furiously to ameliorate inherited infrastructure deficits, and is coming together as a community (one need only have attended one of the Thursday evening Concerts at Pine Lake Park to see this happening).

Sammamish, as the youngest city in Western Washington, is a resounding success, as well as a regional team player. In my opinion Sammamish is meeting GMA requirements while exercising the discretion given to us by the Legislature.

MORATORIUM - cont. from pg. 1

torium actually was in effect until its intended expiration on Aug. 14.

"If we go that route, and win, we hope that also means this flurry of lawsuits will go away," Yazici said. "It would get us back to the smooth, predictable transition to growth phasing

we planned for."

The growth phasing ordinance allowed for 840 residential lots over two years. Through a random allocation process, or lottery, applications for 420 lots would be accepted for the first year, and another 420 for the second year. The two-year life of the ordinance began Aug. 15, with the award

of lots/units scheduled for late October.

More information is available on this issue by going to the city website at www.ci.sammamish.wa.us and clicking on "News" or "Ordinances." Information is also available by calling the Community Development Department at 425-836-7938.

Critical Areas Update

(Four page special section)

Critical areas regulatory update on track

Planning Commission starts review Sept. 22

Like other counties and cities, Sammamish is in the process of updating its Critical Areas Code.

The goal is to protect environmentally sensitive areas such as wetlands, streams and other fish and wildlife habitat conservation areas. Frequently flooded areas, aquifer recharge areas, and geologically hazardous areas are also included.

This update, which is required by the state's Growth Management Act, will revise city regulations that affect development and other activities in and around these sensitive areas. Amendments will address development standards, buffer requirements and mitigation provisions.

By law, the revisions are being developed with "early and continuous public involvement," and are based on the best available science.

A Citizens Advisory Committee (C.A.C.), which met five times this year, is a major feature of the city's public involvement process. With 19 members drawn from a representative cross-section of the community, the C.A.C. drew up recommendations that are being used by a consultant and city staff to craft the actual amendments. A smaller Technical Advisory Committee, comprised of C.A.C. members, was also instrumental in this effort. (See page 5 for a summary of the recommendations).

In coming to their recommendations, the members of the C.A.C. reviewed and discussed key environmen-



tal protection issues and relevant scientific findings. Information from neighboring cities and from state and federal natural resource agencies was considered as part of this process. As the city staff, Planning Commission and City Council continue this work, they will continue to consult with experts from those agencies.

"The idea is to use the latest and best science to fashion appropriate regulations," Wetland Biologist Kathy Curry, the city's Critical Areas Update project manager, said. "Science is not static. We're always learning new things."

In addition to doing a better job of protecting the community's environment, the Critical Areas Code update is also supposed to maintain a balance with other community goals. Ideally, the revisions will feature enough flexibility to

support the city's land use objectives.

"It's a balancing act," Curry said. "Protecting the environment while at the same time allowing people the reasonable use of their property."

"That's why getting a broad range of public input, in several different ways, is so important."

One easy way for residents to have their say is to fill out an online comment form on the city website at: www.ci.sammamish.wa.us. Just click on the "critical areas" tab on the left side of the home page and scroll down to "online comment form."

The Planning Commission will begin reviewing the C.A.C.'s recommendations Sept. 22. Then, later this year, the City Council will conduct its own review. Adoption of the Critical Areas Code update by the City Council is expected in early December.

Critical Areas Update

Thanks to the Citizens Advisory Committee



Michele Petitti
Deputy Mayor

As the City Council's liaison to the Citizens Advisory Committee (C.A.C.), I would like to thank the residents who put so much time and effort into our update of the Critical Areas Ordinance.

Although the Planning Commission, City Council and staff still have a lot of work to do on this challenging issue, our resident volunteers on the C.A.C. have given us a solid foundation and the community perspectives we need to proceed.

Finding the proper balance between pro-

tecting our environment and being fair to our property owners would be impossible without the input of our residents.

We are grateful to them for their time, their commitment, and the carefully considered recommendations they've made on behalf of the community.

Many thanks!

A handwritten signature in cursive script that reads "Michele E. Petitti".

Critical areas Q & A

Q: How often does the Critical Areas Code need to be updated?

A: The state Growth Management Act requires cities and counties to review and update their comprehensive plans and related development regulations at least every seven years. The critical areas regulations are part of this requirement. The next update for Sammamish may come as early as 2009 or 2010.

Q: What is "Best Available Science?"

A: "Best Available Science" is the current scientific information used in the process to designate, protect, and restore critical areas that is derived from a valid scientific process, as defined by the state in WAC 365-195-900 through 925. Common types of best available science include research, inventories and syntheses of science lit-

erature. Nonscientific information (for example, "I saw a grizzly bear in that area while I was hiking") may supplement scientific information, but is not an adequate substitute for valid and available scientific information.

Q: What effect could the revisions have on an individual homeowner?

A: As with most development regulations, the critical areas code applies to new development and would have little direct effect on existing homes and businesses. At the time someone applies for a permit for new construction, clearing or other land use activity, the new development would need to comply with the critical areas and other development regulations.

Q: Who makes the final decision on what is best for Sammamish?

A: The City Council has final authority on all changes to ordinances. The draft critical areas regulations are being prepared by staff and consultants with input from a volunteer citizen committee. Those regulations will then be reviewed by the Planning Commission at public meetings, before consideration by the City Council.



Critical Areas Update

Major recommendations based on “best available science”

The Sammamish Municipal Code currently protects environmentally critical areas in four separate areas of the code and currently lacks specific language for aquifer recharge areas and some types of critical habitat.

Changes being considered to the regulations will focus on meeting the state requirement of updating the regulations consistent with the best available science, improving the organization of the regulations to make them easier to use and understand, and adding new regulations where the protection is missing in the existing code.

The intent of the proposed changes is to protect the most sensitive areas of the environment from impacts of future development, while balancing protection with other city goals as well as property rights.

The draft critical areas code proposes new exemptions for critical areas preservation and restoration, to make it easier for environmental conservation activities to occur.

Recognizing efforts to protect and restore the salmon population throughout the region, the draft critical areas code proposes to maintain a requirement for 150-foot buffers on streams that are used by salmon. The proposed code updates would apply

the same buffer to streams that are designated for restoration and that have been identified as being of special significance. The buffer is important for preserving shade, filtering pollutants, and preventing impacts such as noise and light from nearby areas of development.

Similar to streams, buffers are also used to protect wetlands. The proposed code updates provide a wider range of required buffers for wetlands



that take into account the habitat value of the wetland. Wetland buffers are proposed to range from 50 to 215 feet, based on wetland category and values, whereas the current buffers range from 25 to 150 feet.

To seek restoration of buffer areas as a tradeoff for some development flexibility, the draft regulations are considering establishing a process

for limited reduction of required buffer widths in some circumstances, when wetland, stream or buffer enhancement is proposed.

Buffer minimums would limit the degree that buffers could be reduced. This will help to balance the proposed increase in some buffer widths with increased opportunities for restoration of wetlands, streams and buffers that have been degraded by past actions.

Other changes include the addition of new regulations to protect ground water. Most of Sammamish is served with public water provided by the Sammamish Plateau or Northeast Sammamish sewer and water districts, which operate several wells within the city.

The new ground water regulations will restrict or prohibit new development that may contaminate ground water. For example, wrecking yards would be prohibited in groundwater recharge areas. The regulations will also require new developments located in recharge areas to seek to infiltrate water from roof drains and parking lots back into the ground to preserve our water supply.

Changes have also been made to update the terminology used in the regulations, to improve the organization, and to make the code easier to understand and apply.

Critical Areas Update

The path to completion

After much hard work, the Citizen Advisory Committee (CAC) handed over its recommendations for code revisions to the Planning Commission on Sept. 6.

But the public participation in the critical areas code update process is far from over. During September and October, the Planning Commission meetings will offer several opportunities for residents to offer their thoughts and concerns.

The next Planning Commission meeting focusing on the Critical Areas Code update is scheduled for Thursday, Sept. 22, at the Sammamish Plateau Water and Sewer District, 1510 228th Ave. S.E.

As these public meetings approach, city staffers have continued their internal review of the recommendations, and coordinated with Berryman & Henigar, the consulting company aiding the city in this complex effort.

The process will also be reviewed

by outside agencies, such as the state's Department of Ecology, Department of Community, Trade and Economic Development, and the Muckleshoot Indian Tribe.

After this broad and coordinated effort, the proposed changes to the code will be forwarded to the City Council in November for a thorough review process of their own.

The City Council meetings will provide yet another opportunity for residents to weigh in with their recommendations. The dates for the City Council meetings have not yet been set.

"As the Planning Commission and City Council hold these meetings, we hope residents will take the opportunity to share their thoughts," Director of Community Development Kamuron Gurol said. "We want broad public input to continue throughout."

Adoption of the code revisions is expected in early December.

Key Dates:

Thursday, Sept. 22
Planning Commission meeting

Thursday, Sept. 29
Planning Commission meeting

Thursday, Oct. 6
Planning Commission meeting

Thursday, Oct. 13
Planning Commission meeting

Thursday, Oct. 20
Planning Commission meeting

Thursday, Oct. 27
Planning Commission meeting

Early November - Dates TBA
City Council meetings begin

Meeting times have not yet been set. Please see the city website at

www.ci.sammamish.wa.us

for meeting times as the meeting dates draw near. All meetings will be at the Sammamish Plateau Water and Sewer District, 1510 228th Ave. S.E.

Contact information:

City website: www.ci.sammamish.wa.us
(Click on Critical Areas tab on left side of home page.)

Online comment form
(Click on Critical Areas tab on left side of home page, then scroll down to "online comment" form.)

Kathy Curry, Wetland Biologist
425-836-7946, kcurry@ci.sammamish.wa.us

Kamuron Gurol
Director of Community Development
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244th Open House

Design options for the 244th Avenue improvement project will be on public display at an Open House later this month. Residents are invited to speak with city staff and design consultants while looking at maps and illustrations of the options.

The project will add an 800-foot connection between existing segments of 244th Avenue, and improve the roadway from Southeast Eighth Street to Northeast Eighth Street.

The Open House is scheduled for Sept. 27, 6:30-8:30 p.m., at Sammamish Hills Lutheran Church, 22818 S.E. Eighth Street (northeast corner of 228th Avenue and Southeast Eighth Street).

Although comments are always welcome via email at 244project@ci.sammamish.wa.us, written comments will also be accepted at the meeting.

For more information, visit the project website at www.ci.sammamish.wa.us and click on the "projects" tab, or contact Senior Project Engineer Jed Ireland at 425-836-7909.

City bond rating boosted to "AA"

In a very welcome bit of news, Standard & Poor's announced late last month that the city's bond rating had been upgraded to "AA," a stellar level that puts Sammamish in the company of much more established cities such as Mercer Island and Redmond. Previously, the city's rating was an excellent "AA-."

"This is a great compliment to Sammamish," City Manager Ben Yazici said. "and it's well deserved. The City Council and the city staff have worked very hard to keep our financial picture rock-solid."

In its announcement, Standard & Poor's noted the city's "demonstrated good financial management," low operating overhead, and low overall debt. The continued expansion of the city's property tax base was also identified as a factor in the upgrade.

"This is praise with real value," Finance Director Lyman Howard said. "If our taxpayers vote for a bond, it will save them dollars and cents."

CITY HALL CALENDAR

SEPTEMBER

Monday, 5 Sep 2005

Labor Day, All day
City offices closed

Tuesday, 6 Sep 2005

Parks, Trails, and Natural Resources Committee Meeting, 5 pm - 6 pm

Sammamish Plateau Water & Sewer District

City Council Meeting, 6:30 pm - 10 pm

Sammamish Plateau Water & Sewer District

Monday, 12 Sep 2005

Community Development Committee Meeting, 5 pm - 6 pm

Sammamish City Hall

Tuesday, 13 Sep 2005

City Council Study Session, 6:30 pm - 10 pm

Sammamish Plateau Water & Sewer District

Monday, 19 Sep 2005

Arts Commission Meeting, 7 pm - 8:30 pm

Sammamish City Hall

Tuesday, 20 Sep 2005

Finance Committee Meeting, 11:30 am - 1 pm

Sammamish City Hall

Public Works Committee Meeting, 5 pm - 6:30 pm

Sammamish Plateau Water & Sewer District

City Council Meeting, 6:30 pm - 10 pm

Sammamish Plateau Water & Sewer District

Thursday, 22 Sep 2005

Planning Commission Regular Meeting / Public Hearing, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District

Monday, 26 Sep 2005

Parks and Recreation Commission Meeting, 6:30 pm - 9 pm

Sammamish Plateau Water & Sewer District

Tuesday, 27 Sep 2005

Public Safety Committee Meeting, 5 pm - 6:30 pm

Sammamish Plateau Water & Sewer District

City Council Study Session, 6:30 pm - 10 pm

Sammamish Presbyterian Church

Wednesday, 28 Sep 2005

Technology Committee Meeting, 6:30 pm - 8 pm

Sammamish City Hall

Thursday, 29 Sep 2005

Planning Commission Regular Meeting / Public Hearing, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District

Sammamish Plateau Water & Sewer District

OCTOBER

Monday, 3 Oct 2005

Community Development Committee Meeting, 5 pm - 6:30 pm

Sammamish Plateau Water & Sewer District

Tuesday, 4 Oct 2005

Parks, Trails, and Natural Resources Committee Meeting, 5 pm - 6:30 pm

Sammamish Plateau Water & Sewer District

City Council Meeting, 6:30 pm - 10 pm

Sammamish Plateau Water & Sewer District

Thursday, 6 Oct 2005

Planning Commission Meeting, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District

Saturday, 8 Oct 2005

Sammamish Safety Fair, 10 am - 2 pm

Skyline High School

Tuesday, 11 Oct 2005

City Council Study Session, 6:30 pm - 10 pm

Sammamish Plateau Water & Sewer District

Thursday, 13 Oct 2005

Planning Commission Meeting, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District

Tuesday, 18 Oct 2005

Public Works Committee Meeting, 5 pm - 6:30 pm

Sammamish Plateau Water & Sewer District

Thursday, 20 Oct 2005

Planning Commission Meeting, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District

Thursday, 27 Oct 2005

Planning Commission Meeting, 7 pm - 9 pm

Sammamish Plateau Water & Sewer District



NOTE: Times, dates and locations are subject to change. Please consult the city website for the most current information.

The Sammamish Plateau Water & Sewer District is located at 1510 228th Avenue NE.

SAMMAMISH CITY COUNCIL



*Don Gerend
Mayor*



*Michele Petitti
Deputy Mayor*



*Jack Barry
Councilmember*



*Mark Cross
Councilmember*



*Lee Felling
Councilmember*



*Kathleen Huckabay
Councilmember*



*Nancy Whitten
Councilmember*

Council Committees

Parks, Trails, and Natural Resources

Meets 1st Tuesday, 5 pm

Nancy Whitten, Chair
Michele Petitti
Kathleen Huckabay



Finance

Meets 3rd Tuesday, 11:30 am

Lee Felling, Chair
Jack Barry
Nancy Whitten



Community Development

Meets 1st Monday, 5 pm

Mark Cross, Chair
Michele Petitti
Kathleen Huckabay



Public Safety

Meets 4th Tuesday, 5 pm

Kathleen Huckabay, Chair
Mark Cross,
Lee Felling



Public Works

Meets 3rd Tuesday, 5 pm

Jack Barry, Chair
Mark Cross
Nancy Whitten



Legislative

Meets as needed

Michele Petitti, Chair
Don Gerend and a third
member depending on issue.



Human Services

Meets as needed

Michele Petitti, Lee Felling



City of Sammamish Offices

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Ben Yazici

City Manager

Pete Butkus

Assistant City Manager

Delora Kerber

Public Works Director

Kamuron Guroi

Community Dev Director

Lyman Howard

Financial Svcs Director

Jeff Watling

Parks & Rec Director

Mike Sauerwein

Admin Svcs Director

Steve Hartwig

City Engineer

Bruce Disend

City Attorney

Melonie Anderson

City Clerk

Richard Baranzini

Police Chief

John Murphy

Fire Chief

Tim Larson

Communications Manager



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