AGENDA

June 15, 2010

Call to Order

Roll Call/Pledge of Allegiance

Approval of Agenda

Student Liaison Reports
  • Eastlake High School
  • Skyline High School

Presentations/Proclamations

  ➢ Mountains to Sound Greenway Days
  ➢ Eastside Catholic High School Girls Lacrosse State Champions
  ➢ Permit Process Improvement

Public Comment

Note: This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Consent Agenda

  • Payroll for pay period ending May 31, 2010 for pay date June 4, 2010 in the amount of $262,538.83

  1. Approval: Claims for period ending June 15, 2010 in the amount of $1,886,150.47 for Check No.26635 through No.26747


  3. Resolution: Accepting The Pine Lake Park Restroom Roof Replacement Project As Complete

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.
4. Resolution: Accepting The Sammamish Commons Park - Phase IIB Trail Improvements Project As Complete

5. Resolution: Authorizing Application For Funding Assistance For A Washington Wildlife And Recreation Program (WWRP) Project To The Recreation And Conservation Office (RCO) As Provided In Chapter 79A.15 RCW, Acquisition Of Habitat Conservation And Outdoor Recreation Lands For Evans Creek Preserve - Upper Parking Lot And Meadow Trail System.

6. Interlocal: Animal Control Service/King County

**Public Hearing**

7. Ordinance: Second Reading. Replacing Title 19 (Subdivisions) Of The Sammamish Municipal Code With A Revised Title 19A (Land Division)

8. Resolution: Adopting An Updated Six-Year Transportation Improvement Plan For 2011-2016

9. Ordinance: Second Reading, Adopting The Town Center Development Regulations As Title 21B Of The Sammamish Municipal Code; Adopting Zoning Map Amendments For The Town Center Subarea; And Adopting The Town Center Infrastructure Plan

**Unfinished Business - None**

**New Business**


11. Resolution: Recognizing The Importance Of The Freed House To The City Of Sammamish

12. Resolution: Appointing One Special Member To The Sammamish Landmark Commission


**Council Reports**

**City Manager Report**

**Executive Session** – Potential Property Acquisition pursuant to RCW 42.30.110(1)(B)

**Adjournment**

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<th>Date</th>
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<th>Type</th>
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<tr>
<td>Mon 06/14</td>
<td>6:30 pm</td>
<td>Study Session</td>
<td>Next Steps Connectivity, 2011-2016 Six Year Transportation Improvement Plan (TIP), Stormwater Manual 101, Update: NMTP Phase II Project Petition Approvals, Non-Motorized Transportation Plan, Sustainability Strategy Briefing</td>
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<tr>
<td>Tues 06/15</td>
<td>6:30 pm</td>
<td>Regular Meeting</td>
<td>Proclamation: Mountains to Sound Greenway Days, Proclamation: Eastside Catholic HS Girls LaCrosse State Champs, Public Hearing: Second Reading Town Center Development Regulations, Public Hearing: Resolution 2011-2016 Six Year Transportation Improvement Plan, Ordinance: Second Reading Amendments to SMC Title 19 (consent), Ordinance: Second Reading Building Code Cycle amendments (consent), Interlocal: Animal Control/King County (consent), Resolution: Final Acceptance Pine Lake Roof Replacement (consent), Resolution: Final Acceptance Lower Sammamish Trail Project (consent), Resolution: Golf Tournament Traffic and Parking Restrictions, Resolution: Freed House Historic Designation, Resolution: Appointing Representative to King County Historic Landmark Board, Resolution: ROC Grant Application, Amendment: Joint Use Interlocal/Issaquah School District, Contract: Home Energy Reports (consent), Executive Session Potential Property Acquisition</td>
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<tr>
<td>Tues 07/13</td>
<td>6:30 pm</td>
<td>Study Session</td>
<td>Discussion: Draft Basin Plans for Inglewood and Thompson Basins</td>
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<td>Mon 07/19</td>
<td>6:30 pm</td>
<td>Study Session</td>
<td>Proclamation: Camp Fire USA, Recognition: Sgt. Baxter, Adoption: Town Center Development Regulations (if needed), Contract 228th/SE 24th and 228th/SE 8th Southbound Left-turn Pocket extensions, Contract: 236th Avenue NE/NE 22nd Street Intersection School Crossing Improvements</td>
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<td>Tues 07/20</td>
<td>6:30 pm</td>
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<td>Approval: 244th Non-Motorized Improvement Preliminary Design</td>
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<td>Biennial Budget, Next non-motorized project selection following 224th Avenue NE</td>
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<td>Biennial Budget, Presentation: Stormwater Management Program</td>
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<td>Tues 10/5</td>
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<td>Regular Council Meeting</td>
<td>Sustainability Strategy Briefing</td>
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<td>Tues 10/12</td>
<td>6:30 pm</td>
<td>Joint Meeting/Planning Commission</td>
<td>Biennial Budget (if necessary) East Lake Sammamish Parkway pedestrian crossing plan Franchise: Cable TV</td>
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<td>Mon 10/18</td>
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<td>Study Session</td>
<td>Public Hearing: First Reading Adopting 2011/2012 Budget  Public Hearing: First Reading Setting the Tax Levy Rate for 2011  Ordinance: First Reading Franchise- Cable TV  Final Acceptance: 244th Avenue Improvement Project  Final Acceptance: SE 20th Street Non-motorized Improvement Project</td>
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<td>Tues 10/19</td>
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<td>Regular Meeting</td>
<td>Parks Commission Applicant Interviews  Update: Connectivity</td>
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<tr>
<td>Mon 11/15</td>
<td>6:30 pm</td>
<td>Study Session</td>
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<td>Parks/Planning Commission Appointments  Award: 2011/2012 Humans Services Grants  Contract: On-Call Development Review Services</td>
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<td>Parked Items</td>
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- **To Be Scheduled**
  - Code Enforcement Code Amendments
  - Ordinance: Second Reading Puget Sound Energy Franchise
  - Resolution: Adoption Thompson Basin Study
  - Resolution: Adoption Inglewood Basin Study

- **Parked Items**
  - Contract: 2010 Chip Seal Program
  - Contract: 2010 On-Call Pavement Patching
  - Contract: Multi-Project Wetland Mitigation Monitoring and Inspection (244th Avenue and ELSP)
  - Contract: Wetland Mitigation Landscape Maintenance and Replanting

- **BLA and non-conforming uses**
  - Underground of utility lines in existing developments
  - Future use of existing M & O facility on 228th Ave SE @ SE 20th Street
  - Council Meeting Rules of Conduct Ordinance: First Reading ROW Permitting
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<td>3:30 p.m. Finance Committee Meeting</td>
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<td>6:30 p.m. Joint Meeting with Redmond City Council</td>
<td>4 p.m. Sammamish Farmers Market</td>
<td>6:30 p.m. Parks and Recreation Commission Meeting</td>
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<td>6:30 p.m. City Council Meeting</td>
<td>4 p.m. Sammamish Farmers Market</td>
<td>6:30 p.m. Planning Commission Meeting</td>
<td>1 p.m. Skate Competition and Dance</td>
<td>10 a.m. Sammamish Walks</td>
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<td>12 p.m. Lifeguarding at Pine Lake Park begins</td>
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<td>6:30 p.m. Arts Commission Meeting</td>
<td>4 p.m. Sammamish Farmers Market</td>
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<td>5 p.m. 4th of July Fireworks Celebration!</td>
<td>8 a.m. Independence Day</td>
<td>5 p.m. Finance Committee Meeting</td>
<td>4 p.m. Sammamish Farmers Market</td>
<td>6:30 p.m. Planning Commission Meeting</td>
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<td>City Council Study Session</td>
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<td>Wooden O Shakespeare Play</td>
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<td>Kids First Noontime Performance</td>
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MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: June 10, 2010
RE: Claims for June 15, 2010

$ 110.00
170,748.57
680,426.40
1,034,865.50

TOTAL $1,886,150.47

Check #26635 through #26747
# Accounts Payable

## Computer Check Register

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Check Total: 1,034,865.50
City Council Agenda Bill

Meeting Date: June 15, 2010  Date Submitted: May 25, 2010

Originating Department: Community Development

Clearances:
- City Manager
- Attorney
- Admin Services
- Community Development
- Finance & IT
- Fire
- Parks & Recreation
- Police
- Public Works


Action Required: Second Reading of the ordinance. Move to adopt the ordinance

Exhibits:
1. Proposed Ordinance
2. Attachment “A”

Budget: N/A


Because building codes are technical and engineering documents, the city may consider local amendments within certain parameters only. The amendments to the Sammamish Municipal Code Title 16 in this packet fall within those parameters and reflect the staff’s recommendations and the consensus of building officials within the E-Gov Alliance. A summary of key amendments is provided below.

Background: Washington adopts and amends the building and construction codes every three years and requires all cities to adopt, administer and enforce those codes. Cities are allowed to further amend these codes provided the amendment does not result in a code less restrictive than that adopted by the State. Sammamish has historically made local amendments to the administrative portions only.

On June 1, 2010 the Council held the first reading of this ordinance.

During this adoption cycle many of the E-Gov Alliance cities (Issaquah, Snoqualmie, Kirkland, Mercer Island, Bellevue, Kirkland, Bothell and Burien) worked together to update their administrative provisions and to craft a common set of amendments. A shared goal was to promote consistency within the E-Gov Alliance cities, while allowing for local differences where needed. The majority of Sammamish’s changes are minor clarifications and necessary updates. Key amendments are discussed below:
Key amendments:

1. **Fire Sprinklers**: Fire sprinklers would continue to be required only for new residential units of 5000 square feet and above. The state allows each jurisdiction to make the decision based on local conditions.

2. **Carbon Monoxide Detectors**: Detectors are required if there is an attached garage and/or fuel-fired equipment. To be located outside each sleeping area similar to smoke detectors.

3. **Duct Sealing**: Leak tests are now required for all new construction as well as space conditioning systems that are altered such as air handler replacement, furnace heat exchangers, cooling or heating coils and outdoor condensing units.

4. **Air leakage testing**: Blower door tests required. Inspectors do not have to witness test, affidavit is required though.

5. **Lighting Systems**: A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be compact florescent or high efficiency lamps.

6. **Live/work units**: are allowed and are limited based on criteria in the International Building Code.

7. The amended **permit expiration** has been increased from one year to two years and renewals on expired permits (less than one year) may be renewed one time only.

8. Removed the **violations section** (16.25.110-140) from the property maintenance code to reference Title 23 code enforcement. In doing this it allows the city to allow more flexibility for enforcement such as VCA’s, Notice and Orders, and waivers.

**Customer Preparedness**

To help prepare our staff and customers for these changes, classes were offered as followed:

- March 30: Energy Code
- March 31: Fire Code
- April 4: Plumbing Code
- May 10: Building Code Training
- May 11: Residential Code Training
- May 12: Mechanical Code Training
- May 13: Fuel Gas Code Training
- June 8th: Summary of Significant code changes for Development Customers.

**Financial Impact**: Costs for staff training, new code books and other technical resources are included in the adopted 2009-2010 budget

**Recommended Motion**: This is the second reading of the ordinance. Recommended motion is to adopt the ordinance.
AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING TITLE 16, BUILDINGS AND CONSTRUCTION, OF THE SAMMAMISH MUNICIPAL CODE BY AMENDING CHAPTER 16.05, CONSTRUCTION CODES; 16.20, CONSTRUCTION ADMINISTRATIVE CODE; AND 16.25, SAMMAMISH BUILDING AND PROPERTY MAINTENANCE CODE

WHEREAS, the City Council of the City of Sammamish has adopted by reference numerous building codes for the health, safety and welfare of the citizens as set forth in the Sammamish Municipal Code Title 16; and

WHEREAS, the State of Washington established the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, a new version of the State Building Code will go into effect on July 1, 2010; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare,

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

Section 1. Chapters 16.05, 16.20, and 16.25 of the Sammamish Municipal Code are hereby amended to include the following changes indicated below in underline/strikeout and to read as indicated in Attachment “A”, which is hereby incorporated by this reference.

Section 2. 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 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force July 1, 2010.
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____DAY OF __________, 2010.

CITY OF SAMMAMISH

______________________________
Mayor Donald J. Gerend

ATTEST.AUTHENTICATED:

______________________________
Melonie Anderson, City Clerk

Approved as to form:

______________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:    May 25, 2010
First Reading:               June 1, 2010
Passed by the City Council:
Date of Publication:
Effective Date:
Chapter 16.05
Construction Codes

Sections:
16.05.010  Short title.
16.05.020  Purpose.
16.05.030  Hours of construction.
16.05.040  Referenced codes.
16.05.050  Earthquake shutoff valve required.
16.05.060  Automatic sprinkler systems required.
16.05.070  International Building Code adopted.
16.05.080  International Residential Code adopted.
16.05.090  Mechanical code adopted.
16.05.100  National Fuel Gas Code (NFPA 54) adopted.
16.05.110  Liquefied Petroleum Gas Code (NFPA 58) adopted.
16.05.120  International Fuel Gas Code adopted.
16.05.130  International Fire Code adopted.
16.05.140  Uniform Plumbing Code adopted.
16.05.150  Washington State Energy Code adopted.
16.05.160  Ventilation and indoor air quality code adopted.
16.05.170  Documents to be filed and available for public inspection.
16.05.180  Violation.
16.05.190  Adoption of additional state codes.
16.05.200  Code conflicts resolution.
16.05.210  Liability.

16.05.010  Short title.
This chapter shall constitute the City building code and may be cited as such. (Ord. O2004-148 § 2)

16.05.020  Purpose.
The purpose of the codes and regulations adopted by this title is to regulate building and construction within the City and to protect the public health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations. (Ord. O2004-148 § 2)

16.05.030  Hours of construction.
Except as approved by the City manager, or designee, to minimize overall public impact and/or inconvenience or otherwise provided in this chapter, the activities and construction noise regulated by this chapter shall be limited to the following hours:
(1) Monday through Friday: 7:00 a.m. to 8:00 p.m.
(2) Saturdays and holidays: 9:00 a.m. to 6:00 p.m.
(3) Sundays: No construction.
When an exception is granted by the City manager, or manager’s designee, a notice that an exception has been granted shall be provided to affected property owners/residents and to the police department. Notice may be provided by one or more of the following methods: verbal; written; or by posted signage. The method or methods used shall depend upon the scope and duration of the exception. (Ord. O2008-247; Ord. O2004-148 § 2)

16.05.040 Referenced codes.
Specific codes referenced in the general codes adopted by this chapter shall be as follows:
(1) Any and all reference to the International Plumbing Code shall be replaced with the Uniform Plumbing Code as adopted in SMC 16.05.140.
(2) Any and all reference to the International Property Maintenance Code shall be replaced with the Sammamish Building and Property Maintenance Code as adopted in Chapter 16.25 SMC.
(3) Any and all reference to the International Electrical Code shall be replaced with the National Electrical Code. (Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.050 Earthquake shutoff valve required.
All new gas services and existing services that are expanded shall have an approved earthquake shutoff valve installed in the building supply line immediately after the gas meter. The valve shall be located outside of the structure and be readily accessible. (Ord. O2004-148 § 2)

16.05.060 Automatic sprinkler systems required.
(1) All newly constructed buildings with a gross square footage of 5,000 square feet, regardless of type or use, as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.
(2) Additions to existing buildings that are 50 percent or more of the assessed building valuation and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic sprinkler system. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.
(3) Floor Area, Gross. For the purpose of this section, “gross floor area” shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts, attics, crawl spaces and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.
(4) For the purposes of this section, fire barriers of any type do not constitute separate buildings. (Ord. O2004-148 § 2)

16.05.070 International Building Code adopted.
excluding Chapter 1, Administration, is adopted, together with the following amendments and additions.

The 2009 International Existing Building Code (IEBC) is included in the adoption of the International Building Code as provided by IBC Section 3401.5 and amended in WAC 51-50 480000, excluding Chapter 1, Part 2- Administration. The Construction Administrative Code, as set forth in Chapter 16.20 SMC, shall be used in place of IEBC Chapter 1, Part 2 – Administration.

Exceptions. The provisions of this code shall not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables and fruits. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code shall not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under chapter 70.114A RCW. “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” as defined and regulated by state law (RCW) and Washington Administrative Code.

(1) Add new stand-alone section as follows:

Design Criteria shall be as follows:
GROUND AND ROOF SNOW LOAD: 25 PSF
SEISMIC DESIGN CATEGORY: D
WIND SPEED: 70 mph sustained with 85 mph gust
WIND EXPOSURE: Site Specific. See IBC Section 1609.4
SOIL BEARING: Site specific. See IBC Chapter 18
WEATHERING: Moderate
FROST LINE DEPTH: 12 inches
TERMITE: Slight to moderate
DECAY: Slight to moderate
WINTER DESIGN TEMPERATURE: 26 degrees Fahrenheit
ICE SHIELD UNDERLAYMENT REQUIRED: No
FLOOD HAZARDS: See SMC 15.10
AIR FREEZING INDEX: 145 MEAN
ANNUAL TEMPERATURE: 50 degrees Fahrenheit

(2) New section 107.2.5.1, Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.
403.2.1.4 Type of construction. The following reductions in the minimum construction type allowed fire-resistance rating of the building elements in Table 601 shall be allowed as provided in Section 403.3:

(a) For buildings not greater than 420 feet (128 m) in height, the fire-resistance rating of the building elements in Type IA construction shall be allowed to be reduced to the minimum fire-resistance ratings for the building elements in Type IB.

Exception: The required fire-resistance rating of columns supporting floors shall not be reduced.

(b) In other than Groups F-1, M and S-1 occupancies, the fire-resistance rating of the building elements in Type IB construction shall be permitted to be reduced to the fire-resistance ratings in Type IIA.

Exception: The required fire-resistance rating of the structural frame shall not be less than 2 hours.

(c) The building height and building area limitations of a building containing building elements with reduced fire-resistance ratings shall be permitted to be the same as the building without such reductions. The reduced-construction type shall be allowed to be the same as the original-construction type.

(43) Amend Section 403.4.7.4, Standby power, is amended as follows: Add the following sentence to the end of the first paragraph:

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

(4) Amend Section 403.10, Standby power loads, as follows: Add a fourth item which reads as follows:

4. Smoke control system.

A standby power system complying with Chapter 27 shall be provided for standby power loads specified in Section 403.4.7.2.
(5) New section: 403.4.7.1 Special requirements for standby power systems.
If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 403.4.7.1.1 and Section 707 or horizontal assemblies constructed in accordance with Section 712, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

(6) New section: 403.4.7.1.1 Penetrations.
Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system. Such penetrations shall be protected in accordance with Section 713.

Exception allowed for: Metallic piping with no joints or openings where it passes through the standby power system room.

(76) Add new Amend Section 403.15, Smoke control, and amend to read as follows: 403.15 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings on occupied floors having floors more than 75 feet above the lowest level of fire department vehicle access.

(77) Amend Section 405.9, Underground Buildings, standby power, is amended as follows: Standby power, as follows: Add the following sentence to the end of the paragraph: Section 405.8 – Standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 405.8. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the fire code official.

(78) Amend Table 508.3.3, Required Separation of Occupancies (Hours), is amended as follows: Add footnote reference superscript “f” to R Occupancy Classification row and column headings. Add footnote f to read: See Section 419 for Dwelling Unit separation requirements. Add footnote reference superscript “fg” to R and group I-1 Occupancy Classification row and column headings. Add footnote fg to read: See Section 419 for Live/Work Unit separations. See Section 419 420 for Dwelling Unit separation requirements.

(109) Amend Section 903.2, Where required, delete exception, to read as follows:
Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

Amend Section [F] 903.2.2 3, Group E, by deleting exception:

903.2.2 3. Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

   (a) Throughout all group E fire areas greater than 20,000 square feet in area.

   (b) Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Amend Section [F] 903.4.2, Alarms, to read as follows:

Approved audible and visible alarm notification devices to meet the American with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Exceptions:

1   Approved domestically supplied local systems with 10 heads or less per building, or,

2   Approved residential sprinkler systems for 1 or 2 dwelling units if not otherwise specifically required

Amend Section [F] 903.4.3, Floor control valves, to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.

Add new Section [F] 905.3.8, High rise building standpipes, to read as follows:

[F] 905.3.8 High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300
gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

(14.3) Add new Section [F] 907.14.1, Monitoring, to read as follows:

When required by the Fire Code Official, all fire detection systems shall be monitored and shall meet the following requirements:


2. The current International Fire and Building Code.

3. The system shall be supervised.

4. All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.

5. The building owner must provide the fire department with proof of monitoring service.

6. The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.

7. The system must have a signed maintenance agreement prior to Certificate of Occupancy.

(15) Amend Section 1608.1, General, to read as follows:

Design snow loads shall not be less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

(15) Amend Section 1704.12, Exterior insulation and finish systems (EIFS), to read as follows:

Special inspections shall be required for all EIFS applications. All exterior insulation finish systems (EIFS) shall be certified by the manufacturer as having been installed per the manufacturer’s installation recommendations or other agency approved by the building official. The manufacturer’s certification shall serve as the special inspection requirement when approved by the building official. Exceptions: Special inspections shall not be required for EIFS applications installed over a water-resistive barrier with a means of...
draining moisture to the exterior. Special inspections shall not be required for IFFS application installed over masonry or concrete walls.

(16) Add new section 2702.1.1, Location, to read as follows:

2702.1.1 Location. Location of stationary generators, fuel piping and storage tanks are subject to the approval of the Building Official and/or Fire Code Official.

(17) Amend Section 2902.3.1 to add second exception as follows:

2902.3.1 Requirements

Separate toilet facilities shall be provided for each sex.

Exceptions:

(1) In occupancies serving 15 or fewer person, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

(2) In B and M occupancies with a total floor area of 1500 square feet or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

(18) Amend Section 3002.4 to read as follows:

3002.4 Elevator car to accommodate ambulance stretcher.

Where elevators are provided in buildings four or more stories above grade plane; or four or more stories below grade plane; or in any R or I occupancy building provided with an elevator regardless of the number of stories; at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24-inches by 84-inches (610 mm by 1930 mm) with not less than 5- inch radius corners in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.

(Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.080 International Residential Code adopted.

Sprinkler Systems and excluding Chapters 1, 11, 25 through 42, is adopted, together with the following amendments:

- Add design values for Table R-302.2(1) as follows:
  - GROUND AND ROOF SNOW LOAD: 25 psf
  - WIND SPEED: 70 mph sustained with 85 mph gust
  - SEISMIC DESIGN CATEGORY: D2
  - WEATHERING: Moderate
  - FROST LINE DEPTH: 12 inches
  - TERMITE: Slight to moderate
  - DECAY: Slight to moderate
  - WINTER DESIGN TEMPERATURE: 26 degrees Fahrenheit
  - ICE SHIELD UNDERLAYMENT REQUIRED: No
  - FLOOD HAZARDS: See SMC 15.10
  - AIR FREEZING INDEX: 145
  - MEAN ANNUAL TEMPERATURE: 50 degrees Fahrenheit
  - SOIL BEARING (Assumed): 1500 PSF

16.05.090 Mechanical code adopted.


16.05.100 National Fuel Gas Code (NFPA 54) adopted.


16.05.110 Liquefied Petroleum Gas Code (NFPA 58) adopted.


16.05.120 International Fuel Gas Code adopted.


16.05.130 International Fire Code adopted.

The 2009 Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, including Appendix Chapters B, Fire-flow requirements for buildings; C, Fire hydrant locations and distribution; and D, Section 106 as amended, is adopted, together with the following amendments:
(1) Amend Section 102.6 to read as follows:

Section 102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official.

(2) Amend Section 104.10.1 to read as follows:

Section 104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code as requested by the fire code official.

(3) Delete Section 105.2 and replace with the following:

Section 105.2 Application for Permit. Application for permits shall be made to the City of Sammamish in such form and detail as required by the fire department. Applications for permits shall be accompanied by such plans as required by the Bureau of Fire Prevention. All applications for fire department permits shall be forwarded to the Bureau of Fire Prevention for consideration of approval.

(4) Add new Section 105.2.5, Permit fees, to read as follows:

105.2.5 Permit Fees. Any fees for fire code permits, plan check or any other fire service shall be as listed in the City of Sammamish Fee resolution.

(5) Delete Section 108 and replace with the following:

Section 108.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code shall be heard and decided by the Hearing Examiner following an open record hearing. Following review of the evidence, the Examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

The Hearing Examiner’s final decision shall be the final decision of the City Council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

Section 108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the
administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish.

(6) Amend Section 307.1 to read as follows:

Section 307.1 Open Burning and Recreational fires – General

Exception: Barbecue and other fires in accordance with the Puget Sound Clean Air Agency.

(7) Add new exception to Section 308.3.7 to read as follows:

Section 308.3.7 Group A Occupancies.

Exception 4: Where approved by the Fire Code Official (see also 308.3.1.2).

(8) Amend the first sentence of Section 314.4 to read as follows:

Section 314.4 Vehicles. Liquid or gas-fueled vehicles, fueled equipment, boats or other motor craft shall not be located indoors except as follows:

(89) Adopt new Sections 503.1 through 503.4 to read as follows:

Sections 503.1 through 503.4 – Fire apparatus access roads. Fire apparatus access roads in the International Fire Code section 503.1 through 503.4 shall be retained by the City of Sammamish.

(94) Amend Section 503.2.1 to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Emergency Vehicle access roads shall be constructed in accordance with City of Sammamish Public works standards.

(104) Amend Section 503.2.7 to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

(1142) Amend Section 503.3 to read as follows:

Section 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.
1. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face “NO PARKING – FIRE LANE.” The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6") wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe “NO PARKING – FIRE LANE.” The stenciling shall be spaced every fifty feet (50').

2. Signs may be substituted for curb painting when approved in writing by the fire marshal.

3. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: “NO PARKING – FIRE LANE.” Such signs shall be reflective in nature, with red lettering on a white background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4'), or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.

4. The fire marshal may approve deviations from any of the specifications in writing.

5. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

6. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

7. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

8. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the
parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

9. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

10. The Police Department, Fire Chief, Fire Marshal, and other such personnel of the Fire Department as designated by the Fire Chief and approved by the City Manager shall have the authority to issue infractions for violations of the International Fire Code on forms provided by the Chief of Police for such purposes.

11. Any violation of this Section shall be punishable in accordance with the provisions of SMC 17.05.010.

(12) Amend Section 506.1 as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

All occupancies equipped with an automatic sprinkler system or fire alarm system shall have a key box mounted in a location approved by the fire code official.

Exception: One and two family dwelling.

(13) Add new definition in Section 602:

Section 602 Definitions: Power Tap. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over-current protection.

(14) Amend the first sentence of Section 901.7, System out of service, to read as follows:

Section 901.7 System out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned.

(15) Amend Section 903.2, Where required, as follows:
903.2 Where required. Delete the exception.

Amend Section 903.4.2, Alarms, to read as follows:

903.4.2 Alarms. Approved audible and visible alarm notification devices to meet the Americans with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: With approval of the Fire Code Official, audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1 or 2 family dwelling units if not otherwise specifically required.

Amend Section 903.4.3 to read as follows:

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.

Add new section to read as follows:

905.3.8 High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

Amend Section 905.8 to read as follows:

905.8 Dry Standpipes. Dry standpipes, may be installed in other than high rise building when approved by the fire code official.

Amend Section 906.1, Where required, as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all Group A, B, E, F, H, I, M, R1, R-s, R-4, and S occupancies.

Amend Section 907.2 to read as follows:

907.2 Where required—new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23
or where required by the Fire Code Official and provide occupant notification in accordance with Section 907.640, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

(223) Add new Section 907.7.5.15.1. to read as follows:

907.7.5.2.15.1 Monitoring. When required by the Fire Code Official, all fire detection systems shall be monitored and shall meet the following requirements:

(a) Current NFPA Article 72, National Fire Alarm Code.

(b) The current International Fire and Building Code.

(c) The system shall be supervised.

(d) All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.

(e) The building owner must provide the fire department with proof of monitoring service.

(f) The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.

(g) The system must have a signed maintenance agreement prior to Certificate of Occupancy.

(234) Amend Section 1404.5 to read as follows:

1404.5 Fire watch. When required by the fire code official for building construction or demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

(235) Amend Section 3304.1 to read as follows:

Section 3304.1 Explosive Materials Storage and Handling – General. The storage of explosive materials is prohibited within the City Limits.
Exceptions:

1. Materials listed and stored in accordance with IFC 3301.1 “Exceptions 1-5, and 7-9”

2. Model rocket motors, as defined by NFPA 1122, stored in accordance with NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with NFPA 1127 Sections 4.19.1 through 4.19.2.4.

3. When approved by the Fire Marshall, high power rocket motors as defined by NFPA 1127 and rocket motor reloading kits, stored in accordance with NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

(256) Amend Section 3305.1 to read as follows:

Section 3305.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

(267) Amend Section 3404.2.9.5.1 to read as follows:

3404.2.9.5.1 Locations where above-ground tanks are prohibited.

Locations where Class I and Class II liquids are stored in above-ground tanks outside of buildings shall be regulated in accordance with 21A.50.280 SMC: “Critical aquifer recharge areas.”

(278) Amend Section 3404.2.11.2, Location, to add new item No. 4 as follows:

3404.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank.

2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than 3 feet (914 mm).

3. A minimum distance of 1 foot (305 mm), shell to shell, shall be maintained between underground tanks.

4. Tank location shall be in accordance with the limitations of 21A.50.280 SMC: “Critical aquifer recharge areas.”

(289) Amend Section 3406.2 as follows:
3406.2 Storage and dispensing of flammable and combustible liquids. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and at Public Maintenance facilities owned by the City of Sammamish or other Public agencies shall be in accordance with Sections 3406.2.1 through 3406.2.8.1.

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

(2930) Amend Section 3406.2.4.4 to read as follows:

Section 3406.2.4.4 Locations where above-ground tanks are prohibited. Locations where Class I and II liquids are stored in above-ground tanks shall be regulated in accordance with 21A.50.280 SMC: “Critical Aquifer Recharge Areas.”

(304) Amend Section 3804.2 to read as follows:

Section 3804.2 Maximum capacity within established limits. The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

(312) Amend Appendix D, Section D106, to read as follows:

SECTION D106 SINGLE FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Single family and Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided
with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

16.05.140 Uniform Plumbing Code adopted.
The 2009 Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapters 51-56 and 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials, excluding Chapter 1, Administration, is adopted, together with the following amendments:
(1) Amend UPC Section 312.0, Independent Systems, as follows:

312.0 Independent Systems.
The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public or private sewer.

Swimming pools shall be provided with a separate and independent drainage system, which shall connect with a public or private sewer. The drainage pipe for the pool, floor drain, and similar fixtures shall be connected either to the side sewer downstream of the main building or structure or to the building sewer downstream of the last plumbing fixture. The main building drain shall be equipped with an accessible backwater valve outside of the building or structure and upstream of the pool drain connection.

(2) Amend UPC Chapter 6, Table 6-5, deleting “Lawn Sprinkler, each head” from the table.
(3) Amend UPC Section 708.0, Grade of Horizontal Drainage Piping, as follows:

Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one fourth (1/4) inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m) or two (2) percent. Any such pipe or piping four (4) inches (100 mm) or larger in diameter may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) or one (1) percent, only when first approved by the Code Official. Horizontal drainage piping connected to any dual flush gravity tank water closet shall slope a minimum of one-fourth (1/4) inch per foot.
(4) Adopt and amend UPC Section 713.1, Sewers Required, as follows:

713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection to a public or private sewer.

Exceptions:
1. When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, or as otherwise approved under SMC 21A.60.030, drainage piping from any building or works shall be connected to an approved private sewage disposal system. The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer.

2. No change shall be required in any portion of a plumbing drainage system in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, unsanitary, or a nuisance and a menace to life, health, or property.

(5) Adopt UPC Sections 713.3, 713.6, 714.2 and 722 pertaining to building sewers to read as follows:

Section 713.3, 713.6, 714.2 and 722 pertaining to building sewers shall be retained by the City of Sammamish.

(6) Amend UPC Section 713.3 as follows:

713.3 Within the limits prescribed by UPC Section 713.1 hereof, the rearrangement or subdivision into smaller parcels of a lot that abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the public sewer.

(7) Amend UPC Section 1101.11.2.2.2 to read as follows:

Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of any horizontal offset below the roof, The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1106.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4" minimum.

(8) Adopt Appendix Chapter A, “Recommended Rules for Sizing the Water Supply System.”


(10) Adopt Appendix Chapter I, “Installation Standards.”

(11) Adopt Appendix Chapter H, “Grease Interceptors.”

16.05.150 Washington State Energy Code adopted.

16.05.160 Ventilation and indoor air quality code adopted.

16.05.170 Documents to be filed and available for public inspection.
At least one copy of the codes, regulations, and standards adopted by reference in this chapter, in the form in which they were adopted, shall be filed in the office of the City clerk and shall be available for use and examination by the public pursuant to RCW 35A.12.140. The City clerk may elect to have these copies kept in the Permit Center office for use by the public. (Ord. O2004-148 § 2)

16.05.180 Violation.
Any person, firm, corporation or organization violating any of the provisions of this chapter shall be subject to the provisions of SMC Title 23, Code Enforcement. (Ord. O2004-148 § 2)

16.05.190 Adoption of additional state codes.
The following chapter of the Washington Administrative Code, as presently existing and as may be subsequently amended, is adopted by reference: Chapter 51-19 WAC, Washington State Historic Building Code. (Ord. O2004-148 § 2)

16.05.200 Code conflicts resolution.
(1) In case of conflict among the building code, the mechanical code, the fire code and the plumbing code, the first named code shall govern over those following.
(2) In case of conflict between other codes and provisions adopted by this chapter, the code or provision that is the most restrictive, as determined by the building official, shall apply. (Ord. O2004-148 § 2)

16.05.210 Liability.
This chapter shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in the building code, nor shall the City or any officer, employee, or agent of the City assume such liability by reason of any inspection authorized in this chapter or certificate of inspection issued by the City or any of its officers, employees or agents. This chapter shall not create or otherwise establish or designate any particular class or group of persons who will or should be specially protected by the terms of this chapter. (Ord. O2004-148 § 2)
Chapter 16.20
Construction Administrative Code

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16.20.010 Short title.
This chapter shall constitute the construction administrative code of the City of Sammamish, hereinafter referred to as “this code.” (Ord. O2004-148 § 3)

16.20.015 Purpose.
The purpose of the codes and regulations adopted by this code is to provide a consistent method for administration of the construction codes adopted in Chapter 16.05 SMC. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.020 Scope.

The provisions of this construction administrative code shall apply to the administration of the following codes as adopted by the state of Washington and the City of Sammamish and as listed:

1. 2009 International Building Code – Chapter 51-50 WAC;
2. 2009 International Residential Code – Chapter 51-51 WAC;
3. 2009 International Mechanical Code – Chapter 51-52 WAC;
4. 2009 National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
5. 2008 Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
6. 2009 International Fuel Gas Code – Chapter 51-52 WAC;
7. 2009 Uniform Plumbing Code – Chapters 51-56 and 51-57 WAC;

(Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.025 Exceptions.

The provisions of this code and Chapter 16.05 SMC shall not apply to work located in a public way, public utility towers and poles and hydraulic flood control structures. (Ord. O2004-148 § 3)

16.20.025 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. “Webster’s Third International Dictionary of the English Language,” unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the City of Sammamish.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or exiting requirements.

“Building division” means the staff of the City of Sammamish community development department under the direction of the building official responsible for review of construction drawings and construction inspection for compliance with adopted building, plumbing, mechanical, fire, and other applicable construction codes.

“Building official” means the officer or other authority designated by the director of community development, charged with the administration and enforcement of the adopted construction codes.

“Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

“Complete response” means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

“Existing building” means a building erected prior to the adoption of this code and Chapter 16.05 SMC, or one for which a legal building permit has been issued and approved.


“IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the City of Sammamish.


“NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Permit Center” means the staff of the City of Sammamish community development department under the direction of the Permit Center manager responsible for intake and issuance of building, plumbing, mechanical, fire and other development permits.

“Public Service Agency” shall include those agencies providing non competitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

“PUDs” means public utility districts such as water and sewer, etc.

“SEPA” means State Environmental Policy Act.

“Shall,” as used in this code, is mandatory.


“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the City of Sammamish.

“Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in-kind, based on current material and labor replacement costs, and shall include contractor’s overhead and profit.


16.20.030 Appendixes.

Provisions in the appendices of adopted codes shall not apply unless specifically adopted. (Ord. O2004-148 § 3)

16.20.035 Intent.

The purpose of this code and Chapter 16.05 SMC is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and
safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. (Ord. O2004-148 § 3)

16.20.040 Referenced codes.
The codes listed in SMC 16.20.050 through 16.20.075 and referenced elsewhere in this code and Chapter 16.05 SMC shall be considered part of the requirements of this code and Chapter 16.05 SMC to the prescribed extent of each such reference. (Ord. O2004-148 § 3)

Scope The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
Exceptions:
(1) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with separate means of egress and their accessory structures shall comply with the International Residential Code. (Ord. O2004-148 § 3)

16.20.050 International Residential Code.
Scope The provisions of the International Residential Code for one- and two-family dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with separate means of egress and their accessory structures. (Ord. O2004-148 § 3)

Exception: Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.

16.20.055 Mechanical Code.
Scope The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
Exceptions:
(1) The International Fuel Gas Code –For all installations utilizing natural gas except those regulated by the IRC and those utilizing LPG.
(2) International Residential Code –For all structures regulated by the IRC except LPG installations.
(3) NFPA 54 and 58 – For all LPG installations. (Ord. O2004-148 § 3)
   Scope The provisions of the National Fuel Gas Code and Liquefied Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas. (Ord. O2004-148 § 3)

16.20.065 Natural Gas Code.

   Scope The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. (Ord. O2004-148 § 3)

   The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

16.20.080 General applicability.
   Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case, different sections of this code and Chapter 16.05 SMC specify different materials, methods of construction or other requirements, the most restrictive shall govern, except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern. (Ord. O2004-148 § 3)

16.20.085 Other laws.
   The provisions of this code and Chapter 16.05 SMC shall not be deemed to nullify any provisions of local, state or federal law. (Ord. O2004-148 § 3)

16.20.090 Application of references.
   References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code or Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.095 Referenced codes and standards.
   The codes and standards referenced in this code and Chapter 16.05 SMC shall be considered part of the requirements of this code and Chapter 16.05 SMC to the prescribed extent of each such reference. Where differences occur between provisions of this code and Chapter 16.05 SMC and referenced codes and standards, the provisions of this code and Chapter 16.05 SMC shall apply. (Ord. O2004-148 § 3)
16.20.100 Partial invalidity.
In the event that any part or provision of this code is held to be illegal or void, this shall not
have the effect of making void or illegal any of the other parts or provisions. (Ord. O2004-148 § 3)

16.20.105 Existing structures.
The legal occupancy of any structure existing on the date of adoption of this code and
Chapter 16.05 SMC shall be permitted to continue without change, except as is specifically
covered in this code, the International Fire Code, the Sammamish Building and Property
Maintenance Code, or as is deemed necessary by the building official or fire marshal for the
general safety and welfare of the occupants and the public. Modifications to existing structures
shall be permitted to be performed in accordance with WAC 51-50-480000 (International
Existing Building Code) the Appendix M (International Existing Building Code) of the

16.20.107 Moved buildings.
(1) Buildings or structures moved into or within a jurisdiction shall comply with the
provisions of the International Residential Code, Chapter 51-51 WAC, the International Building
Code (Chapter 51-50 WAC), the International Mechanical Code (Chapter 51-52 WAC), the
International Fire Code (Chapter 51-54 WAC), the Uniform Plumbing Code and Standards
(Chapters 51-56 and 51-57 WAC), the Washington State Energy Code (Chapter 51-11 WAC)
and the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC) for
new buildings or structures.
(a) Exception: Group R-3 buildings or structures are not required to comply if:
(i) The original occupancy classification is not changed; and
(ii) The original building is not substantially remodeled or rehabilitated.
For the purposes of this section a building shall be considered to be substantially
remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive
of the costs relating to preparation, construction, demolition or renovation of foundations.
(2) Prior to relocation, a feasibility inspection shall be performed on the building or structure
by a registered design professional to document any known structural deficiencies, examine
existing plumbing and mechanical systems, inspect insulated areas of the structure and check for
life safety deficiencies. A copy of the inspection reports shall be submitted along with a building
permit application for relocation.
(3) Structures which do not conform to minimum requirements at the time of initial
construction, or current life safety regulations, or are found substantially deficient in structural
integrity, shall be subject to correction. (Ord. O2007-214 § 1)

16.20.108 Requirements not covered by code
Requirements necessary for the strength, stability or proper operation of an existing or
proposed structure or installation, or for the public safety, health and general welfare, not
specifically covered by this code, shall be determined by the building official.
16.20.109 Structures in Areas of Special Flood hazard

Buildings located in Areas of Special Flood Hazard shall be regulated under the International Building Code, the International Residential Code and the Sammamish Municipal Code.

16.20.110 Creation of enforcement agency.

The building division of the community development department is hereby created and the official in charge thereof shall be known as the building official. (Ord. O2004-148 § 3)

16.20.115 Appointment.

The building official shall be appointed by the chief appointing authority of the City of Sammamish. (Ord. O2004-148 § 3)

16.20.120 Deputies.

In accordance with the prescribed procedures of the City of Sammamish and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. (Ord. O2004-148 § 3)

16.20.125 Duties and power of building official.

The building official is hereby authorized and directed to enforce the provisions of this code and Chapter 16.05 SMC. The building official shall have the authority to render interpretations of this code and Chapter 16.05 SMC and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and Chapter 16.05 SMC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.130 Applications and permits.

The Permit Center shall receive and review applications for the erection, alteration, demolition and moving of buildings, structures and building service equipment, shall route to the appropriate divisions or departments of the City of Sammamish and/or other agencies for review and approval, and when approved by all appropriate divisions, departments, or agencies, issue the appropriate permit. The building division shall review construction documents for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.135 Notices and orders.

The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code and Chapter 16.05 SMC. Notices and orders shall be as prescribed in Chapter 23.25 SMC. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.138 Tagging of buildings

Following a City of Sammamish issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1 or ATC 45 manuals. The procedure shall allow for the tagging of buildings as “Inspected”, “Limited Entry” or “Unsafe” along with associated penalties per 16.20.545 of this code for removal of building tags. Notice and orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency. This section for “tagging of buildings” shall also apply for unsafe structures and equipment identified in 16.25.150.

16.20.140 Inspections.

The building division shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant’s expense. (Ord. O2004-148 § 3)

16.20.145 Identification.

Building division personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.150 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code and Chapter 16.05 SMC, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code and Chapter 16.05 SMC which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code and Chapter 16.05 SMC; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. O2004-148 § 3)

16.20.155 Department records.

The Permit Center shall keep official records of applications received, permits and certificates issued, and fees collected. The building official shall keep official records of reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records. (Ord. O2004-148 § 3)
16.20.160 Liability.
The building official or employee charged with the enforcement of this code and Chapter 16.05 SMC, while acting for the City of Sammamish in good faith and without malice in the discharge of the duties required by this code and Chapter 16.05 SMC or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code and Chapter 16.05 SMC shall be defended by legal representative of the City of Sammamish until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.165 Approved materials and equipment.
Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval. (Ord. O2004-148 § 3)

16.20.170 Used materials and equipment.
The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless is permitted when approved by the building official. (Ord. O2004-148 § 3)

16.20.175 Modifications.
Wherever there are practical difficulties involved in carrying out the provisions of this code and Chapter 16.05 SMC, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s representative, provided the building official shall first find that special individual reason makes the strict letter of this code and Chapter 16.05 SMC impractical and the modification is in compliance with the intent and purpose of this code and Chapter 16.05 SMC and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section. (Ord. O2004-148 § 3)

16.20.180 Alternative materials, design and methods of construction and equipment.
The provisions of this code and Chapter 16.05 SMC are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code and Chapter 16.05 SMC; provided, that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and Chapter 16.05 SMC, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code and Chapter 16.05 SMC in quality, strength, effectiveness, fire resistance, durability and safety. The building official is authorized to charge an additional fee to evaluate
any proposed alternate material, design and/or method of construction and equipment under the provisions of this section. (Ord. O2004-148 § 3)

16.20.185 Research reports.
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code and Chapter 16.05 SMC, shall consist of valid research reports from approved sources. (Ord. O2004-148 § 3)

16.20.190 Tests.
Whenever there is insufficient evidence of compliance with the provisions of this code and Chapter 16.05 SMC, or evidence that a material or method does not conform to the requirements of this code and Chapter 16.05 SMC, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Sammamish. Test methods shall be as specified in this code and Chapter 16.05 SMC or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records. (Ord. O2004-148 § 3)

16.20.195 Permits required.
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code and Chapter 16.05 SMC, or to cause any such work to be done, shall first make application to the Permit Center and obtain the required permit. (Ord. O2004-148 § 3)

16.20.200 Work exempt from permit.
Exemptions from permit requirements of this code and Chapter 16.05 SMC shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code and Chapter 16.05 SMC or any other laws or ordinances of the City of Sammamish. Permit exemptions shall not apply to areas of Flood Hazard and city Land Use Critical Areas including but not limited to steep slopes, wetland buffers and shoreline designated areas. Permits shall not be required for the following:

1. Public Service agencies or Work in the Public right of Way
   (a) Installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies.
   (b) Work located primarily in a public right of way, on public utility towers and poles (but no exemption for wireless communications facilities that are not located in a public way) and hydraulic flood control structures.

2. Building
   (a) One-story detached accessory structures accessory to residential buildings constructed under the provisions of the IRC used as tool and storage sheds, tree-supported play structures,
playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) and the structure is located in accordance with all land use regulations.

(b) Fences not over six feet (1,829 mm) high.
(c) Oil derricks.
(d) Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids, and are not located in critical areas including steep slopes, wetland buffers, shorelines, etc.
(e) Rockery walls which are not over four feet (1,219 mm) in height measured from finished grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids, and are not located in critical areas including steep slopes, wetland buffers, shorelines, etc.
(f) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
(g) Sidewalks and driveways associated with residential buildings constructed under the provisions of the IRC, that are not part of an accessible path of travel.
(h) Decks and associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than 30 inches (762 mm) above adjacent grade, are not over any basement or story below and are not part of an accessible path of travel.
(i) Painting, papering, tiling, carpeting, cabinets, countertops, nonstructural wood or vinyl siding, and similar finish work, provided that existing accessible features are not altered.
(j) In kind re-roofing of one and two family dwellings, provided the new roofing material is not removed or replaced.
(k) Window replacement in IRC structures where no alteration of structural members is required, however this does not include windows which require safety glass or provide egress under the IRC.
(l) Replacement of non-structural siding on IRC structures except for Exterior Insulation Finish systems (EIFS) or stucco finish.
(m) Temporary motion picture, television and theater stage sets and scenery.
(n) Prefabricated portable swimming pools and hot tubs accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 36 inches (915 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
(o) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.
(p) Swings, slides and other similar playground equipment.
(q) Window awnings supported by an exterior wall of a one- and two-family dwelling or Group R-3 and Group U occupancies, which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
(r) Nonfixed and movable fixtures cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
(s) Satellite earth station antennas six and one-half feet (two m) or less in diameter or diagonal in zones other than residential zones.
(t) Satellite earth station antennas three and one-quarter feet (one m) or less in diameter in residential zones.
Video programming service antennas three and one-quarter feet (one m) or less in diameter or diagonal dimension, regardless of zone.

Job shacks that are placed at the job site during construction, for which a permit has been issued may be allowed on a temporary basis and shall be removed upon final approval of construction. A “job shack” means a portable or temporary structure for which the primary purpose is to house equipment or supplies and which may serve as a temporary office during construction activity. Sales offices are not considered construction related.

Work as noted in SMC 16.20.025, Exceptions.

Mechanical.

Portable heating, cooking, or clothes-drying appliances.
Portable ventilation equipment.
Portable cooling unit.
Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code and Chapter 16.05 SMC.
Replacement of any part which does not alter its approval or make it unsafe.
Portable evaporative cooler.
Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

Plumbing.

The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.

The clearing of stoppages.
Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

Emergency repairs.

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Permit Center.

Ordinary repairs.

Application or notice to the Permit Center is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
16.20.215 Application for permit.

To obtain a permit, the applicant shall first file a complete application as defined by the jurisdiction therefor in writing on a form furnished by the Permit Center for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. The legal description, or the tax parcel number and the street address if available, that will readily identify and definitely locate the proposed building or work.
3. The property owner’s name, address, and phone number.
4. The prime contractor’s business name, address, phone number, and current state contractor registration number.
5. Either:
   a. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
   b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.
6. Indicate the use or occupancy for which the proposed work is intended.
7. Be accompanied by plans, diagrams, computations and specifications and other information as required in SMC 16.20.255 through 16.20.275.
8. State the valuation of the proposed work.
9. Be signed by the applicant, or the applicant’s authorized agent.
10. Give such other data and information as required by the City of Sammamish.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.220 Action on application.

City staff shall examine or cause to be examined applications for permits and amendments thereto prior to acceptance of the building, plumbing, mechanical or related permit application. If the application or the construction documents are incomplete or lack sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the reasons therefor. If the City staff is satisfied that the application or construction documents are complete and provide sufficient information to proceed with review, the Permit Center shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this or any other provision of this code, no building permit shall be issued until all other project permits related to the project action for which the building permit is sought have been approved and issued, and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, PUDs, building site plans, conditional use permits, variances, shoreline substantial development permits, critical area alterations permits and frontage improvements.
When a reasonable use exception is required to determine placement of the proposed structure and all appurtenances, the reasonable use exception shall be obtained prior to application for a building permit. If, after the application is submitted, it is determined that the proposed structure must be altered or redesigned in order to comply with land use, fire, or other regulations, the building official is authorized to require the applicant to withdraw said application. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.225 Time limitation of application.

(1) Applications for which no permit is issued within one year 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. Permit applications that will expire shall be extended to June 30, 2013 013, by the building official upon written request by the applicant, subject to the following:

(a) A counter service fee as established by the current fee schedule.

(2) Applications may be canceled for inactivity if an applicant fails to respond to the building official’s written request for revisions, corrections, actions or additional information within 60-90 days of the date of request. The building official may extend the response period beyond 60-90 days if within the original 60-90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the building official.

(3) The building official may extend the life of an application for an additional 180 days beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress; or
(b) Any other city review is in progress, provided the applicant has submitted a complete response to City requests for information or corrections; or
(c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final City decision; or
(d) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

(4) The building official may place a permit application on hold for up to one year if requested to do so in writing by a permit applicant. (Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.230 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code and Chapter 16.05 SMC or of any other ordinance of the City of Sammamish. Permits presuming to give authority to violate or cancel the provisions of this code and Chapter 16.05 SMC or other ordinances of the City of Sammamish shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building division from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure wherein violation of this code and Chapter 16.05 SMC or of any other ordinances of the City of Sammamish exist. (Ord. O2004-148 § 3)
16.20.235 Expiration of issued permits.

(1) Every permit issued shall expire 2 years one year from the date of issuance or by December 31, 2010, whichever date is later. The building official may be authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved by the building official prior to permit issuance. The building official is authorized to approve a request for renewing expired permits and re-establishing expired permits. Expired permits may be extended or renewed by the building official provided:

(2) Every permit that has been expired for one year or less may be renewed for a period of one year for an additional fee as long as no changes have been made to the originally approved plans. For permits that have been expired for longer than one year, a new permit must be obtained and new fees paid. No permit shall be renewed more than once.

Expired Permit Extensions. A permit expiration date may be extended as follows:

(a) A written request for extension is received prior to the date of permit expiration;
(b) Permits issued for applications submitted prior to July 1, 2004, shall be valid for one year from the date of adoption of this code unless a written request for extension is approved by the building official prior to permit expiration or the permit is renewed in accordance with subsection (2) of this section;
(c) Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of subsection (2) of this section.

(3) Mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the mechanical and or plumbing permit shall expire 1 year from the date of issuance.

(2) Permit Renewals. A permit may be renewed for a period of no more than 18 months one year from the date of original expiration as follows:

(a) Requests for renewals shall be received prior to the date of permit expiration.
(b) A permit may be renewed one time subject to approval by the building official.
(c) A renewed permit that expires on or before December 31, 2010, may be renewed a second time subject to approval by the building official.
(d) The applicant shall pay an additional fee equal to a counter service fee as long as no unauthorized changes have been made to the originally approved plans and the applicant continues to make regular requests for inspections.

(4) The City may authorize a 30 day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than 180 days has passed since the permit expired. The 30 day extension, if granted, shall commence on the date of written approval. If the work required under a final inspection is not completed within the 30 day extension period, the permit shall expire. The building official may authorize an additional 30 day extension if conditions outside of the contractors control delay completion and the contractor can demonstrate that a good faith effort to complete the permitted work in a timely manner is being made.

(3) Expired Permit Re-Establishment. A permit that has expired may be re-established once provided:

(a) A written request for re-establishment is received by the building official within 18 months of the date of permit expiration.
(b) The applicant shall pay an additional fee equal to a counter service fee.
(e) The re-established permit shall expire 18 months from the date of re-establishment and may not be further renewed or extended. (Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.240 Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code and Chapter 16.05 SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.245 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project. For access to permit for inspections, see SMC 16.20.475. (Ord. O2004-148 § 3)

16.20.248 Floor and Roof Design Loads

(1) Live Loads Posted.

Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 pounds per square foot (2.40kN/m²), such design live load shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notice signs.

(2) Issuance of certificate of occupancy.

A certificate of occupancy required by Section 16.20.490 shall not be issued until the floor load signs, required by Section 16.20.248(1) have been installed.

(3) Restrictions on loading.

It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building, structure or portion thereof, a load greater than is permitted by this code.


Construction documents, statements of special inspections, geotechnical reports, structural observation programs, and other data required to be submitted shall be submitted in one or more sets, as determined by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the state of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code and Chapter 16.05 SMC. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.255 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and show in
detail that it will conform to the provisions of this code and Chapter 16.05 SMC and relevant laws, ordinances, rules and regulations, as determined by the building official. Construction documents shall not be altered once submitted except as required by notice of the City reviewer to achieve compliance with applicable codes. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.260 Fire protection system shop drawings.

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and Chapter 16.05 SMC and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington. (Ord. O2004-148 § 3)

16.20.265 Means of egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code and Chapter 16.05 SMC. In other than one- and two-family dwellings and occupancies in Groups R-2 and R-3, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. (Ord. O2004-148 § 3)

16.20.270 Exterior wall envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code and Chapter 16.05 SMC. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, R-3 one- and two-family dwellings and U occupancies may be exempt from the detailing requirements of this section. (Ord. O2004-148 § 3)

16.20.273 Building enclosure design requirements of RCW 64.55.

Building enclosure design documents of new or rehabilitated multifamily buildings that are subject to these regulations shall be submitted at the time of permit application. This section includes buildings containing more than two attached dwelling units and buildings containing nonresidential units if the building also contains more than two attached dwelling units. This section does not apply to hotels, motels, dormitories, care facilities, or floating homes or buildings that contain attached dwelling units that are each located on a single platted lot.
All applications for building construction or rehabilitation shall include design documents prepared and stamped by a WA State licensed architect or engineer and shall identify the building enclosure (building enclosure documents) including but not limited to, waterproofing, weatherproofing and/or other protection from water or moisture intrusion, unless a recorded irrevocable sale prohibition covenant is submitted to and approved by the City.

The City will not issue a permit for construction or rehabilitative construction unless the building enclosure documents contain a stamped statement in substantially the following form, “The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of sections RCW 64.55.005 through 64.55.090”. I acknowledge: (a) that the city building department is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of RCW 64.55.005 through 64.55.090; and (b) that nothing in RCW 64.55.005 through 64.55.090 requires a building department to review, approve, or disapprove enclosure design documents.

16.20.275 Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size, location, orientation and layout of new construction and existing structures on the site including all roof overhangs, projections, cantilevers and building footprint, distances from lot lines, the established street grades and the proposed finished grades and average grades as required, calculations for building height, and as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. Site plans shall also be provided which show width, slope, distance, and surface requirements for emergency vehicle access roads and/or driveways and depict all lots which contain structures served by the access road. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.280 Examination of documents.

The building official shall examine or cause to be examined the accompanying submittal construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and Chapter 16.05 SMC and other pertinent laws or ordinances. (Ord. O2004-148 § 3)

16.20.285 Use of consultants.

Whenever review of a building permit application requires retention by the City of Sammamish for professional consulting services, the applicant shall reimburse the City of Sammamish the full cost of such professional consulting services. This fee shall be in addition to
the normal plan review and building permit fees. The City of Sammamish may require the applicant to deposit an amount with the City of Sammamish estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement for such costs. (Ord. O2004-148 § 3)

16.20.290 Approval of construction documents.

When the Permit Center issues a permit, the construction documents shall be approved by the building division, in writing or by stamp, as “Approved, Subject To Field Inspection.” One set of construction documents so reviewed shall be retained by the City of Sammamish. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. (Ord. O2004-148 § 3)

16.20.295 Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code and Chapter 16.05 SMC. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted. The Permit Center is authorized to require that a performance bond be posted with the city in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The bond shall be refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2004-148 § 3)

16.20.300 Design professional in responsible charge.

When it is required that documents be prepared by a qualified, registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Section 1709 IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 IBC).

At least one set of documents prepared by a registered design professional shall bear the seal or stamp of the design professional and shall contain the original signature of the design professional.

Exceptions:
(1) Supporting documents such as engineering calculations, geotechnical reports, and specifications need only bear an original stamp and signature on the cover sheet of the supporting documents.

(2) With permission of the building division, a copy of the original stamp and original signature may be accepted on the documents. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.305 Deferred submittals.

For the purposes of this section, “deferred submittals” are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Permit Center within a specified period. Deferral of any submittal items shall have the prior approval of the building division. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building division. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Permit Center with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building division. The Permit Center is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section. (Ord. O2004-148 § 3)

16.20.310 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be submitted for approval as an amended set of construction documents along with an application for permit revision. Where changes to the approved plan alter the size, shape, height, location or orientation on the property, major components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.315 Retention of construction documents.

One set of approved construction documents shall be retained by the City of Sammamish for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. (Ord. O2004-148 § 3)

16.20.320 Temporary structure – General.

The building official is authorized to approve a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.325 Temporary structure – Conformance.
Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code and Chapter 16.05 SMC as necessary to ensure the public health, safety and general welfare. (Ord. O2004-148 § 3)

The building official is authorized to terminate such permit for a temporary structure or use issued under the provisions of this code and Chapter 16.05 SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter 16.05 SMC and to order the temporary structure or use to be discontinued. (Ord. O2004-148 § 3)

16.20.335 Payment of fees.
A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. (Ord. O2004-148 § 3)

16.20.340 Schedule of permit fees.
On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with this code and the fee schedule as established in the City of Sammamish fee resolution. In no case shall the building permit fee be less than the City’s hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.345 Plan review fees.
When submittal documents are required by SMC 16.20.250 through 16.20.310 and Chapter 16.05 SMC, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The Permit Center may have the option to charge a deposit, in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in SMC 16.20.250 through 16.20.310, an additional plan review fee shall be charged at the rate shown in the fee resolution established by the City of Sammamish. (Ord. O2004-148 § 3)

16.20.350 Building permit valuations.
The applicant for a permit shall provide an estimated building valuation at the time of application. The final determination of value or valuation under any of the provisions of this code and Chapter 16.05 SMC shall be made by the Permit Center. The April 2002 “Building
Standards Magazine” published by the International Council of Building Officials shall be used to determine building valuations for the various building types and occupancies noted in that table, with a regional modifier reflective of construction costs within the City of Sammamish. When a specific building type or occupancy is not noted in the valuation table, the Permit Center is authorized to use the classification type noted in the table that most closely resembles the proposed type of building or determine a valuation type independently. (Ord. O2004-148 § 3)

16.20.353 Registered plan program.

An applicant who intends to apply for permits to build a number of single-family structures using the same plans may elect to participate in the “Registered Plan Program.” This program is intended to improve customer service by simplifying the application process and reducing plan review times. This program is also intended to encourage variations in building design to produce aesthetically pleasing, yet diversified neighborhoods that add to the quality of Sammamish as a unique community.

Options are allowed to be submitted with the initial registering of the basic plan to accommodate a variation of building styles using the basic plan. When plans are submitted under the jurisdiction’s “Registered Plan Program,” a plan review fee shall be paid at the time of application for a registered plan.

The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review prior to final approval of the registered plan.

Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration.

Plan review fees shall be paid for at the time of application for a building permit. The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to the permit fees.

Plan orientation: Building construction shall follow the direction, layout and orientation of the plan as approved. Applications to reverse or flip a plan shall only be allowed as an approved option to a registered plan where all drawing floor plans, site plans, sections, elevations and structural drawings reflect the layout of the building to be constructed.

Revisions: Once a plan and associated options are reviewed, approved and registered, changes or revisions to that plan are not permitted without requiring the plan to be resubmitted as a new registered plan and pay full new fees.

Field revision: Once a permit is issued for a registered plan, no revisions will be permitted except for minor field changes. Changes other than minor field changes will be considered major changes and require the permit holder to resubmit those changes as a new submittal and pay the appropriate fee. (Ord. O2007-214 § 1)
16.20.355 Work commencing before permit issuance.

Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a stop work order and special investigation fee established by the City of Sammamish that shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the City of Sammamish building division, the following will be required:

1. The building official may require that the owner hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected, and the compliance of the structure with applicable construction codes and regulations along with the building permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action accompany the building permit application and include any deficiencies.

2. The owner must show proof of inspection and permit for cover of electrical wiring from the Department of Labor and Industries Electrical Inspection Division.

3. The owner must secure plumbing and/or mechanical permits as appropriate. Inspection of these items may require removal of construction materials in order to validate the systems have been installed correctly.

4. The owner must be able to substantiate and/or show proof if necessary that he/she is in compliance with all other local, state and federal laws pertaining to land use.

5. A site inspection and life safety inspection must be performed prior to temporary occupancy or use of the building or structure prior to permit issuance and final inspection. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.360 Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. (Ord. O2004-148 § 3)

16.20.365 Performance bonds.

Prior to the issuance of a demolition permit, the applicant or agent shall post a $500.00 cash deposit or surety bond to ensure cleanup of the site, which shall be refundable upon final inspection, approval and written request to the Permit Center from the permit holder.

Exception: Where the demolition permit is issued in conjunction with a building permit for a new structure to be placed in a similar location as building or structure to be demolished. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.370 Refunds.

The Permit Center may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code and Chapter 16.05 SMC. The Permit Center may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. No refund shall be made for application or plan review fees where a plan review has been performed and the application is
rejected in accordance with SMC 16.20.220. The Permit Center shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of application. (Ord. O2004-148 § 3)

16.20.375 Inspections – General.

Construction or work for which a permit is required shall be subject to inspection by the building division and other agencies as designated on the inspection card. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code and Chapter 16.05 SMC or of other ordinances of the City of Sammamish. Inspections presuming to give authority to violate or cancel the provisions of this code and Chapter 16.05 SMC or of other ordinances of the City of Sammamish shall not be valid. It shall be the duty of the person(s) who perform the work to make request for inspections and cause the work to remain accessible and exposed for inspection purposes. Neither the building division nor the City of Sammamish shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.380 Preliminary inspections.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. (Ord. O2004-148 § 3)

16.20.385 Manufacturer’s installation instructions.

Manufacturer’s installation instructions, as required by this code and Chapter 16.05 SMC, shall be available on the job site at the time of inspection. (Ord. O2004-148 § 3)

16.20.390 Required inspections.


16.20.393 Temporary erosion and sediment control inspection.

Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks), entrance rocking, and other required elements are in place and prior to commencement of construction and/or clearing the site. (Ord. O2009-249 § 1)

16.20.395 Footing and foundation inspection.

Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special requirements for wood foundations, and for any setbacks required from property lines; building setback lines; critical area buffers; and/or the ordinary high water mark on lake properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job; except where
concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job. (Ord. O2009-249 § 1; Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.400 Concrete slab and under-floor inspection.
Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. (Ord. O2004-148 § 3)

16.20.405 Lowest floor elevation certification.
In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R324 shall be submitted to the building division. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the state of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.410 Exterior wall sheathing inspection.
Exterior wall sheathing shall be inspected after all wall framing is complete, strapping and nailing is properly installed but prior to being covered. (Ord. O2004-148 § 3)

16.20.415 Roof sheathing inspection.
The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved, and confirmation that the height of the structure is in conformance with the requirements of the development code, SMC Title 21A, and/or shoreline master program. (Ord. O2009-249 § 1; Ord. O2004-148 § 3)

16.20.420 IMC/IPC/Gas/NEC/IFC rough in inspection.
Rough in mechanical, gas piping, plumbing, electrical, and fire suppression systems shall be inspected when the rough in work is complete and if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved. (Ord. O2004-148 § 3)

16.20.425 Frame inspection.
Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire suppression piping, heating wires, pipes and ducts are approved. (Ord. O2004-148 § 3)

16.20.430 Flashing and exterior weather barrier inspection.
Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed, but prior to any of the work being covered. Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.435 Lath inspection and gypsum board inspection.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly does not require inspection. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.440 Fire-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. (Ord. O2004-148 § 3)


(1) Envelope.

(a) Wall Insulation Inspection. To be made after exterior wall weather protection and all wall insulation and air vapor retarder, sheet or film materials are in place, but before any wall covering is placed.

(b) Glazing Inspection. To be made after glazing materials are installed in the building.

(c) Exterior Roofing and Vaulted Ceiling Insulation Inspection. To be made after the installation of the roofing and roof insulation, but before concealment.

(d) Slab/Floor Insulation Inspection. To be made after the installation of the slab/floor insulation, but before concealment.

(e) Attic Insulation Inspection. To be made after the installation of the attic insulation and prior to final inspection approval.

(2) Mechanical.

(a) Mechanical Equipment Efficiency and Economizer Inspection. To be made after all equipment and controls required by this code and Chapter 16.05 SMC are installed and prior to the concealment of such equipment or controls.

(b) Mechanical Pipe and Duct Insulation Inspection. To be made after all pipe, fire suppression piping and duct insulation is in place, but before concealment.

(3) Lighting and Motors.

(a) Lighting Equipment and Controls Inspection. To be made after the installation of all lighting equipment and controls required by this code and Chapter 16.05 SMC, but before concealment of the lighting equipment.

(b) Motor Inspections. To be made after installation of all equipment covered by this code and Chapter 16.05 SMC, but before concealment. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.450 Re-inspection.

The building official may require a structure or portions of work to be re-inspected. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when there are reoccurring missed items that have previously been identified to the same builder on multiple lots; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. In instances where
re-inspection fees have been assessed, no additional inspection of the work shall be provided by the city until the required fees are paid. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.455 Other inspections.
In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and Chapter 16.05 SMC and other laws that are enforced by the building department of building safety. (Ord. O2004-148 § 3)

16.20.460 Special inspections.
In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the City of Sammamish. (Ord. O2004-148 § 3)

1. In accordance with the building enclosure special inspection requirements of RCW 64.55, the owner(s) of affected multiunit residential buildings shall provide the city with a building enclosure inspection reports prepared by a third party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. Note: the city does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. The City is prohibited from issuing a certificate of occupancy for the building until the inspector submits the report to the building department and a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents. See Section 16.20.273 Building enclosure design requirements of RCW 64.55 for additional requirements.

16.20.465 Final inspection.
The final inspection shall be made after all work required by the building permit is completed. (Ord. O2004-148 § 3)

16.20.470 Inspection agencies.
The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. (Ord. O2004-148 § 3)

16.20.475 Inspection requests.
It shall be the duty of the holder of the building permit or their duly authorized agent to notify the City of Sammamish when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code and Chapter 16.05 SMC. (Ord. O2004-148 § 3)

16.20.480 Approval required.
Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building division. The building division, upon notification, shall
make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code and Chapter 16.05 SMC. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building division. (Ord. O2004-148 § 3)


No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the City has issued a certificate of occupancy therefor as provided herein.

Exceptions:
(1) Residential accessory buildings or structures.
(2) Work exempt from permits per SMC 16.20.200.

Structures approved under the provisions of the International Residential Code may be issued a certificate of occupancy in the form of a signed-off permit inspection card.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code and Chapter 16.05 SMC or of other ordinances of the City of Sammamish. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.490 Certificate of occupancy issued.

After the building division inspects the building or structure and finds no violations of the provisions of this code and Chapter 16.05 SMC or other laws that are enforced by the department of building safety, the City of Sammamish shall issue a certificate of occupancy.

Structures approved under the International Residential Code may be issued a certificate of occupancy in the form of a “final inspection” approval signature on the permit inspection card.

For all other structures requiring a certificate of occupancy, the certificate of occupancy shall contain the following information:
(1) The building permit number.
(2) The address of the structure.
(3) The name and address of the owner.
(4) A description of that portion of the structure for which the certificate is issued.
(5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code and Chapter 16.05 SMC for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
(6) The name of the building official.
(7) The edition of the code under which the permit was issued.
(8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code or International Residential Code as applicable.
(9) The type of construction as defined in Chapter 6 of the International Building Code or International Residential Code as applicable.
(10) The design occupant load.
(11) If an automatic sprinkler system is provided, and whether the sprinkler system is required.
(12) Any special stipulations and conditions of the building permit. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.495 Temporary or phased occupancy.

The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require, in addition to the completion of life safety building components, completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The building official is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.500 Revocation of certificate of occupancy.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code and Chapter 16.05 SMC wherever the certificate is issued in error, or on the basis of incorrect information provided by the owner or owner’s representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code and Chapter 16.05 SMC. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.505 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code and Chapter 16.05 SMC for which a permit is required, until released by the building official. (Ord. O2004-148 § 3)

16.20.510 Temporary connection of service utilities.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power. (Ord. O2004-148 § 3)

16.20.515 Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and Chapter 16.05 SMC and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter. (Ord. O2004-148 § 3)

16.20.520 Appeals – General.

(1) Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code and Chapter 16.05 SMC shall be heard and decided by the hearing examiner following an open record hearing. Following review of the evidence, the examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.
(2) The hearing examiner’s final decision shall be the final decision of the City council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. (Ord. O2004-148 § 3)

16.20.525 Appeals – Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code and Chapter 16.05 SMC or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code and Chapter 16.05 SMC do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code and Chapter 16.05 SMC nor shall the hearing examiner be empowered to waive requirements of either this code and Chapter 16.05 SMC or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish. (Ord. O2004-148 § 3)

16.20.530 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, and Chapter 16.05 and 16.25 SMC, or cause same to be done, in conflict with or in violation of any of the provisions of this code, and Chapter 16.05 and 16.25 SMC. Unlawful acts shall be considered a “civil code violation” as defined in SMC 23.05.030(2). (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.535 Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code and Chapter 16.05 SMC, or in violation of a permit or certificate issued under the provisions of this code and Chapter 16.05 SMC. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (Ord. O2004-148 § 3)

16.20.540 Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City of Sammamish to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code and Chapter 16.05 SMC or of the order or direction made pursuant thereto. (Ord. O2004-148 § 3)

16.20.545 Violation penalties.

Any person who violates a provision of this code Chapter 16.05 SMC or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and Chapter 16.05 SMC, shall be subject to penalties as prescribed in SMC Title 23, Code Enforcement. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
16.20.550 Stop work order – Authority.
Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code and Chapter 16.05 SMC or other pertinent laws or ordinances implemented through the enforcement of this code and Chapter 16.05 SMC, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.555 Stop work order – Issuance.
The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Service of the stop work order shall be in accordance with SMC 23.30.040. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.560 Stop work order – Effect.
(1) The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit.
(2) A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.
(3) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.
(4) A stop work order may be appealed to the City of Sammamish hearings examiner according to the procedures prescribed by Chapter 23.35 SMC.
(5) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.
(6) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.565 Stop work order – Remedy – Civil penalties.
Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
(1) In addition to any other judicial or administrative remedy, the building official or designee may assess civil penalties for the violation of any stop work order as set forth in the civil penalty schedule contained in Chapter 23.40 SMC.
(2) Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.
(3) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for code violation. The City of Sammamish may collect the civil penalties assessed by any appropriate legal means.
(4) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with the City of Sammamish building code. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.570 Unsafe structures and equipment.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against entry or that has been abandoned for more than one year, or the applicant or owner fails to request the appropriate inspections shall be deemed unsafe.

Where a structure has been deemed unsafe, the building official or designee shall first issue a notice of violation as prescribed in SMC 16.20.535. The notice of violation shall include a statement requiring the unsafe structure or equipment be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 16.25 SMC, Sammamish Building and Property Maintenance Code. (Ord. O2007-214 § 1; Ord. O2004-148 § 3)
Chapter 16.25
Sammamish Building and Property Maintenance Code

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16.25.010 Short Title.
These regulations shall be known as the City of Sammamish Building and Property Maintenance Code, hereinafter referred to as “this code.” (Ord. O2004-148 § 4)

16.25.015 Scope.
The provisions of this code shall apply to all existing residential and nonresidential structures, and all existing premises and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties. (Ord. O2004-148 § 4)

16.25.020 Intent.
This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare regarding insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with SMC Titles 16 and 17, 21A and 21B. (Ord. O2004-148 § 4)

16.25.025 Severability.
If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. O2004-148 § 4)

16.25.030 Applicability.
The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in this chapter. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. (Ord. O2004-148 § 4)
16.25.035 Maintenance.
Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises. (Ord. O2004-148 § 4)

16.25.040 Application Of Other Codes.
Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Sammamish Municipal Code. Nothing in this code shall be construed to cancel, modify or set aside any other provisions of the Sammamish Municipal Code. (Ord. O2004-148 § 4)

16.25.045 Existing Remedies.
The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. (Ord. O2004-148 § 4)

16.25.050 Workmanship.
Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions. (Ord. O2004-148 § 4)

16.25.055 Historic Buildings.
The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings in accordance with Chapter 51-19 WAC as defined in the International Existing Building Code when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. (Ord. O2004-148 § 4)

16.25.060 Referenced Codes And Standards.
The codes and standards referenced in this code shall be considered part of the requirements of this code when specifically adopted by the City of Sammamish. Where differences occur between provisions of this code and the referenced standards, the provisions of the referenced codes and standards shall apply. (Ord. O2004-148 § 4)

16.25.065 Requirements Not Covered By Code.
Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official. (Ord. O2004-148 § 4)

(1) The code official shall enforce the provisions of this code.

(2) The code official shall be appointed by the chief appointing authority of the jurisdiction, and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

(3) In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

(4) The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(5) The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(6) The code official shall be authorized to make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(7) An initial enforcement determination shall be undertaken regarding buildings or properties whenever the code official has reason to believe that a violation of this code exists; or a complaint is filed with the department by any person, provided that where complaints have been filed by tenants, the tenant shall first exhaust all remedies provided through the Washington State Landlord Tenant Act, unless circumstances exist that give evidence of an immediate life safety or health condition that warrants an immediate response by the department.
The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as required by state law. (Ord. O2004-148 § 4)

16.25.075 Fees.
The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Chapter 23.40 SMC and per City of Sammamish fee resolution. (Ord. O2004-148 § 4)

16.25.080 Modifications.
Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. (Ord. O2004-148 § 4)

16.25.085 Alternative Materials, Methods And Equipment.
The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code; provided, that any such alternative has been approved and complies with all other codes adopted by the City of Sammamish. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. (Ord. O2004-148 § 4)

16.25.090 Required Testing.
Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city jurisdiction. (Ord. O2004-148 § 4)

16.25.095 Test Methods.
Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency. (Ord. O2004-148 § 4)

16.25.100 Test Reports.
Reports of tests shall be retained by the code official for the period required for retention of public records. (Ord. O2004-148 § 4)
16.25.105 Material And Equipment Reuse.
Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. (Ord. O2004-148 § 4)

16.25.110 Violations.
Any person, firm, corporation or organization violating any of the provisions of this chapter shall be subject to the provisions of SMC Title 23, Code Enforcement. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. (Ord. O2004-148 § 4)

16.25.115 Notice Of Violation.
The code official shall serve a notice of violation or order in accordance with SMC 16.25.140. (Ord. O2004-148 § 4)

16.25.120 Prosecution Of Violation.
Any person failing to comply with a notice of violation or order served in accordance with SMC 16.25.140 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. O2004-148 § 4)

16.25.125 Violation Penalties.
Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. (Ord. O2004-148 § 4)

16.25.130 Declaration Of Public Nuisance—Misdemeanor.
(1) All civil code violations are hereby determined to be detrimental to the public health, safety, and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.
(2) Any person who willfully or knowingly causes, aids or abets a civil code violation pursuant to this title by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed $1,000 and/or imprisonment in jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. As an alternative, or in addition to any other judicial or administrative remedy provided in this title or by law or other regulation, the director may request that the City attorney consider filing a misdemeanor complaint against the persons responsible for the code violation when the director has documentation or evidence that the violation was willful and knowing.
(3) Interference. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the code violation in the performance of duties
imposed by this title, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not to exceed $1,000. (Ord. O2004-148 § 4)

16.25.135 Abatement Of Violation.
The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. (Ord. O2004-148 § 4)

16.25.140 Enforcement.
(1) General. Enforcement of this code shall be in accordance with SMC Title 23, Code Enforcement.
(2) General Provisions. General provisions shall be in accordance with Chapter 23.05 SMC.
(3) Enforcement and Administration. Enforcement and administration shall be in accordance with Chapter 23.10 SMC.
(4) Voluntary Compliance Agreements. Voluntary compliance agreements shall be in accordance with Chapter 23.15 SMC.
(5) Notice of Infraction. Notice of infraction shall be in accordance with Chapter 23.20 SMC.
(6) Notice and Orders. Notice and orders shall be in accordance with Chapter 23.25 SMC.
(7) Stop Work Orders. Stop work orders shall be in accordance with Chapter 23.30 SMC.
(8) Appeals and Judicial Enforcement of a Notice and Order or Stop Work Order. Appeals and judicial enforcement of a notice and order or stop work order shall be in accordance with Chapter 23.35 SMC.
(9) Civil Fines and Civil Penalties. Civil fines and civil penalties shall be in accordance with Chapter 23.40 SMC.
(10) Abatement. Abatement shall be in accordance with Chapter 23.45 SMC.
(11) Liens. Liens shall be in accordance with Chapter 23.50 SMC. (Ord. O2004-148 § 4)

16.25.145 Transfer Of Ownership.
It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Ord. O2004-148 § 4)

16.25.150 Unsafe Structures And Equipment.
(1) General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, or is found to be a dangerous building, such structure shall be condemned the code official is authorized to condemn the structure pursuant to the provisions of this code.
(2) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(3) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(4) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public, or is declared a dangerous building.

(5) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(6) Dangerous Building. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building; provided, that such conditions or defects exist to the extent that the life, health, property or safety of the public or occupants are endangered.

(a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged to provide safe and adequate means of exit in case of fire and panic.

(b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, or torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stress allowed in the adopted construction codes for new buildings of similar structure, purpose or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the
minimum requirements of the adopted construction codes for new buildings of similar structure, purpose or location.

(e) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the adopted construction codes for new building of similar structure, purpose or location without exceeding the working stresses permitted in the adopted construction codes for such buildings.

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall within one-third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the regulations of this jurisdiction as specified in the
Sammamish Municipal Code relating to the condition and/or location of structures and buildings.

(n) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard. (Ord. O2004-148 § 4)

16.25.155 Closing Of Vacant Structures.

(1) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall be authorized to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)

(2) To secure a building all doors, window openings or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent casual entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with 7/16 inch minimum thickness structural panel sheathing cut to fit over the building opening and secured with #10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of 1-1/4 inches and the screws shall be spaced around the perimeter of the opening at no more than 12 inches on center. The exterior structural panel sheathing shall be painted to match the house.

(3) The code official is authorized to require additional securing measures as deemed necessary.

16.25.160 Notice.

Whenever the code official has determined that a structure or equipment is unsafe under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with SMC 16.25.140 and 16.25.165. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)
16.25.165 Placarding.
Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall be authorized to post on the premises or on defective equipment a placard bearing the words “UNSAFE – DO NOT ENTER OR OCCUPY” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.170 Placard Removal.
The code official shall be authorized to remove the “UNSAFE – DO NOT ENTER OR OCCUPY” placard whenever the defect or defects upon which the placarding actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.175 Prohibited Occupancy.
Any occupied structure placarded by the code official shall be authorized to be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)

(1) Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall be authorized to cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(2) Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall be authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall be authorized to cause such other action to be taken as the code official deems necessary to meet such emergency.

(3) Closing Streets. When necessary for public safety, the code official shall be authorized to temporarily close structures and close, or order the authority having jurisdiction to close,
sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(4) Emergency Repairs. For the purposes of this section, the code official shall be authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

(5) Costs of Emergency Repairs. Costs incurred in the performance of emergency work may be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(6) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code. For provisions related to appeals, see Chapters 20.10 and 23.35 SMC. (Ord. O2004-148 § 4)

16.25.185 Demolition.

(1) General. The code official shall have the authority to order the owner of any premises upon which is located any structure, which in the code official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

(2) Notices and Orders. All notices and orders shall comply with SMC Title 23 code enforcement. 16.25.140.

(3) Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall have the authority to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(4) Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ord. O2004-148 § 4)
16.25.190 Definitions.
Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have
the meanings shown in this chapter.

Words stated in the present tense include the future; words stated in the masculine gender
include the feminine gender and the feminine the masculine; the singular number includes the
plural and the plural, the singular.

Where terms are not defined in this code and are defined in the Sammamish Municipal Code and
those codes adopted under the Sammamish Municipal Code, such terms shall have the meanings
ascribed to them as in those codes.

Where terms are not defined through the methods authorized by this section, such terms shall
have ordinarily accepted meanings such as the context implies.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,”
“rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as
though they were followed by the words “or any part thereof.”

“Approved” means approved by the code official.

“Basement” means that portion of a building which is partly or completely below grade.

“Bathroom” means a room containing plumbing fixtures including a bathtub or shower.

“Bedroom” means any room or space used or intended to be used for sleeping purposes.

“Code official” means the official who is charged with the administration and enforcement of
this code, or any duly authorized representative.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or
more persons, including permanent provisions for living, sleeping, eating, cooking and
sanitation.

“Easement” means that portion of land or property reserved for present or future use by a person
or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be
for use under, on or above said lot or lots.

“Exterior property” means the open space on the premises and on adjoining property under the
control of owners or operators of such premises.

“Extermination” means the control and elimination of insects, rats or other pests by eliminating
their harborage places; by removing or making inaccessible materials that serve as their food; by
poison spraying, fumigating, trapping or by any other approved pest elimination methods.
“Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Guard” means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Housekeeping unit” means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

“Imminent danger” means a condition which could cause serious or life-threatening injury or death at any time.

“Infestation” means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

“Inoperable motor vehicle” means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

“Labeled” means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

“Let for occupancy” or “let” means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“Occupancy” means the purpose for which a building or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a building, or having possession of a space within a building.

“Openable area” means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
“Owner” means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership or any other group acting as a unit.

“Premises” means a lot, plot or parcel of land, easement or public way, including any structures thereon.

“Public way” means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

“Rooming house” means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

“Rooming unit” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

“Rubbish” means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

“Strict liability offense” means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

“Structure” means that which is built or constructed or a portion thereof.

“Tenant” means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

“Toilet room” means a room containing a water closet or urinal but not a bathtub or shower.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

“Workmanlike” means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

“Yard” means an open space on the same lot with a structure. (Ord. O2007-214 § 1; Ord. O2004-148 § 4)
16.25.195 General Requirements.
(1) Scope. The provisions of this chapter and SMC Title 8 shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(2) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(3) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. O2004-148 § 4)

16.25.200 Exterior Property Areas.
(1) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition in accordance with this code and the provisions of Chapter 8.05 SMC. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(2) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

(3) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(4) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(5) Exhaust Vents. Clearances to property lines and openings into a building prescribed in the codes applicable to the installation of pipes, ducts, conductors, fans or blowers shall be maintained.

(6) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. (Ord. O2004-148 § 4)

16.25.205 Swimming Pools, Spas, And Hot Tubs.

   1. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

   2. Enclosures. Private swimming pools, hot tubs and spas containing water more than 36 inches (915 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. (Ord. O2004-148 § 4)


   1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

   2. Protective Treatment. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

   3. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

   4. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
(5) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(6) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(7) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(8) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) Overhang Extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(11) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(12) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(13) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(a) Glazing. All glazing materials shall be maintained free from cracks and holes.

(b) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(c) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall
(14) Building Security. Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (Ord. O2004-148 § 4)

(1) General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(2) Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(3) Interior Surfaces. All interior surfaces shall be maintained in a sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.

(4) Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(5) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(6) Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (Ord. O2004-148 § 4)

16.25.220 Handrails And Guards.
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code. (Ord. O2004-148 § 4)
16.25.225 Rubbish And Garbage.

(1) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage as set forth in SMC 8.05.020.

(2) Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(a) Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(b) Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises and are defined as an attractive nuisance as set forth in SMC 8.05.020.

(3) Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers maintained for regular collection.

(a) Garbage Facilities. The owner of every dwelling shall supply an approved leak-proof, covered, outside garbage container.

(b) Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(c) Recyclable Materials and Solid Waste Storage. Space required by WAC 51-50-009 for the storage of recycled materials and solid waste shall be maintained to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers. (Ord. O2004-148 § 4)

16.25.230 Extermination.

(1) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(2) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(3) Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(4) Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for
extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(5) Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination. (Ord. O2004-148 § 4)

16.25.235 Light And Ventilation.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any structures that do not comply with the requirements of this chapter.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with SMC Title 16 and locally adopted amendments shall be permitted.

(1) Natural Light. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: (1) Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

(2) The glazed areas need not be installed in rooms where an emergency rescue and escape opening is not required and artificial light is provided capable of producing an average illumination of 6 footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

(3) Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination; provided, that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means
of egress and stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle (11 lux) at floors, landings and treads.

(4) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(5) Ventilation. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in subsection (1) of this section.

Exception:

(i) Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(ii) The glazed areas need not be openable where an emergency rescue and escape opening is not required and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

(6) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (4) of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(7) Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

(8) Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(9) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer’s instructions. (Ord. O2004-148 § 4)
16.25.240 Occupancy Limitations.

(1) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory
units shall be arranged to provide privacy and be separate from other adjoining spaces.

(2) Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than
seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less
than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(3) Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas,
bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less
than seven feet (2,134 mm).

Exceptions:

(a) In one- and two-family dwellings, beams or girders spaced not less than four feet
(1,219 mm) on center and projecting not more than six inches (152 mm) below the required
ceiling height.

(b) Basement rooms in one- and two-family dwellings occupied exclusively for
laundry, study or recreation purposes, having a ceiling height of not less than six feet eight
inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under
beams, girders, ducts and similar obstructions.

(c) Rooms occupied exclusively for sleeping, study or similar purposes and having a
sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134
mm) over not less than one-third of the required minimum floor area. In calculating the floor
area of such rooms, only those portions of the floor area with a clear ceiling height of five feet
(1,524 mm) or more shall be included.

(4) Bedroom Requirements. Every bedroom shall comply with the following
requirements:

(a) Area for Sleeping Purposes. Every bedroom shall contain at least 70 square feet
(6.5 m²) of floor area,

(b) Water Closet Accessibility. In other than Group R-3 occupancies (single-family
residence), every bedroom shall have access to at least one water closet and one lavatory without
passing through another bedroom and shall have access to at least one water closet and lavatory
located on the same story as the bedroom.

(c) Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for
sleeping purposes.

(d) Other Requirements. Bedrooms shall comply with the applicable provisions of
this code including, but not limited to, the light, ventilation, room area, ceiling height and room
width requirements of this chapter; the plumbing facilities and water-heating facilities
requirements of SMC 16.25.245 through 16.25.260; the heating facilities and electrical receptacle requirements of SMC 16.25.270; and the smoke alarm and emergency escape requirements of SMC 16.25.280.

(5) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. (Ord. O2004-148 § 4)

16.25.245 Plumbing Facilities And Fixture Requirements.
The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided in existing structures. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter or the provisions of SMC Titles 16 and 17.

(1) Number and Type of Fixtures. Plumbing fixtures shall be provided and maintained in the quantity and location as required under the building and plumbing codes in existence at the time the occupancy was first approved by the jurisdiction unless subsequently approved to be relocated or removed under an approved permit as required in the SMC Titles 16 and 17.

(2) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(3) Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(4) Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees’ working area. The required toilet facilities shall be located not more than one story above or below the employees’ working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees’ regular working area to the facilities.

(5) Floor Surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. (Ord. O2004-148 § 4)
16.25.250 Plumbing Systems And Fixtures.
All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Plumbing fixtures shall have adequate clearances for usage and cleaning.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. (Ord. O2004-148 § 4)

16.25.255 Water System.
(1) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with SMC Titles 16 and 17.

(2) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except where allowed by SMC Titles 16 and 17. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. (Ord. O2004-148 § 4)

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. (Ord. O2004-148 § 4)
16.25.265 Storm Drainage.
Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be discharged in a manner consistent with the Sammamish Municipal Code and shall not be discharged in a manner that creates a public nuisance. (Ord. O2004-148 § 4)

16.25.270 Mechanical And Electrical Requirements.
The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(1) Heating Facilities Required. Heating facilities shall be provided in structures as follows:

(a) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

(b) Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(c) Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

(i) Processing, storage and operation areas that require cooling or special temperature conditions.

(ii) Areas in which persons are primarily engaged in vigorous physical activities.

(d) Room Temperature Measurement. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(2) Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
(a) Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(b) Clearances. All required clearances to combustible materials shall be maintained.

(c) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(d) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(e) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(f) Duct Systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(3) Electrical Facilities. Every occupied building shall be provided with an electrical system in compliance with the following requirements:

(a) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the State Electrical Code as administered by Washington State Department of Labor and Industries.

(b) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(c) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in accordance with the State Electrical Code

(d) Receptacles. Every habitable space in a dwelling shall contain receptacle outlets as required by the State Electrical Code. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter as required by the State Electrical Code. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
(e) Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain lighting fixtures as required by SMC Titles 16 and 17 and the State Electrical Code.

(f) Extension Cords. Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in any area where such cord may be subject to physical damage. (Ord. O2004-148 § 4)

16.25.275 Elevators, Escalators And Dumbwaiters.
Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator, or as required by state law.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. (Ord. O2004-148 § 4)

16.25.280 Fire Safety Requirements.
The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

(1) Means of Egress.

(a) General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with SMC Titles 16 and 17.

(b) Aisles. The required width of aisles in accordance with SMC Titles 16 and 17 shall be unobstructed.

(c) Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by SMC Titles 16 and 17.
(d) Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(2) Fire-Resistance Ratings.

(a) Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(b) Opening Protective. Required opening protective shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(3) Fire Protection Systems.

(a) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with SMC Titles 16 and 17.

(b) Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

(i) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(ii) In each room used for sleeping purposes.

(iii) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with SMC Titles 16 and 17.

(4) Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring; provided, that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall
be permanent and without a disconnecting switch other than as required for over current protection.

Exception: Smoke alarms are permitted to be solely battery-operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(5) Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

(i) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

(ii) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes. (Ord. O2004-148 § 4)
Meeting Date: June 15, 2010                  Date Submitted: June 2, 2010

Originating Department: Parks and Recreation

Clearances:
- City Manager
- Attorney
- Parks & Recreation
- Community Development
- Finance & IT
- Police
- Admin Services
- Fire
- Public Works

Subject: Pine Lake Park-Restroom Roof Replacement-Final Project Acceptance

Action Required: Approve resolution accepting the Pine Lake Park Restroom roof replacement project as complete by Carson Construction.

Exhibits: 1. Resolution

Budget: 2010 Parks CIP, $50,000 for capital replacement projects.

Summary Statement:
Carson Construction Inc. was selected to replace the roof on the restroom building located in Pine Lake Park. There were no contractor claims filed against the city and no liquidated damages were assessed against the contractor. All work on the project has been successfully completed; a final inspection has been held and the contractor has completed the final punch list of deficiencies.

Background:
The roof replacement contract for the Pine Lake Park restroom building was awarded by City Council on April 6, 2010 to Carson Construction Inc. in the amount of $27,918.30 + W.S.S.T. The project has been successfully completed and City Staff are ready to close out the project.

Financial Impact:
None.

Recommended Motion:
Approve the resolution accepting the Pine Lake Park Restroom roof replacement project by Carson Construction Inc. as complete.
CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2010-____

A RESOLUTION OF THE CITY OF SAMMAMISH, 
WASHINGTON, ACCEPTING THE PINE LAKE PARK 
RESTROOM ROOF REPLACEMENT PROJECT AS COMPLETE

WHEREAS, at the Regular Council meeting of April 6, 2010, the City 
Council authorized the City Manager to enter into a contract with the lowest bidder for the Pine 
Lake Park Restroom Roof Replacement; and

WHEREAS, the City Manager entered into a contract C2010-115 with Carson 
Construction Inc; and

WHEREAS, the project was substantially completed by the contractor on June 2, 2010;

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

Section 1. Acceptance of the Pine Lake Park Restroom Roof Replacement Project as 
Complete. The City of Sammamish hereby accepts the Pine Lake Park Restroom Roof Project as 
complete.

Section 2. Authorization of Contract Closure Process. The City of Sammamish Director 
of Parks and Recreation is hereby authorized to complete the contract closure process upon 
receiving appropriate clearances from the Department of Revenue, the Department of Labor and 
Industries and the Department of Employment Security.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON 
THE 15TH DAY OF JUNE 2010.

CITY OF SAMMAMISH

Mayor Donald J. Gerend
ATTEST/AUTHENTICATED:

_________________________
Melonie Anderson, City Clerk

Approved as to form:

_________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:   June 8, 2010
Passed by the City Council:
Resolution No.:         R2010-_____
Meeting Date:       June 15, 2010       Date Submitted:       June 8, 2010

Originating Department:     Parks and Recreation

Clearances:     ☑ City Manager     ☑ Community Development     ☑ Parks & Recreation
☑ Attorney     ☑ Finance & IT     ☑ Police
☑ Admin Services ☑ Fire     ☑ Public Works

Subject:     Sammamish Commons Park - Phase IIB Trail Improvements, C2009-125 - Final Project Acceptance

Action Required:     Approve Resolution accepting construction of the Sammamish Commons Park - Phase IIB Trail Improvements by Fardig Development as complete.

Exhibits:     1. Resolution of project acceptance

Budget:     A total amount of $1,080,000.00 was allocated for the Phase II improvements at the Sammamish Commons Park in the 2009-2010 budget. An additional $300,000.00 was allocated in the Parks CIP as capital contingency. This project is the last of three construction projects for Phase II improvements at the Sammamish Commons to be completed.

Summary Statement:

Fardig Development, Inc. was selected to construct a new trail from the Upper Sammamish Commons to the Lower Sammamish Commons. The contract included demolition, construction and installation of an asphalt trail and stone walls, storm drainage facilities, concrete stairs with hand railing and site restoration.

There were no contractor claims filed against the City and no liquidated damages were assessed against the contractor.

All work on the project has been successfully completed; a final inspection has been held and the contractor has completed the final punch list of deficiencies. Acceptance by City Council is necessary before the Department of Revenue is asked to close the project so that the contractor’s retainage may be released.

Background:

The construction contract for the Sammamish Commons Park - Phase II Trail Improvements was awarded by City Council on March 17, 2009 to Fardig Development, Inc. in the amount of $280,858.86. The project has been successfully completed and City staff are ready to close out the project.
Financial Impact:
None

Recommended Motion:
Approve resolution for acceptance of the construction of the Sammamish Commons Park - Phase II Trail Improvements by Fardig Development, Inc.
CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2010-____  

A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, ACCEPTING THE SAMMAMISH COMMONS PARK - PHASE IIB TRAIL IMPROVEMENTS PROJECT AS COMPLETE  

WHEREAS, at the Regular Council meeting of March 17, 2009, the City Council authorized the City Manager to enter into a contract with the lowest bidder for the Sammamish Commons Park - Phase IIB Trail Improvements; and  

WHEREAS, the City Manager entered into a contract C2009-125 with Fardig Development Inc; and  

WHEREAS, the project was substantially completed by the contractor on June 23, 2009;  

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

Section 1. Acceptance of the Sammamish Commons Park - Phase IIB Trail Improvements Project as Complete. The City of Sammamish hereby accepts the Sammamish Commons Park - Phase IIB Trail Improvements as complete.  

Section 2. Authorization of Contract Closure Process. The City of Sammamish Director of Parks and Recreation is hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, the Department of Labor and Industries and the Department of Employment Security.  

Section 3. Effective Date. This resolution shall take effect immediately upon signing.  

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15TH DAY OF JUNE 2010.  

CITY OF SAMMAMISH  

________________________  
Mayor Don Gerend
ATTEST/AUTHENTICATED:

_________________________
Melonie Anderson, City Clerk

Approved as to form:

_________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:       June 8, 2010
Passed by the City Council:
Resolution No.:               R2010-____
Meeting Date: June 15, 2010  
Date Submitted: June 8, 2010  

Originating Department: Parks and Recreation

Clearances:  
- City Manager  
- Attorney  
- Admin Services  
- Community Development  
- Finance & IT  
- Parks & Recreation  
- Police  
- Fire  
- Public Works

Subject: Resolution supporting the Recreation and Conservation Office (RCO) grant application for the Evans Creek Preserve: Upper Parking Lot and Meadow Trail System.

Action Required: Authorize the City Manager to submit an application to RCO for the Evans Creek Preserve: Upper Parking Lot and Meadow Trail System.

Exhibits:  
1. Resolution

Budget: N/A

Summary Statement:
Staff proposes to submit a 2010 application to the Washington State Recreation and Conservation Office (RCO) in an effort to secure additional funding for the Phase I project at Evans Creek Preserve. RCO requires that the City adopt a resolution supporting this project and the grant application.

Background:
The grant request is for $350,000 to fund construction of a public restroom, with a septic system and drain field, a 425' long boardwalk spanning a wetland, and additional habitat enhancement and wetland restoration. These park amenities were originally intended to be included in the Phase I project, but were omitted due to budget limitations. A successful grant application will allow us to fully construct Phase I and support the passive recreational park and the extensive trail system planned at Evans Creek Preserve.

RCO grant presentations will take place towards the end of August, with final rankings announced in October. If successful, funds would be appropriated in 2011, which coincides with the construction timeline for this project. If the grant is not successful, the items identified previously will be deferred to a future construction phase.

Additional Background:
The City purchased the 174-acre Galley property (now known as Evans Creek Preserve) for $1,500,000 in 2000. With the addition of the nearby Department of Natural Resources property, the site now totals roughly 179 acres.
The City's Model Master Plan Process was conducted May to September 2007 to arrive at a preferred long-term strategy for Evans Creek Preserve. A web-based community survey and three public meetings were held on June 6, 2008, July 18, 2008 and September 5, 2008. The Master Plan was reviewed by the Parks Commission and the City Council after each of the public meetings.

The Evans Creek Preserve Master-Plan was adopted by the City Council on September 15, 2009.

The Parks Planning Team is currently designing and preparing permit documents for submittal to King County. The anticipated project timeline is provided below.

**Timeline for the Phase I Project at Evans Creek Preserve:**
- Phase I Design: Ongoing, scheduled to be complete by September 2010 (In-house Design)
- Phase I Permitting: Winter 2010 thru Spring 2011 (Permitting is through King County)
- Phase I Bid: Spring 2011
- Phase I Construction: Late Spring/Early Summer 2011

**Financial Impact:**
The grant request is for $350,000 and requires a 50% match. Our current estimate for the Phase I construction project, including planning and design, is $825,000, which meets the matching requirement. Funding for this project is allocated in the 2010 parks capital improvement budget.

**Recommended Motion:**
Authorize the City Manager to submit an application to RCO for the Evans Creek Preserve: Upper Parking Lot and Meadow Trail System Project.
A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, AUTHORIZING APPLICATION FOR FUNDING ASSISTANCE FOR A WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP) PROJECT TO THE RECREATION AND CONSERVATION OFFICE (RCO) AS PROVIDED IN CHAPTER 79A.15 RCW, ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS FOR EVANS CREEK PRESERVE - UPPER PARKING LOT AND MEADOW TRAIL SYSTEM.

WHEREAS, THE City of Sammamish has approved a comprehensive plan that includes this project area; and

WHEREAS, under the provisions of WWRP, state funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, the City considers it in the best public interest to complete the land acquisition, and/or development project described in the application.

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

Section 1. The City Manager is hereby authorized to make formal application to the Recreation and Conservation Office for funding assistance.

Section 2. Any fund assistance received shall be used for implementation of the project referenced above.

Section 3. The City hereby certifies that its share of project funding is committed and will be derived from Parks Capital Improvements funds.

Section 4. The City acknowledges that it is responsible for supporting all noncash commitments to this project should they not materialize.

Section 5. The City is aware that the grant, if approved, will be paid on a reimbursement basis. This means that the City may only request payment after eligible and allowable costs have already been paid and remitted to the City’s vendors.

Section 6. The City acknowledges that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (RCFB) must be placed in use for
the funded purpose and be retained in such use in perpetuity unless otherwise provided and agreed to by the City and RCFB.

Section 7. This resolution becomes part of a formal application to the Recreation and Conservation Office; and

Section 8. The City provided appropriate opportunity for public comment on this application.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _________ 2010.

CITY OF SAMMAMISH

________________________
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

________________________
Melonie Anderson, City Clerk

Approved as to form:

________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:   June 8, 2010
Passed by the City Council:  
Resolution No.: R2010-_____
Meeting Date: June 15, 2010  Date Submitted: June 9, 2010

Originating Department: Admin Services

Clearances:
- City Manager
- Attorney
- Admin Services
- Community Development
- Finance & IT
- Parks & Rec
- Police
- Fire
- Public Works

Subject: Animal Services Interlocal Agreement

Action Required: Approval of the Animal Services Interlocal Agreement

Exhibits: 1. Animal Services Interlocal Agreement

Budget: Sammamish’s Preliminary Estimated 2010 Annualized Cost for Animal Services - $2,750.

Summary Statement:
Historically animal control, sheltering, and pet licensing services have been provided by King County in both incorporated cities and unincorporated areas of the County. The cost of providing animal services exceeds the program’s revenue. King County provides a subsidy of over 2 million dollars per year to support the program. An Animal Services Interlocal Agreement has been developed by a joint City-County Workgroup. The Agreement includes specific service expectations and a cost allocation model.

Background:

Since the mid 1980s King County has provided animal control, sheltering, and pet licensing services for both incorporated cities and unincorporated areas. About 35 cities, including Sammamish, currently contract with the County for these services. The system is funded predominantly by pet licensing revenue and the County General Fund.

In 2009 the King County Council directed the County Executive to enter into new, full-cost recovery contracts for animal care and control services with incorporated cities by June 30, 2010. On March 26, 2010 the County Executive officially notified the City of Sammamish that our contract will be canceled effective June 30, 2010.

In anticipation of the termination of contracts, a Joint Cities-County Work Group has been meeting since January to develop an Animal Services Interlocal Agreement. This Agreement establishes a regional animal services system and incorporates specific service expectations in the three core service areas: animal control (field services); shelter; and licensing.
**Animal Control** – The County would be divided into 4 Animal Control Districts; each District would have an Animal Control Officer assigned 5 days a week, 8 hours a day. Weekends and after hours calls would go to supervisors and/or Police Departments.

**Animal Shelter** – The Kent Shelter will remain open 7 days a week and have a capacity of 7,000 animals per year.

**Pet Licensing** – King County will continue to be responsible for administration of the licensing program, including marketing, education, and outreach.

**Length of Agreement** – 2 ½ years, July 1, 2010 – December 31, 2012, with the option for a 2 year extension.

**Animal Services Committee** – Cities and the County would continue to collaborate and explore options for system improvements through a joint City-County Animal Services Committee.

**Financial Impact:**
The Agreement includes a cost allocation model.

### Cost for Animal Services and Pet Licensing Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost for Animal Control</td>
<td>$1,698,500</td>
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<tr>
<td>Total Cost for Animal Shelter</td>
<td>$3,004,900</td>
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<tr>
<td>Total Cost for Pet Licensing Administration</td>
<td>$ 898,400</td>
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<tr>
<td><strong>Total Cost for Animal Services</strong></td>
<td><strong>$5,601,800</strong></td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>2009 Licensing Revenue</td>
<td>$3,069,875</td>
</tr>
<tr>
<td>Estimated Net Cost to be Allocated between Cities/County</td>
<td><strong>$2,531,925</strong></td>
</tr>
</tbody>
</table>

**Cost Allocation**

Each jurisdiction’s (Cities and unincorporated areas) costs for animal control, shelter, and licensing administration are allocated 50% based on usage of the service and 50% based on population. In addition, King County is contributing $800,000 in transitional funding to Cities whose cost per capita is above the median for all participating Cities and/or participating Cities with low per capita licensing revenue.

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>King County Allocation for Unincorporated Area’s</td>
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<tr>
<td>King County Transitional Funding</td>
<td>$ 800,000</td>
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<td>Total Allocation for Cities</td>
<td>$ 925,061</td>
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<tr>
<td>Resident Usage Credit</td>
<td>$ 279,521</td>
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<tr>
<td><strong>Estimated Net Cost to be Allocated between Cities/County</strong></td>
<td><strong>$2,531,925</strong></td>
</tr>
</tbody>
</table>
Sammamish’s Allocation

The City of Sammamish has a relatively low rate of animal control and sheltering costs and a relatively high rate of compliance with pet licensing regulations.

Sammamish’s Allocation for Animal Control $39,496
Sammamish’s Allocation for Animal Shelter $71,803
Sammamish’s Allocation for Pet Licensing Administration $35,939
Sammamish’s Cost for Animal Services $147,238

Sammamish’s 2009 Licensing Revenue $135,347
Sammamish’s Resident Usage Credit $9,140
Sammamish’s Preliminary Estimated Annualized Cost $2,751

Recommended Motion
Move to Approve Animal Services Interlocal Agreement.
Animal Services Interlocal Agreement

This AGREEMENT is made and entered into this 1st day of July, 2010, by and between KING COUNTY, a Washington municipal corporation and legal subdivision of the State of Washington (the “County”) and the City of Sammamish, a Washington municipal corporation (the “City”).

WHEREAS, the provision of animal control, sheltering and licensing services protects public health and safety and promotes animal welfare; and

WHEREAS, providing such services on a regional basis allows for enhanced coordination and tracking of regional public and animal health issues, consistency of regulatory approach across jurisdictional boundaries, economies of scale, and ease of system access for the public; and

WHEREAS, the City pursuant to the Interlocal Cooperation Act (RCW Chapter 39.34), is authorized and desires to contract with the County for the performance of Animal Services; and

WHEREAS, the County is authorized by the Interlocal Cooperation Act, Section 120 of the King County Charter and King County Code 11.02.030 to render such services and is willing to render such services on the terms and conditions hereinafter set forth; and

WHEREAS, the County is offering a similar form of Animal Services Interlocal Agreement to all cities in King County other than the City of Seattle, and has received a statement of intent to sign such agreement from all Cities listed in Exhibit C-1 to this Agreement;

NOW THEREFORE, in consideration of the promises, covenants and agreements contained in this Agreement, the parties agree as follows:

1. Definitions. Unless the context clearly shows another usage is intended, the following terms shall have these meanings in this Agreement:
   a. “Agreement” means this Animal Services Interlocal Agreement between the Parties including any and all Exhibits hereto, unless the context clearly indicates an intention to reference all such Agreements by and between the Contracting Parties.
   b. “Animal Services” means Control Services, Shelter Services and Licensing Services combined, as these services are described in Exhibit A.
2. **Services Provided.** The County will provide the City with Animal Services described in Exhibit A. The County will perform these services consistent with governing City ordinances adopted in accordance with Section 3. In providing such Animal Services consistent with Exhibit A, the County shall have sole discretion as to the staffing assigned to receive and dispatch calls and shall be the sole judge as to the most expeditious, efficient and effective manner of handling and responding to calls for Animal Services. Except as set forth in Section 9 (Indemnification and Hold Harmless), services to be provided by the County pursuant to this Agreement
do not include legal services, which shall be provided by the City at its own expense.

a. **Enhanced Control Services.** The City may request Enhanced Control Services by completing and submitting Exhibit E to the County at any time before August 1, 2011. Enhanced Services will be provided subject to the terms and conditions described in Exhibit E. As further detailed in Exhibit E, if a request for Enhanced Control Service is made after the commencement of this Agreement, the County shall decide when and if the service begins based on the necessity for and ability of the County to hire additional staff to provide the service and the increment of service requested.

3. **City Obligations.**

   a. **Animal Regulatory Codes Adopted.** The City shall promptly enact an ordinance or resolution that includes license, fee, penalty, enforcement, impound/ redemption and sheltering provisions that are substantially the same as those of Title 11 King County Code as now in effect or hereafter amended (hereinafter "the City Ordinance"). The City shall advise the County of any City animal care and control standards that differ from those of the County.

   b. **Authorization to Act on Behalf of City.** The City authorizes the County to act on its behalf in undertaking the following:

      i. Determining eligibility for and issuing licenses under the terms of the City Ordinance, subject to the conditions set forth in such laws.

      ii. Enforcing the terms of the City Ordinance, including the power to issue enforcement notices and orders and to deny, suspend or revoke licenses issued thereunder.

      iii. Conducting administrative appeals of those County licensing determinations made and enforcement actions taken on behalf of the City. Such appeals shall be considered by the King County Board of Appeals unless either the City or the County determines that the particular matter should be heard by the City.

      iv. Nothing in this Agreement is intended to divest the City of authority to independently undertake such enforcement actions as it deems appropriate to respond to alleged violations of City ordinances.

   c. **Cooperation and Licensing Support.** The City will assist the County in its efforts to inform City residents regarding animal codes and regulations and licensing requirements and will promote the licensing of pets by City residents through various means as the City shall reasonably determine, including but not limited to offering the sale of pet licenses at City Hall, mailing information to residents (using existing City communication
mechanisms such as utility bill inserts or community newsletters) and posting a weblink to the County’s animal licensing program on the City’s official website. The City will provide accurate and timely records regarding all pet license sales processed by the City to the County; all proceeds of such sales shall be remitted to the County by the City on a quarterly basis (no later than each March 31, June 30, September 30, and December 31).

4. **Term.** This Agreement will take effect on July 1, 2010 and unless extended pursuant to Subparagraph 4.a below, shall remain in effect for a term of two and one-half years ending on December 31, 2012. *Notwithstanding anything in this section to the contrary,* this Agreement shall remain in effect for only 60 days if the Minimum Contracting Requirements in Section 15 (Terms to Implement Agreement) are not met. The Agreement may not be terminated for convenience.

   a. **Extension of Term.**
      
      i. **Automatic Extension of Agreement.** This Agreement shall be automatically extended for an additional two year term, ending on December 31, 2014; provided that such an automatic extension shall not occur if any Contracting Party has provided a written Notice of Intent to Not Automatically Extend as provided in subsection (ii) below.

      ii. **Notice of Intent to Not Automatically Extend.** Any Party may choose to not automatically extend its Agreement by providing a written notice of such intent to the other Party no later than May 1, 2012. The County will include a written reminder of this May 1 deadline when providing the City notice of its 2012 Estimated Payments (notice due December 15, 2011 per Section 5).

      iii. **Process for Agreed Extension.** Upon receiving or issuing a Notice of Intent to Not Automatically Extend pursuant to subsection (ii), the County shall arrange for the Contracting Parties to meet no later than June 1, 2012, in order to confer on whether they wish to extend their respective Agreements given revised costs and other implications resulting from the potential reduced number of Contracting Parties. Contracting Parties wishing to extend their respective Agreements through December 31, 2014 may mutually agree in writing to do so by no later than July 1, 2012. Absent such an agreed extension, the Agreement shall terminate on December 31, 2012.

5. **Compensation.** The County will develop an Estimated Payment calculation for each Service Year using the formulas described in Exhibit C, and shall transmit the
payment information to the City according to the schedule described below. The County will also calculate and inform the City as to the Reconciliation Adjustment Amount on or before June 30 of each year, as described in Section 6 below and Exhibit D, in order to reconcile the Estimated Payments made by the City in the prior Service Year. The City (or County, if applicable) will pay the Estimated Payment, and any applicable Reconciliation Adjustment Amounts, as and when described as follows (a list of all payment-related notices and dates is included at Exhibit C-7):

a. **Service Year 2010: Animal Services Provided from July 1 through December 31, 2010.** On or before August 1, 2010, the County shall provide notice to each Contracting Party of the Final Estimated 2010 Payment schedule. The Final Estimated 2010 Payment will be derived from the Preliminary Estimated 2010 Payment Amount set forth in Exhibit C-1, adjusted based on the final Contracting Cities. The City shall pay the County the Final Estimated 2010 Payment on or before January 15, 2011; provided that, if the calculation of the Final Estimated 2010 Payment shows the City is entitled to receive a payment from the County, the County shall pay the City the amount owing on or before such date. The County will issue a notice of the City’s Reconciliation Adjustment Amount for Service Year 2010 on or before June 30, 2011. The Reconciliation Adjustment Amount shall be payable on or before August 15, 2011.

b. **Service Years after 2010.**
   i. **Initial Estimate by August 1.** To assist the City with its budgeting process, the County shall provide the City with a non-binding, preliminary estimate of the Estimated Payments for the upcoming Service Year on or before each August 1.
   
   ii. **Estimated Payment Determined by December 15.** The Estimated Payment amounts for the upcoming Service Year will be determined by the County following adoption of the County’s budget and applying the formulas in Exhibit C. The County will by December 15 provide written notice to all Contracting Parties of the schedule of Estimated Payments for the upcoming Service Year.
   
   iii. **Estimated Payments Due Each June 15 and December 15.** The City shall pay the County the Estimated Payment Amount on or before each June 15 and December 15. If the calculation of the Estimated Payment shows the City is entitled to receive a payment from the County, the County shall pay the City such amount on or before each June 15 and December 15.
iv. The Reconciliation Adjustment Amount for the prior Service Year shall be payable on or before August 15 of the following calendar year, as described in Section 6.

v. If a Party fails to pay an Estimated Payment or Reconciliation Adjustment Amount within 15 days of the date owed, the Party owed shall notify the owing Party which shall have ten (10) days to cure non-payment. In the event the Party fails to cure its nonpayment, the amount owed shall accrue interest thereon at the rate of 1% per month from and after the original due date and, in the event the nonpaying Party is the City, the County at its sole discretion may withhold provision of Animal Services to the City until all outstanding amounts are paid. In the event the nonpaying Party is the County, the City may withhold future Estimated Payments until all outstanding amounts are paid. Each Party may examine the other’s books and records to verify charges.

vi. Unless the Parties otherwise direct, payments shall be submitted to the addresses noted at Section 14.h.

c. Payment Obligation Survives Expiration or Termination of Agreement. The obligation of the City (or as applicable, the County), to pay an Estimated Payment Amount or Reconciliation Adjustment Amount for a Service Year included in the term of this Agreement shall survive the Expiration or Termination of this Agreement. For example, if this Agreement terminates on December 31, 2010, the Final Estimated 2010 Payment is nevertheless due on or before January 15, 2011, and the Reconciliation Adjustment Amount shall be payable on or before August 15, 2011.

d. The Parties agree the payment and reconciliation formulas in this Agreement (including all Exhibits) are fair and reasonable.

6. Reconciliation of Estimated Payments and Actual Costs and Revenues. In order that the Contracting Parties share costs of the regional Animal Services system based on their actual, rather than estimated, use of Animal Services, there will be an annual reconciliation of actual costs and usage. Specifically, on or before June 30 of each year, the County will reconcile amounts owed under this Agreement for the prior Service Year by comparing each Contracting Party’s Estimated Payments to the amount derived by recalculating the formulas in Exhibit C using actual cost, revenue, usage and population data for such Service Period as detailed in Exhibit D. The County shall provide the results of the reconciliation to all Contracting Parties in writing on or before June 30. The Reconciliation Adjustment Amount shall be payable on August 15 of the then current year, regardless of the prior termination of the Agreement as per Section 5.c.
7. **Transitional Licensing Revenue Support Services.** The County will provide enhanced licensing marketing services in 2010 as described in this section to the five cities with the lowest per-capita rates of licensing revenue shown on Exhibit C-5 (the “Licensing Revenue Support Cities”), but any such city shall receive these services only if the effective term (determined per Section 15) of its specific Agreement is for two- and one half years.

a. The marketing support services include, on a “per unit” basis, approximately $20,000 in County staff and materials support (which may include use of volunteers or other in-kind support) and is estimated to generate 1,250 new licenses (equivalent to approximately $30,000 in licensing revenue).
   i. Licensing Revenue Support Cities over 100,000 in population will each receive two units of enhanced licensing marketing support.
   ii. Licensing Revenue Support Cities less than 100,000 in population will share in one unit of enhanced licensing marketing support.

b. Receipt of a unit of licensing revenue support is subject to the receiving City providing in-kind services, including but not limited to: assisting in communication with City residents; publicizing any canvassing efforts the Parties have agreed should be implemented; assistance in recruiting canvassing staff, if applicable; and providing information to the County to assist in targeting its canvassing activities, if applicable.

8. **Mutual Covenants/Independent Contractor.** Both Parties understand and agree that the County is acting hereunder as an independent contractor with the intended following results:

   a. Control of County personnel, standards of performance, discipline, and all other aspects of performance shall be governed entirely by the County;

   b. All County persons rendering service hereunder shall be for all purposes employees of the County, although they may from time to time act as commissioned officers of the City;

   c. The County contact person for the City regarding citizen complaints, service requests and general information on animal control services is the Manager of Regional Animal Services.

9. **Indemnification and Hold Harmless.**

   a. **City Held Harmless.** The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them
relating to or arising out of performing services pursuant to this Agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

b. **County Held Harmless.** The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

c. **Liability Related to City Ordinances, Policies, Rules and Regulations.** In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility that arises in whole or in part as a result of the application of City ordinances, policies, rules or regulations that are either in place at the time this Agreement takes effect or differ from those of the County; or that arise in whole or in part based upon any failure of the City to comply with applicable adoption requirements or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney’s fees.

d. **Waiver Under Washington Industrial Insurance Act.** The foregoing indemnity is specifically intended to constitute a waiver of each party’s
immunity under Washington’s Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor’s employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

10. **Dispute Resolution.** Whenever any dispute arises between the Parties or between the Contracting Parties under this Agreement which is not resolved by routine meetings or communications, the disputing parties agree to seek resolution of such dispute in good faith by meeting, as soon as feasible. The meeting shall include the Chief Executive Officer (or his/her designee) of each party involved in the dispute and the Manager of the Regional Animal Services Program. If the parties do not come to an agreement on the dispute, any party may pursue mediation through a process to be mutually agreed to in good faith between the parties within 30 days, which may include binding or nonbinding decisions or recommendations. The mediator(s) shall be individuals skilled in the legal and business aspects of the subject matter of this Agreement. The parties to the dispute shall share equally the costs of mediation and assume their own costs.

11. **Joint City-County Committee and Collaborative Initiatives.** A committee composed of 3 county representatives (appointed by the County) and one representative from each City that has signed a like Agreement and chooses to appoint a representative shall meet not less than twice each year. Committee members may not be elected officials. The Committee shall review service issues and make recommendations regarding efficiencies and improvements to services and shall review and make recommendations regarding the conduct and findings of the collaborative initiatives identified below. Subcommittees to focus on individual initiatives may be formed, each of which shall include membership from both county and city members of the Joint City-County Committee. Recommendations of the Joint City-County Committee are non-binding. The collaborative initiatives to be explored shall include:

   a. Proposals to update animal services codes, including fees and penalties, as a means to increase revenues and incentives for residents to license, retain, and care for pets.

   b. Exploring the practicability of engaging a private for-profit licensing system operator.

   c. Pursuing linkages between County and private non-profit shelter and rescue operations to maximize opportunities for pet adoption, reduction in homeless pet population, and other efficiencies.

Exhibit 1
d. Promoting licensing through joint marketing activities of cities and the County, including recommending where the County’s marketing efforts will be deployed each year.

e. Exploring options for increasing service delivery efficiencies across the board.

f. Studying options for repair and/or replacement of the Kent Shelter.

g. Reviewing results of a compensation and classification study which the County agrees to complete by July 1, 2011, benchmarking the County’s Animal Services staffing policies as compared to other publicly operated animal services systems.

h. Review the results of the County’s calculation of the Reconciliation Adjustment Amounts.

i. Reviewing preliminary proposed budgets for Animal Services.

j. Providing input into the formatting, content and details of periodic system reports as per Section 12 of this Agreement.

k. Reviewing and providing input on proposed Animal Services operational initiatives.

12. **Reporting.** The County will provide the City with an electronic report not less than twice each year summarizing call response and system usage data for each of the Contracting Cities and the County and the Animal Services system. The formatting, content and details of the report will be developed in consultation with the Joint City-County Committee.

13. **Amendments.** Any amendments to this Agreement must be in writing. This Agreement may be amended upon approval of the County and at least two thirds (66%) of the legislative bodies of all other Contracting Parties to this Agreement (in both number and in the percentage of the prior total Estimated Payments owing from such Contracting Parties in the then current Service Year), evidenced by the authorized signatures of such approving Parties as of the effective date of the amendment; provided that any amendment to this Agreement affecting the Party contribution responsibilities, hold harmless and indemnification requirements, provisions regarding duration, termination or withdrawal, or the conditions of this Section shall require consent of the legislative authorities of all Parties.

14. **General Provisions.**

a. **Other Facilities.** The County reserves the right to contract with other shelter service providers for housing animals received from within the City or from City residents, whose levels of service meet or exceed those at the County
shelter for purposes of addressing shelter overcrowding or developing other means to enhance the effectiveness, efficiency or capacity of the animal care and sheltering system within King County.

b. **Severability.** The invalidity of any clause, sentence, paragraph, subdivision, section or portion thereof, shall not affect the validity of the remaining provisions of the Agreement.

c. **Survivability.** Notwithstanding any provision in this Agreement to the contrary, the provisions of Section 9 (Indemnification and Hold Harmless) shall remain operative and in full force and effect, regardless of the withdrawal or termination of this Agreement.

d. **Waiver and Remedies.** No term or provision of this Agreement shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the Party claimed to have waived or consented. Failure to insist upon full performance of any one or several occasions does not constitute consent to or waiver of any later non-performance nor does payment of a billing or continued performance after notice of a deficiency in performance constitute an acquiescence thereto. The Parties are entitled to all remedies in law or equity.

e. **Grants.** Both Parties shall cooperate and assist each other toward procuring grants or financial assistance from governmental agencies or private benefactors for reduction of costs of operating and maintaining Animal Services programs and the care and treatment of animals in those programs.

f. **Force Majeure.** In the event either Party’s performance of any of the provisions of this Agreement becomes impossible due to war, civil unrest, and any natural event outside of the Party’s reasonable control, including fire, storm, flood, earthquake or other act of nature, that Party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

g. **Entire Agreement.** This Agreement represents the entire understanding of the Parties and supersedes any oral representations that are inconsistent with or modify its terms and conditions.

h. **Notices.** Except as otherwise provided in this Agreement, any notice required to be provided under the terms of this Agreement shall be delivered by certified mail, return receipt requested or by personal service to the following person:

For the City:
For the County:   Caroline Whalen, Director  
King County Dept. of Executive Services  
401 Fifth Avenue, Suite 610  
Seattle WA. 98104

i. **Assignment.** No Party may sell, transfer or assign any of its rights or benefits under this Agreement without the approval of the other Party.

j. **Venue.** The Venue for any action related to this Agreement shall be in Superior Court in and for King County, Washington.

k. **Records.** The records and documents with respect to all matters covered by this Agreement shall be subject to inspection and review by the County or City for such period as is required by state law (Records Retention Act, Ch. 40.14 RCW) but in any event for not less than 1 year following the expiration or termination of this Agreement.

l. **No Third Party Beneficiaries.** This Agreement is for the benefit of the Parties only, and no third party shall have any rights hereunder.

m. **Counterparts.** This Agreement and any amendments thereto, shall be executed on behalf of each Party by its duly authorized representative and pursuant to an appropriate motion, resolution or ordinance. The Agreement may be executed in any number of counterparts, each of which shall be an original, but those counterparts will constitute one and the same instrument.

15. **Terms to Implement Agreement.** Because it is unknown how many parties will ultimately approve the Agreement, and participation of each Contracting Party impacts the costs of all other Contracting Parties, the Agreement will go into effect for the full proposed two and a half year term only if certain Minimum Contracting Requirements are met or waived as described in this section; provided further, that if such conditions are not met, then the Agreement will go into effect for a six month term per subparagraph (c) or a 60-day emergency period as provided for below under subparagraph (d). The Minimum Contracting Requirements include:

   a. **For both the City and the County:**

   i. **2010 Payment Test:** The Final Estimated 2010 Payment, calculated including the County and all Cities that have executed the Agreement prior to July 1, 2010 (regardless of whether such Contracting Parties have opted for a 6 month or 2.5 year initial term), does not exceed the Preliminary Estimated 2010 Payment as set forth in Exhibit C-1 by more than five percent (5%) or $3,500, whichever is greater. Either Party may waive its failure to meet this test in order to allow the Agreement to go into effect for the 6 month term.
ii. **Implied 2011 Payment Test:** In addition, if the City has agreed to an initial term of 2.5 years, the Final Estimated 2010 Payment, calculated including the County and those Cities that have similarly opted for an Initial Term of 2.5 years, does not exceed the Preliminary Estimated 2010 Payment shown for the Party in **Exhibit C-1(A)** by more than five percent (5%) or $3,500, whichever is greater. Either Party may waive its failure to meet this test in order to allow the Agreement to go into effect for the 2.5 year term.

b. **For the County:** the **Minimum Contiguity of Service Condition** must be met, such that the County is only obligated to enter into the Agreement if the County will be providing Animal Services in areas contiguous to the City, whether by reason of having an Agreement with another City or due to the fact that the City is contiguous to unincorporated areas (excluding unincorporated islands within the City limits). The Minimum Contiguity of Service Condition may be waived by the County in its sole discretion.

c. **Term of Agreement Limited to Six Months if Implied 2011 Payment Test Not Met:** If the County’s Minimum Contiguity of Service Requirement is met or waived by the County and the 2010 Payment Test with respect to both Parties is met or waived, but the 2011 Test is **not** met or waived for both Parties, then the Agreement shall take effect for a term of only six months (expiring December 31, 2010).

d. **Emergency 60-day agreement.** Notwithstanding the foregoing, if the 2010 Payment Test is not met, then regardless of whether the County’s Minimum Contiguity of Service Requirement is met, this Agreement shall go into effect on July 1, 2010, on an emergency basis for a period of 60-days, terminating August 31, 2010. The City shall by January 15, 2011, pay the Final Estimated 2010 Payment calculated in accordance with Section 6.a, pro-rated to reflect the 60 day (rather than 6-month) term, provided further that there will be no reconciliation of the Estimated Payment amounts so paid.

16. **Administration.** This Agreement shall be administered by the County Administrative Officer or his/her designee, and by_____________________________________________________, or his/her designee.
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed effective as of July 1, 2010.

King County __________________________ City of Sammamish __________________________

Dow Constantine __________________________ Ben Yazici __________________________
King County Executive City Manager

Date __________________________ Date __________________________

Approved as to Form: __________________________ Approved as to Form: __________________________

King County __________________________ City Attorney __________________________

Deputy Prosecuting Attorney Date __________________________

Date __________________________
List of Exhibits

Exhibit A: Animal Services Description

Exhibit B: Control Services District Map Description
   Exhibit B-1: Map of Control Service District, as initially applicable
   Exhibit B-2: Map of Control Service Districts beginning January 1, 2011

Exhibit C: Calculation of Estimated Payments
   Exhibit C-1: Preliminary Estimated 2010 Payment (Annualized) (showing participation only by those jurisdictions that have expressed interest as of May 27, 2010 in contracting for either 6 months or 2.5 years)
      Exhibit C-1(A): “Implied 2011” Estimated Payments for purposes of Section 15.a.2 (2010 Estimated Payment (Annualized) showing participation only of those jurisdictions that indicated they are seeking a 2.5 year Agreement—Actual Estimated 2011 Payments will be different, based on adjustments for 2011 Budgeted Total Allocable Costs, revised Revenue estimates, and application of Budget Inflator Cap)
   Exhibit C-2: Population, Calls for Service, Shelter Use and Licensing Data for Jurisdictions, Used to Derive the Preliminary and Final Estimated 2010 Payment
   Exhibit C-3: Calculation of Budgeted Total Allocable Animal Services Costs, Budgeted Total Non-Licensing Revenue and Budget Net Allocable Animal Services Costs for 2010
   Exhibit C-4: Transition Credit, Resident Usage Credit and Impact Mitigation Credit Calculation and Allocation
   Exhibit C-5: Cities receiving Transitional Licensing Revenue Support in 2010
   Exhibit C-6: Summary of Calculation Periods for Use and Population Components
   Exhibit C-7: Payment and Calculation Schedule
Exhibit D: Reconciliation

Exhibit D-1: Calculation of Support Cost Adjustment Factor Associated with Enhanced Control Service ("O")

Exhibit E: Enhanced Control Services Contract (Optional)
Exhibit A
Animal Service Description

Part I: Control Services
Control Services include the operation of a public call center, the dispatch of animal control officers in response to calls, and the handling of calls in the field by animal control officers, including the collection and delivery of animals to the Kent Shelter (or such other shelters as the County may utilize in accordance with this Agreement).

1. Call Center
   a. The County will operate an animal control call center Monday through Friday every week (excluding holidays and County-designated furlough days, if applicable) for a minimum of eight hours per day (normal business hours). The County may adjust the days of the week the call center operates based on the final choice of Control District service days.
   b. The animal control call center will provide callers with guidance, education, options and alternative resources as possible/appropriate.
   c. When the call center is not in operation, callers will hear a recorded message referring them to 911 in case of emergency, or if the event is not an emergency, to either leave a message or call back during regular business hours.

2. Animal Control Officers
   a. The County will divide the area receiving Control Services into Control Districts. Each of the geographic Control Districts, as shown on Exhibit B will be staffed with one Animal Control Officer (ACO) five consecutive days-per-week (such days to be selected by the County) for not less than eight hours per-day (“Regular ACO Service Hours”), subject to the limitations provided in this Section. Except as the County may in its sole discretion determine is necessary to protect officer safety, Animal Control Officers shall be available for responding to calls within their assigned Control District and will not be generally available to respond to calls in other Control Districts. Exhibit B-1 shows the map of Control Districts for the period from July 1 through December 31, 2010; Exhibit B-2 shows the map of Control Districts for the period after 2010. The daily eight-hour service period shall be determined by the County and shall start not earlier than 7 a.m. and end not later than 7 p.m. Countywide, the County will have a total of not less than 6 Animal Control Officers (Full-Time Equivalent employees) on staff to maximize the ability of the County to staff each Control District notwithstanding vacation, sick-leave, and other absences, and to respond to high workload areas on a day-to-day basis. While the Parties recognize that
b. Control District boundaries have been designed to balance work load, correspond to jurisdictional boundaries and facilitate expedient transportation access across each district. The County will provide for a location for Animal Control vehicles to be stationed overnight in both north and south King County.

c. The County will use its best efforts to ensure that High Priority Calls are responded to by an Animal Control Officer during Regular ACO Service Hours on the day such call is received. The County shall retain full discretion as to the order in which High Priority calls are responded. High Priority Calls include those calls that pose an emergent danger to the community, including:
   1. Emergent animal bite,
   2. Emergent vicious dog,
   3. Emergent injured animal,
   4. Police assist calls—(police officer on scene requesting assistance from an Animal Control Officer),
   5. Emergent loose livestock or other loose or deceased animal that poses a potential danger to the community, and

d. Lower priority calls include all calls that are not High Priority Calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching of an Animal Control Officer as necessary or available, all as determined necessary and appropriate in the sole discretion of the County. Particularly in the busier seasons of the year (spring through fall), lower priority calls may only receive a telephone response from the Call Center. Lower Priority calls are non-emergent requests for service, including but not limited to:
   1. Non-emergent high priority events,
   2. Patrol request – (Animal Control Officer requested to patrol a specific area due to possible code violations),
   3. Trespass,
   4. Stray Dog/Cat/other animal confined,
   5. Barking Dog,
6. Leash Law Violation,
7. Deceased Animal,
8. Trap Request,
9. Female animal in season, and
10. Owner’s Dog/Cat/other animal confined.

e. In addition to the Animal Control Officers serving specific districts, the following Control Service resources will be available on a shared basis for all Parties and shall be dispatched as deemed necessary and appropriate by the County.

1. An animal control sergeant will provide oversight of and back-up for Animal Control Officers five days per week at least 8 hours/day (subject to vacation/sick leave/training/etc.).
2. An Animal Cruelty Sergeant will be on staff at least 40 hours per week to respond to animal cruelty cases and prepare related reports (subject to vacation/sick leave/training/etc.).
3. Two Animal Control Officers will be on call every day at times that are not Regular ACO Service Hours (including the two days per week that are not included within Regular ACO Service Hours), to respond to High Priority Calls posing an extreme life and safety danger, as determined by the County.

f. The Parties understand that rural areas of the County will generally receive a less rapid response time from ACOs than urban areas.

g. Cities may contract with King County for “Enhanced Control Services” through separate agreement (as set forth in Exhibit E).

**Part II: Shelter Services**

Shelter services include the general care, cleaning and nourishment of owner-released, lost or stray dogs, cats and other animals. Such services shall be provided 7-days per week, 365 days per year at the County’s animal shelter in Kent (the “Shelter”) or other shelter locations utilized by the County, including related services described in this section. The County’s Eastside Pet Adoption Center in the Crossroads area of Bellevue will be closed to the public.

1. **Shelter Services**
   a. Services provided to animals will include enrichment, exercise, care and feeding, and reasonable medical attention.
   b. The Public Service Counter at the Shelter will be open to the public not less than 30 hours per week and not less than 5 days per week, excluding holidays and County designated furlough days, for purposes of pet redemption, adoption, license sales services and (as may be offered from
time to time) pet surrenders. The Public Service Counter at the shelter may be open for additional hours if practicable within available resources.

c. The County will maintain a volunteer/foster care coordinator at the Shelter to encourage use of volunteers working at the shelter and use of foster families to provide fostering/transitional care between shelter and permanent homes for adoptable animals.

d. The County will maintain an animal placement specialist at the Shelter to provide for and manage adoption events and other activities leading to the placement of animals in appropriate homes.

e. One veterinarian and one veterinarian technician will be scheduled to work at the Shelter six-days per week, during normal business hours. Veterinary services provided include animal exams, treatment and minor procedures, spay/neuter and other surgeries. Limited emergency veterinary services will be available in non-business hours, through third-party contracts, and engaged if and when the County determines necessary.

f. Targeted animal operating capacity at the Shelter is 7,000 per year. The County will take steps through its operating policies, codes, public fee structures and partnerships to reduce the number of animals and their length of stay in the Shelter, and may at times limit owner-surrenders and field pick-ups, adjust fees and incentivize community-based solutions.

2. Other Shelter services

   a. Dangerous animals will be confined as appropriate/necessary.

   b. Disaster/emergency preparedness for animals will be coordinated regionally through efforts of King County staff.

3. Shelter for Cities contracting with PAWS (Potentially including Shoreline, Bothell, Woodinville, Lake Forest Park, Kenmore (“Northern Cities”)). For so long as a Northern City has a contract in effect for sheltering dogs and cats with the Progressive Animal Welfare Society in Lynnwood (PAWS), the County will not shelter dogs and cats picked up within the boundaries of such City(s), except in emergent circumstances and when the PAWS Lynwood shelter is not available. Dogs and cats picked up by the County within such City(s) will be transferred by the County to the PAWS shelter in Lynnwood for shelter care, which will be provided and funded solely through separate contracts between each Northern City and PAWS, and the County will refer residents of that City to PAWS for sheltering services. The County will provide shelter services for animals other than dogs and cats that are picked up within the boundaries of Northern Cities contracting with PAWS on the same terms and conditions that such shelter services are provided to other Contracting Parties. Except as provided in this Section, the County is under no obligation to drop animals picked up in any Contracting City at any shelter other than the County shelter in Kent.
4. **County Contract with PAWS.** Nothing in this Agreement is intended to preclude the County from contracting with PAWS in Lynnwood to care for animals taken in by control officers in the Northern (#200) district of the County.

5. **Service to Persons who are not Residents of Contracting Cities.** The County will not provide routine shelter services for animals brought in by persons who are not residents of Contracting Cities, but may provide emergency medical care to such animals, and may seek to recover the cost of such services from the pet owner and/or the City in which the resident lives.

**Part III: Licensing Services**

Licensing services include the operation and maintenance of a unified system to license pets in Contracting Cities.

1. The public will be able to purchase pet licenses in person at the County Licensing Division public service counter in downtown Seattle (500 4th Avenue), King County Community Service Centers and the Kent Animal Shelter during regular business hours. The County will maintain on its website the capacity for residents to purchase pet licenses on-line.

2. The County will seek to engage and maintain a variety of private sector partners (e.g. veterinary clinics, pet stores, grocery stores, city halls, apartment complexes) as hosts for locations where licenses can be sold or promoted in addition to County facilities.

3. The County will furnish licenses and application forms and other materials to the City for its use in selling licenses to the public at City facilities and at public events.

4. The County will publicize reminders and information about pet licensing from time to time through inserts in County mailings to residents and on the County’s public television channel.

5. The County will annually mail at least one renewal form, reminder and late notice (as applicable) to the last known addresses of all City residents who purchased a pet license from the County within the previous year (using a rolling 12-month calendar).

6. The County may make telephone reminder calls in an effort to encourage pet license renewals.

7. The County shall mail pet license tags or renewal notices as appropriate to individuals who purchase new or renew their pet licenses.

8. The County will maintain a database of pets owned, owners, addresses and violations.

9. The County will provide limited sales and marketing support in an effort to maintain the existing licensing base and increase future license sales. The County
reserves the right to determine the level of sales and marketing support provided from year to year in consultation with the Joint City-County Committee. The County will work with any City in which door-to-door canvassing takes place to reach agreement with the City as to the hours and locations of such canvassing.
The attached map (Exhibit B-1) shows the boundaries of the 4 Control Service Districts as established at the commencement of this Agreement. Exhibit B-2 shows the proposed boundaries for the Control Service Districts to be established effective January 1, 2011.

The cities and towns included in each Control District are as follows:

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<tr>
<th>District #200 (Northern District)</th>
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<td>Kenmore</td>
<td>Yarrow Point</td>
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<tr>
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</table>

The Districts shall each include portions of unincorporated King County as illustrated on the Exhibits B-1 and B-2.
Exhibit C
Calculation of Estimated Payments

The Estimated Payment is the amount, before reconciliation, owed by the City to the County (or owed by the County to the City if the amount calculated is less than $0) for the provision of six months of Animal Services, based on the formulas below.

In summary and subject to the more detailed descriptions herein:

- Control Services costs are to be equally shared among the 4 geographic Control Districts. Each Contracting Party located within a Control District is to be allocated a share of Control District costs based 50% on the Party’s relative share of total Calls for Service within the Control District and 50% on its relative share of total population within the Control District.

- Shelter Services costs are to be allocated among all Contracting Parties based 50% on their relative population and 50% on the total shelter intake of animals attributable to each Contracting Party, except that cities contracting for shelter services with PAWS will pay only a population-based charge and that charge will be one-half the regular shelter services cost population component payable by other cities; and

- Licensing Services costs are to be allocated between all Contracting Parties, based 50% on their relative population and 50% on the number of licenses issued to residents of each Contracting Party.

- Licensing revenue is to be attributed based on the residency of the individual purchasing the license.

- Each Estimated Payment covers the cost of six months of Animal Services.

- Three credits are applicable to various cities to reduce the amount of their Estimated Payments: a Transition Funding Credit (for cities with high per-capita costs); a Resident Usage Credit (for cities with low usage as compared to population); and an Impact Mitigation Credit (for cities whose projected costs were most impacted by decisions of certain cities not to participate in the regional Agreement). Application of these Credits is limited such that the Estimated Payment cannot fall below zero (before or after the annual reconciliation calculation) with respect to the Transition Funding Credit, or below $2,750 or $2,850 (both amounts are annualized) with respect to the Resident Usage Credit and
Impact Mitigation Credit (depending on whether Bothell received Animal Services in the Service Year being reconciled).

- Estimated Payments are reconciled to reflect actual revenues and actual usage as well as changes in population. The reconciliation calculation occurs in June of the following calendar year. The reconciliation calculation and payment process is described in Exhibit D. The receipt of Transition Funding Credits, Resident Usage Credits, or Impact Mitigation Credits can never result in the amount of the Estimated Payments as reconciled falling below the limits described in the paragraph above ($0, $2,750 or $2,875 (annualized), depending on the credit and whether Bothell received service under an Agreement during the Service Year).

**Estimated Payment Formula:**

$$EP = \frac{[EC + ES + EL - ER - T - U - M]}{2}$$

Where:

“EP” is the Estimated Payment. For Cities receiving a Transition Credit, Resident Usage Credit or Impact Mitigation Credit, the value of EP may not be less than the amounts prescribed in Exhibit C-4.

“EC” is the City’s share of the Budgeted Net Allocable Control Services Cost for the Service Year. *See formula below for deriving “EC.”*

“ES” is the City’s share of the Budgeted Net Allocable Shelter Services Cost for the Service Year. *See formula below for deriving “ES.”*

“EL” is the City’s share of the Budgeted Net Allocable Licensing Services Cost for the Service Year. *See formula below for deriving “EL.”*

“ER” is Estimated Licensing Revenue attributable to the City. For purposes of determining the Estimated Payment in Years 2010 and 2011, ER is derived from the number of each type of active license issued to City residents in years 2009 (the “Calculation Period”) shown on Exhibit C-2. For Service Year 2010, that number is multiplied by the cost of those licenses in 2009, resulting in the estimated values for Service Year 2010 shown on

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1 2009 licensing types and costs used for purposes of calculating Estimated Licensing Revenue per jurisdiction in Exhibit C-1 include: Cat and Dog, Altered (spayed or neutered) -- $30; Cat and Dog, Unaltered -- $90; Cat and Dog, Juvenile (less than 6 months in age) -- $5; Dog, Senior (over 65)owner -- $20; Cat, Senior...
Exhibit C-1, and then adding the amount of revenue estimated to be derived as a result of the Transitional Licensing Support Services in 2010 to those five Cities identified in Exhibit C-5 (the estimated Transitional Licensing Support Services revenue is also shown on Exhibit C-1). License Revenue that cannot be attributed to a specific Party (e.g., License Revenue associated with incomplete address information), which generally represents a very small fraction of overall revenue, is allocated amongst the Parties based on their respective percentages of ER as compared to Total Licensing Revenue.

“T” is the Transition Funding Credit, if any, allocable to the City for each Service Year, calculated per Exhibit C-4; provided however, a City identified in Exhibit C-4 is only eligible for a Transition Credit if that City agreed to enter into this Agreement for a term through December 31, 2012; provided further, that the amount of “T”, if any, for Service Year 2010 shall be applied pro rata to the calculation of the Final Estimated 2010 Payment even if, despite the agreement of the City, the Agreement only goes into effect for 6 months or 60 days per Section 15.

“U” is the Resident Usage Credit, if any, allocable to the City for each Service Year, calculated per Exhibit C-4; provided however, a City identified in Exhibit C-4 is only eligible for a Resident Usage Credit if that City agreed to enter into this Agreement for a term through December 31, 2012; provided further, that the amount of “U”, if any, for Service Year 2010 shall be applied pro rata to the calculation of the Final Estimated 2010 Payment even if, despite the agreement of the City, the Agreement only goes into effect for 6 months or 60 days per Section 15.

“M” is the Impact Mitigation Credit, if any, allocable to the City for each Service Year, calculated per Exhibit C-4; provided however, a City identified in Exhibit C-4 is only eligible for an Impact Mitigation Credit if that City agreed to enter into this Agreement for a term through December 31, 2012; provided further, that the amount of “M,” if any, for Service Year 2010 shall be applied pro rata to the calculation of the Final Estimated 2010 Payment even if, despite the agreement of the City, the Agreement only goes into effect for 6 months or 60 days per Section 15.

And where:

“Budgeted Net Allocable Costs” are the estimated costs for the Service Year for the provision of Animal Services which are allocated among the Contracting Parties for the owner-- $12; Cat and Dog, Renewal, Service and Temporary, Senior owner renewal-- $0. License types and costs are subject to change over time.
purposes of determining the Estimated Payment. The Budgeted Net Allocable Costs are calculated as the **Budgeted Total Allocable Costs** (subject to the **Annual Budget Inflator Cap**) less **Budgeted Total Non-Licensing Revenue**. The Budgeted Total Allocable Costs exclude any amount expended by the County as Transition Funding Credits, Resident Use Credits, or Impact Mitigation Credits (described in **Exhibit C-4**) or to provide Transitional Licensing Revenue Support Services (described in Section 7). The calculation of Budgeted Net Allocable Costs, Budgeted Total Allocable Costs and Budgeted Total Non-Licensing Revenue for purposes of calculating the Estimated 2010 Payments is set forth in **Exhibit C-3**.

**“Total Licensing Revenue”** means all revenue received by the County’s Animal Services System attributable to the sale of pet licenses excluding late fees. With respect to each Contracting Party, the amount Licensing Revenue is the revenue generated by the sale of pet licenses to residents of the jurisdiction. (With respect to the County, the jurisdiction is the unincorporated area of King County.) The value of Estimated Licensing Revenue for each Contracting Party for purposes of calculating the Estimated 2010 Payment includes amounts estimated to be generated from Transitional Licensing Revenue Support Services, and is shown on **Exhibit C-1**.

**“Total Non-Licensing Revenue”** means all revenue from fine, forfeitures, and all other fees and charges received by the County's Animal Services system, excluding Total Licensing Revenue.

**“Transitional Licensing Support Services”** means activities to be undertaken in specific cities in 2010 to enhance licensing revenues, per Section 7 of the Agreement.

**“Annual Budget Inflator Cap”** means the maximum amount by which the Budgeted Total Allocable Costs may be increased from one Service Year to the next Service Year, and year to year, which is calculated as the rate of inflation (based on the annual change in the September CPI-U for the Seattle-Tacoma-Bremerton area over the rate the preceding year) plus the rate of population growth for the preceding year for the County (including only the unincorporated area) plus all Contracting Cities, as identified by comparing the two most recently published July OFM city and county population reports. The cost allocations to individual services (e.g. Control Services, Shelter Services or Licensing Services) or specific items within those services may be increased or decreased from year to year in so long as the Budgeted Total Annual Allocable Costs do not exceed the Annual Budget Inflator Cap. Similarly, the Estimated Payment for any Party will increase or decrease from Service Year to Service Year based on that Party’s population and usage of Animal Services from year to year.
“Service Year” is the calendar year in which Animal Services are/were provided. (In 2010, the Service Year is the period from July 1, 2010 –December 31, 2010; the Estimated Payment calculation shown in Exhibit C is based on annualized costs).

“Calculation Period” is the time period from which data is used to calculate the Estimated Payment. The Calculation Period differs by formula component and Service Year. In Service Years 2010 and 2011, the Calculation Period for Calls for Service (“CFS”), Animals (“A”), or Licenses Issued (“I”) (all as further defined below) is based on multiple year averages as detailed in Exhibit C-6. For Service Year 2012 and beyond (if the Agreement is extended into an additional 2-year term), the Calculation Period is the year that is two calendar years prior to the Service Year (thus, for Service Year 2012, the Calculation Period is 2010). Exhibit C-6 summarizes in table form the Calculation Periods for the usage and population factors for Service Years 2010, 2011 and 2012.

“Population” with respect to any Contracting Party for any Service Year means the population number derived from the State Office of Financial Management (OFM) most recent annually published report of population to be used for purposes of allocation of state shared revenues in the subsequent calendar year (typically published by OFM each July, reflecting final population estimates as of April of the same calendar year). The OFM reported population will be adjusted for annexations of 2,500 or more residents. For example, when the final Estimated Payment calculation for 2012 is provided on December 15, 2011, the population numbers used will be from the OFM report issued in July 2011 and will be adjusted for all annexations of 2,500 or more residents that occurred (or will occur) between April 1 and December 31, 2011. By way of further example, the reconciliation of the 2012 payment (calculated in June 2013) will incorporate adjusted population numbers based on the OFM population report issued in July 2012 adjusted for all annexations of 2,500 or more residents that occurred between April 1, 2012 and December 31, 2012. Where annexations occur, the City and County population values will be adjusted pro rata to reflect the portion of the year in which the annexed area was in the City and the portion of the year in which the area was unincorporated. The population of an annexed area will be as determined by the Boundary Review Board, in consultation with the annexing city. The population of the unincorporated area within any District will be determined by the King County demographer. Notwithstanding the foregoing, the population for all potential Contracting Parties for purposes of determining the final Estimated 2010 Payment will be based on the July 2009 OFM report, adjusted for annexations occurring through the end of December 2010, as known as of April, 2010, and shown on Exhibit C-2, and the reconciliation of the Estimated 2010 Payments (calculated in June 2011) will incorporate changes to population as reflected in the 2010 U.S. Census (results expected to be published April 2011).
Exhibit C-1 shows the preliminary calculation of EP for July 1 – December 31, 2010, assuming that the County and all Cities that have expressed interest in signing this Agreement as of May 27, 2010, do in fact approve and sign the Agreement and as a result the Minimum Contract Requirements with respect to all such Cities and the County are met per Section 15.

Component Calculation Formulas:

EC is calculated as follows:

EC = \{[(C \times 0.25) \times 0.5] \times \text{CFS}\} + \{[(C \times 0.25) \times 0.5] \times \text{D-Pop}\}

Where:

“C” is the Budgeted Net Allocable Control Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for Control Services in the Service Year, less the Budgeted Total Non-Licensing Revenue attributable to Control Services in the Service Year (for example, fines issued in the field). Budgeted Net Allocable Control Services Cost for Service Year 2010 is $1,698,600, calculated as shown on Exhibit C-3, and shall be similarly derived for Service Years after 2010.

“CFS” is the total annual number of Calls for Service for the Service Year for Control Services originating within the City expressed as a percentage of the CFS for all Contract Parties within the same Control District. A Call for Service is defined as a request from an individual, business or jurisdiction for a control service response to a location within the City, or a response initiated by an Animal Control Officer in the field, which is entered into the County’s data system (at the Animal Services call center or the sheriff’s dispatch center acting as back-up to the call center) as a request for service. Calls for information, hang-ups and veterinary transfers are not included in the calculation of Calls for Service. A response by an Animal Control Officer pursuant to an Enhanced Control Services Contract will not be counted as a Call for Service. For purposes of determining the Estimated Payment in 2010 and 2011, the Calculation Period for CFS is the 3-year period from 2007-2009, resulting in an annual average number of Calls for Service for the City and each Contracting Party as shown on Exhibit C-2.

“D-Pop” is the Population of the City, expressed as a percentage of the Population of all jurisdictions within the applicable Control District.
ES is calculated as follows:

If, as of the effective date of this Agreement, the City has entered into a contract for shelter services with the Progressive Animal Welfare Society (PAWS) in Lynnwood, WA, then, for so long as such contract remains in effect, the City will not pay a share of shelter costs associated with shelter usage ("A" as defined below) and instead the Estimated Payment will include a reduced population-based charge reflecting the regional shelter benefits nonetheless received by such City, calculated as follows (the components of this calculation are defined as described below).

\[ ES = \frac{(S \times .5 \times \text{Pop})}{2} \]

If the City does not qualify for the reduced population-based shelter charge, ES is determined as follows:

\[ ES = [S \times .5 \times \text{Pop}] + (\text{ESP} \times \text{Pop}^2) + (S \times .5 \times A) \]

Where:

"S" is the Budgeted Net Allocable Shelter Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for Shelter Services less Budgeted Total Non-Licensing Revenue attributable to Shelter operations (i.e., adoption fees, microchip fees, impound fees, owner-surrender fees, from all Contracting Parties) in the Service Year. The Budgeted Net Allocable Shelter Services Cost for purposes of calculating Estimated 2010 Payments is $3,004,900 as shown on Exhibit C-3, and shall be similarly derived for Service Years after 2010.

"ESP" is the sum of all reduced shelter costs payable in the Service Year by all cities qualifying for such reduced charge.

"Pop" is the population of the City expressed as a percentage of the Population of all Contracting Parties.

"Pop^2" is the Population of the City expressed as a percentage of the Population of all Contracting Parties that do not qualify for the reduced population-based shelter charge.

"A" is the total number of animals that were: (1) picked up by County Animal Control Officers from within the City, (2) delivered by a City resident to the County shelter, or (3) delivered to the shelter that are owned by a resident of the City expressed as a percentage of the total number of animals in the County Shelter during the Calculation Period. For
purposes of the Estimated Payment in 2010 and 2011, the Calculation Period for “A” is the two year period of 2008 and 2009, resulting in an average annual shelter usage number for the City and each Contracting Party as shown in Exhibit C-2.

**EL is calculated as follows:**

$$EL = [(L \times 0.5 \times Pop) + (L \times 0.5 \times I)]$$

Where:

“**L**” is the Budgeted Net Licensing Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for License Services in the Service Year less Budgeted Total Non-Licensing Revenue attributable to License Services (for example, pet license late fees) in the Service Year. The Budgeted Net Licensing Cost for purposes of calculating Estimated 2010 Payments is $898,400, calculated as shown on Exhibit C-3, and shall be similarly derived for Service Years after 2010.

“**Pop**” is the Population of the City expressed as a percentage of the population of all Contracting Parties.

“**I**” is the number of active paid regular pet licenses (e.g., excluding ‘buddy licenses” or temporary licenses) issued to City residents during the Calculation Period. For purposes of calculating the Estimated Payment in 2010 and 2011, the Calculation Period for “**I**” is the three year period from 2007-2009, and the resulting average annual number of licenses as so calculated for the City and each Contracting Party is shown on Exhibit C-2.
### Exhibit 1

#### Preliminary Estimated 2010 Payment (Annualized) (1)

(Showing participation only of those jurisdictions that have expressed interest as of May 27, 2010 in contracting for either 6 months or 2.5 years)

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<td><strong>SUBTOTAL FOR CITIES IN 220 (excludes unincorporated area)</strong></td>
<td></td>
<td>$253,781</td>
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<td>$153,816</td>
<td>$761,738</td>
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<td>$228,110</td>
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<tr>
<td>240</td>
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<td>$158,415</td>
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<tr>
<td></td>
<td>Kirkland</td>
<td>$49,959</td>
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<td><strong>SUBTOTAL FOR CITIES IN 240 (excludes unincorporated area)</strong></td>
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<td>$551,232</td>
<td>$-527,349</td>
<td>$0</td>
<td>$0</td>
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</table>

**TOTAL FOR CITIES**

|                             |                             | $1,169,012                               | $2,575,809                                   | $618,285                                 | $4,045,106                                     | $2,840,523            | $-2,004,582                   | $0                        | $0          | $0                                                       | $0                                                             | $0                  |

**Total King County Uncorporated Area Allocation**

|                             |                             | $529,486                                 | $747,091                                     | $280,115                                 | $1,256,694                                     | $1,028,252            | $551,232                         | $-527,349                 | $0          | $0                                                       | $0                                                             | $0                  |

**King County Transitional Costs**

- One-Time Implementation Costs (3) $-2,542,550
- Other Operational and Reform Effort Costs (9) $-353,187
- Transition Funding for Cities $-550,000
- Credits $-279,527

**TOTAL FOR KING COUNTY** $-2,532,547

Source: KCC Office of Management and Budget and Animal Care and Control

Date: May 31, 2010

Document Dated 5-31-10
Notes:
2. One quarter of control services costs are allocated to each control district, then costs are further allocated 50% by total call volume (averaged from 2007-2009) and 50% by 2009 population.
3. This excludes the cost to northern cities of sheltering their animals at PAWS under separate contracts. Shelter costs are allocated 50% by King County shelter volume intake (averaged for 2008-2009) and 50% by 2009 population. Values for northern cities anticipating using PAWS for sheltering include only the 50% population allocation.
4. Licensing costs are allocated 50% by population and 50% by total number of active licenses (average 2007-2009).
5. Transition funding is allocated per capita in a two tier formula to cities with certain per capita net cost allocations. Licensing support is allocated to the five cities with the lowest per capita licensing revenue. For additional detail, see Exhibit C-4.
6. Credits include (1) the Resident Usage Credit, which limits the cost allocation in the regional model to no more than 20% greater than the charge would be under the usage only model for all cities whose net cost is greater than $5,000 and (2) the Impact Mitigation Credit which limits overall net cost increases from cities opting out of the model to not more 10% greater than in the previous model. See Exhibit C-4 for more details.
7. Newcastle did not license with King County in 2009. The revenue value provided here assumes the 400 licenses issued by Newcastle in 2009 being issued at King County licensing costs.
8. One-time costs associated with model implementation include contract negotiation, IT system upgrade, and transitional licensing support.
9. Other operational costs include services for the mainframe systems and crossroads facility lease, King County unincorporated area only marketing efforts, and various salary and wage contingency elements. Costs associated with enhanced services contracts are revenue backed and are not reported here. Reform efforts include changes to the clinic reporting structure, hiring consultants to review reform progress, and adding an administrator to support reform efforts. Reform efforts also include hiring an additional vet tech, however, this position will be funded by donations and therefore the cost is not reported here.

### Estimated Final Net Costs for Northern Cities Contracting with PAWS, Including PAWS Sheltering Costs

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Estimated Final Net Cost</th>
<th>Estimated Cost for PAWS Sheltering</th>
<th>Estimated Final Net Cost Including PAWS Costs</th>
<th>Potential Credit Up To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bothell</td>
<td>$12,435</td>
<td>$13,665</td>
<td>$15,665</td>
<td>$15,665</td>
</tr>
<tr>
<td>Bothell</td>
<td>$12,469</td>
<td>$7,165</td>
<td>$8,165</td>
<td>$8,165</td>
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<tr>
<td>Lake Forest Park</td>
<td>$35,527</td>
<td>$3,150</td>
<td>$3,780</td>
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<tr>
<td>Shoreline</td>
<td>$29,362</td>
<td>$22,575</td>
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<td>$27,090</td>
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<tr>
<td>Woodinville</td>
<td>$5,403</td>
<td>$6,600</td>
<td>$7,920</td>
<td>$7,920</td>
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</tbody>
</table>

Exhibit 1

Exhibit C-1, cont’d.
### Exhibit 1

<table>
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<tr>
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<td>$300,594</td>
<td>$300,594</td>
<td>$300,594</td>
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<td>$300,594</td>
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<td>$373,309</td>
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<td>Kent (includes Northshore Fire District)</td>
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<td>$300,594</td>
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<tr>
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<td>Redmond</td>
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<td>$373,309</td>
<td>$373,309</td>
<td>$373,309</td>
<td>$373,309</td>
<td>$373,309</td>
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<tr>
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<td>Sammamish</td>
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<td>$373,309</td>
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<tr>
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<td>$373,309</td>
<td>$373,309</td>
<td>$0</td>
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<tr>
<td></td>
<td>Renton</td>
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<td>$373,309</td>
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<tr>
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<td>$0</td>
<td>$373,309</td>
</tr>
</tbody>
</table>

### Exhibit C-1(A)

**Implied 2011 Payments for Section 15a.2 (1)**

(Showing participation only of those jurisdictions that have expressed interest as of May 27, 2010 in contracting for 2.5 years - actual estimated 2011 payments will be different, based on adjustments for 2011 budgeted total allocable costs, revenues, and the application of budget inflator cap)

<table>
<thead>
<tr>
<th>Control</th>
<th>Shelter</th>
<th>Licensing</th>
<th>Total Allocable Costs</th>
<th>Budgeted Non-Licensing Revenues</th>
<th>Budgeted Net Allocable Costs</th>
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<tr>
<td>$1,705,000</td>
<td>$3,207,400</td>
<td>$943,400</td>
<td>$5,855,800</td>
<td>$6,500,000</td>
<td>$6,509,500</td>
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<td>$3,207,400</td>
<td>$943,400</td>
<td>$5,855,800</td>
<td>$6,500,000</td>
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<td>$943,400</td>
<td>$5,855,800</td>
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<td>$6,500,000</td>
<td>$6,509,500</td>
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**Credits (6)**

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<th>King County Transitional Costs</th>
<th>Other Time Implementation Costs (8)</th>
<th>Other Operational and Reform Effort Costs (9)</th>
<th>Transition Funding for Cities</th>
<th>Credits</th>
</tr>
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<tr>
<td>$1,705,000</td>
<td>$3,207,400</td>
<td>$943,400</td>
<td>$5,855,800</td>
<td>$6,500,000</td>
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<tr>
<td>$3,207,400</td>
<td>$943,400</td>
<td>$5,855,800</td>
<td>$6,500,000</td>
<td>$6,509,500</td>
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<tr>
<td>$943,400</td>
<td>$5,855,800</td>
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<td>$6,509,500</td>
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<tr>
<td>$5,855,800</td>
<td>$6,500,000</td>
<td>$6,509,500</td>
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</table>

**Estimated Net Final Cost**

| TOTAL FOR KING COUNTY | $2,568,997 |

Source: KC Office of Management and Budget and Animal Care and Control

Date: May 31, 2010
Notes:
4. Licensing costs are allocated 50% by population and 50% by total number of active licenses (average 2007-2009).
5. Transition funding is allocated per capita in a two-tier formula to cities with certain per capita net cost allocations. Licensing support is allocated to the five cities with the lowest per capita licensing revenue. For additional detail, see Exhibit C-4 for more information.
6. Credits include (1) the Resident Usage Credit, which limits the cost allocation in the regional model to no more than 20% greater than the charge would be under the usage only model for all cities whose net cost is greater than $5,000 and (2) the Impact Mitigation Credit which limits overall net cost increases from cities opting out of the model to not more than 10% greater than in the previous model. See Exhibit C-4 for more detail.
7. Newcastle did not license with King County in 2009. The revenue value provided here assumes the 400 licenses issued by Newcastle in 2009 being issued at King County licensing costs.
8. One-time costs associated with model implementation include contract negotiation, IT system upgrade, and transitional licensing support.
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### Estimated Final Net Costs for Northern Cities Contracting with PAWS, Including PAWS Sheltering Costs

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Estimated Final Net Cost</th>
<th>Estimated Cost for PAWS Sheltering</th>
<th>Estimated Final Net Cost Including PAWS Costs</th>
<th>Potential Credit Up To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bothell</td>
<td>$19,842</td>
<td>$7,970</td>
<td>$8,389</td>
<td>$0</td>
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<tr>
<td>Kenmore</td>
<td>$33,479</td>
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<td>$9,650</td>
<td>$0</td>
</tr>
<tr>
<td>Lake Forest Park</td>
<td>$33,479</td>
<td>$9,170</td>
<td>$9,650</td>
<td>$90</td>
</tr>
<tr>
<td>Shoreline</td>
<td>$19,842</td>
<td>$22,575</td>
<td>$27,090</td>
<td>$30,329</td>
</tr>
<tr>
<td>Woodinville</td>
<td>$3,460</td>
<td>$6,600</td>
<td>$7,240</td>
<td>$4,373</td>
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</table>

### Estimated Final Net Costs for Northern Cities Contracting with PAWS, Including PAWS Sheltering Costs

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Estimated Final Net Cost</th>
<th>Estimated Cost for PAWS Sheltering</th>
<th>Estimated Final Net Cost Including PAWS Costs</th>
<th>Potential Credit Up To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bothell</td>
<td>$19,842</td>
<td>$7,970</td>
<td>$8,389</td>
<td>$0</td>
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<tr>
<td>Kenmore</td>
<td>$33,479</td>
<td>$9,170</td>
<td>$9,650</td>
<td>$0</td>
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<tr>
<td>Lake Forest Park</td>
<td>$33,479</td>
<td>$9,170</td>
<td>$9,650</td>
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<td>$30,329</td>
</tr>
<tr>
<td>Woodinville</td>
<td>$3,460</td>
<td>$6,600</td>
<td>$7,240</td>
<td>$4,373</td>
</tr>
</tbody>
</table>
### Exhibit C-2
Population, Calls for Service, Shelter Use and Licensing Data for Jurisdictions, Used to Derive the Preliminary and Final Estimated 2010 Payment

**Source:** KC Office of Management and Budget and Animal Care and Control

**Date:** May 27, 2010

### Proposed Districts

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Population (1)</th>
<th>3-Year Average Control Calls</th>
<th>2-Year Average Shelter Intake</th>
<th>2-Year Average Active Licenses</th>
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</thead>
<tbody>
<tr>
<td>Bothell (2)</td>
<td>33,240</td>
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<td>NA</td>
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<tr>
<td>Carnation</td>
<td>1,910</td>
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<td>28</td>
<td>206</td>
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<tr>
<td>Duvall</td>
<td>5,986</td>
<td>41</td>
<td>20</td>
<td>775</td>
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<tr>
<td>Estimated Unincorporated King County</td>
<td>103,400</td>
<td>600</td>
<td>(see total below)</td>
<td>(see total below)</td>
</tr>
<tr>
<td>Kenmore</td>
<td>20,450</td>
<td>176</td>
<td>NA</td>
<td>2,846</td>
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<tr>
<td>Kirkland</td>
<td>49,010</td>
<td>286</td>
<td>138</td>
<td>4,995</td>
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<td>Lake Forest Park</td>
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<td>4,719</td>
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<td>(see total below)</td>
<td>(see total below)</td>
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<td>62</td>
<td>21</td>
<td>400</td>
</tr>
<tr>
<td>Newcastle</td>
<td>4,760</td>
<td>59</td>
<td>39</td>
<td>548</td>
</tr>
<tr>
<td>North Bend</td>
<td>9,730</td>
<td>46</td>
<td>35</td>
<td>771</td>
</tr>
<tr>
<td>Snoqualmie</td>
<td>965</td>
<td>3</td>
<td>1</td>
<td>112</td>
</tr>
<tr>
<td>Yarrow Pt</td>
<td>48,200</td>
<td>750</td>
<td>(see total below)</td>
<td>(see total below)</td>
</tr>
<tr>
<td>Burien (includes North Highline Area X Annexation)</td>
<td>113,180</td>
<td>2,481</td>
<td>9,996</td>
<td></td>
</tr>
<tr>
<td>Kent (Includes Panther Lake Annexation)</td>
<td>10,300</td>
<td>1,242</td>
<td>3,451</td>
<td></td>
</tr>
<tr>
<td>SeaTac</td>
<td>18,170</td>
<td>373</td>
<td>268</td>
<td>1,207</td>
</tr>
<tr>
<td>Algona</td>
<td>67,485</td>
<td>672</td>
<td>1,191</td>
<td>5,325</td>
</tr>
<tr>
<td>Auburn</td>
<td>4,180</td>
<td>55</td>
<td>59</td>
<td>465</td>
</tr>
<tr>
<td>Black Diamond</td>
<td>17,530</td>
<td>297</td>
<td>197</td>
<td>2,260</td>
</tr>
<tr>
<td>Covington</td>
<td>11,460</td>
<td>175</td>
<td>191</td>
<td>1,017</td>
</tr>
<tr>
<td>Enumclaw</td>
<td>59,700</td>
<td>750</td>
<td>(see total below)</td>
<td>(see total below)</td>
</tr>
<tr>
<td>Maple Valley</td>
<td>20,840</td>
<td>220</td>
<td>173</td>
<td>2,250</td>
</tr>
<tr>
<td>Pacific</td>
<td>758,255</td>
<td>6,349</td>
<td>5,769</td>
<td>74,854</td>
</tr>
<tr>
<td>King County Unincorporated Area Totals</td>
<td>304,100</td>
<td>1,360</td>
<td>38,156</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>1,062,355</strong></td>
<td><strong>9,399</strong></td>
<td><strong>7,129</strong></td>
<td><strong>113,110</strong></td>
</tr>
</tbody>
</table>

1. Population and usage values have been adjusted to include 2010 annexations with effective dates of July 1, 2010 or earlier (i.e., Burien, Panther Lake).
2. Bothell is opting for a 6 month option. They will not be included in allocations for 2011 and 2012.
**Exhibit C-3**

Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

This Exhibit Shows the Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs to derive Estimated 2010 Payments. All values shown are based on annualized costs and revenues. The staffing levels incorporated in this calculation are for year 2010 only and except as otherwise expressly provided in the Agreement may change from year to year as the County determines may be appropriate to achieve efficiencies, etc.

**Control Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs**

The calculation of 2010 (Annualized) Control Services Costs is shown below (all costs in 2010 dollars).

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>Cost Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Service Management Staff Costs</td>
<td>$109,400</td>
</tr>
<tr>
<td>Direct Service Field Staff Costs</td>
<td>$683,300</td>
</tr>
<tr>
<td>Call Center Direct Service Staff Costs</td>
<td>$209,300</td>
</tr>
<tr>
<td>Overtime, Duty, Shift Differential and Temp Costs</td>
<td>$71,500</td>
</tr>
<tr>
<td>Facilities Costs</td>
<td>$10,200</td>
</tr>
<tr>
<td>Office and Other Operational Supplies and Equipment</td>
<td>$22,900</td>
</tr>
<tr>
<td>Printing, Publications, and Postage</td>
<td>$45,000</td>
</tr>
<tr>
<td>Medical Costs</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other Services</td>
<td>$80,000</td>
</tr>
<tr>
<td>Transportation</td>
<td>$155,000</td>
</tr>
<tr>
<td>Communications Costs</td>
<td>$35,600</td>
</tr>
<tr>
<td>IT Costs and Services</td>
<td>$57,500</td>
</tr>
<tr>
<td>Misc Direct Costs</td>
<td>$25,400</td>
</tr>
<tr>
<td>General Fund Overhead Costs</td>
<td>$17,400</td>
</tr>
<tr>
<td>Division Overhead Costs</td>
<td>$111,300</td>
</tr>
<tr>
<td>Other Overhead Costs</td>
<td>$46,200</td>
</tr>
<tr>
<td>2010 Budgeted Total Allocable Control Services Cost</td>
<td>$1,705,000</td>
</tr>
<tr>
<td>Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Control Services</td>
<td>$6,500</td>
</tr>
<tr>
<td>2010 Budgeted Net Allocable Control Services Cost</td>
<td>$1,698,500</td>
</tr>
</tbody>
</table>
NOTES:
1. Management direct service staff consists of 0.40 FTE Animal Care and Control Manager, 0.40 FTE Operations Manager, and 0.17 Information Technology Manager.
2. Direct Service Field Staff Costs consist of 1.00 FTE Animal Control Officer Sergeant, 1.00 FTE Animal Control Officer Cruelty Sergeant, 6.00 FTE Animal Control Officers.
3. Call center costs for 1.00 FTE Administrative Assistant/Lead and 2.00 FTE call takers.
4. These additional salary costs support complete response to calls at the end of the day, limited response to emergency calls after hours, and extra help during peak call times.
5. Facilities costs include maintenance and utilities for a portion (5%) of the Kent Shelter (which houses the call center staff operations and records retention as well as providing a base station for field officers). Excludes all costs associated with the Crossroads facility.
6. This item includes the office supplies required for both the call center as well as a wide variety of non-computer equipment and supplies related to animal control field operations (e.g., uniforms, tranquilizer guns, boots, etc.).
7. This cost element consists of printing and publication costs for various materials used in the field for animal control.
8. Medical costs include the cost for ambulance and hospital care for animals requiring emergency services.
9. Services for animal control operations vary by year but consist primarily of consulting vets and laboratory costs associated with cruelty cases.
10. Transportation costs include the cost of the maintenance, repair, and replacement of the animal care and control vehicles and cabs, fuel, and reimbursement for occasional job-related use of a personal vehicle.
11. Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.
12. Information technology direct costs include IT equipment replacement as well as direct services costs. Excludes approximately $50,000 in service costs associated with mainframe systems.
13. Miscellaneous direct costs consist of all animal control costs not listed above including but not limited to contingency, training, certification, and bad checks.
14. General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.
15. Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.
16. Other overhead costs include IT, telecommunications, finance, and property services.
17. Non-licensing revenue attributable to field operations include animal control violation penalties, charges for field pickup of deceased/owner relinquished animals, and fines for failure to license.
Shelter Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

The calculation of 2010 (Annualized) Shelter Services Costs is shown below (all costs in 2010 dollars).

<table>
<thead>
<tr>
<th></th>
<th>Cost Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Direct Service Management Staff Costs</td>
</tr>
<tr>
<td>2</td>
<td>Direct Service Shelter Staff Costs</td>
</tr>
<tr>
<td>3</td>
<td>Direct Service Clinic Staff Costs</td>
</tr>
<tr>
<td>4</td>
<td>Overtime, Duty, Shift Differential and Temp Costs</td>
</tr>
<tr>
<td>5</td>
<td>Facilities Costs</td>
</tr>
<tr>
<td>6</td>
<td>Office and Other Operational Supplies and Equipment</td>
</tr>
<tr>
<td>7</td>
<td>Printing, Publications, and Postage</td>
</tr>
<tr>
<td>8</td>
<td>Medical Costs</td>
</tr>
<tr>
<td>9</td>
<td>Other Services</td>
</tr>
<tr>
<td>10</td>
<td>Transportation</td>
</tr>
<tr>
<td>11</td>
<td>Communications Costs</td>
</tr>
<tr>
<td>12</td>
<td>IT Costs and Services</td>
</tr>
<tr>
<td>13</td>
<td>Misc Direct Costs</td>
</tr>
<tr>
<td>14</td>
<td>General Fund Overhead Costs</td>
</tr>
<tr>
<td>15</td>
<td>Division Overhead Costs</td>
</tr>
<tr>
<td>16</td>
<td>Other Overhead Costs</td>
</tr>
<tr>
<td></td>
<td>2010 Budgeted Total Allocable Shelter Services Cost</td>
</tr>
<tr>
<td>17</td>
<td>Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Shelter Services</td>
</tr>
<tr>
<td></td>
<td>2010 Budgeted Net Allocable Shelter Services Cost</td>
</tr>
</tbody>
</table>

NOTES:

1. Management direct service staff consists of 0.60 FTE Animal Care and Control Manager, 0.60 FTE Operations Manager, and 0.17 Information Technology Manager.
2. Direct Service Shelter Staff Costs consist of 2.00 FTE Animal Control Officer Sergeants, 12.00 FTE Animal Control Officers, 1.00 FTE Placement Specialist, 1.00 FTE Volunteer Coordinator.
3. Direct Service Clinic Staff Costs consist of 2.00 FTE veterinarians and 2.00 FTE veterinarian techs.
4 These additional salary costs support complete processing of animals received late in the day, extra help during kitten season, and limited backfill for vet and vet techs when on vacation.

5 Facilities costs include maintenance and utilities for the majority (95%) of the Kent Shelter (which also houses the call center staff operations and records retention as well as providing a base station for field officers). It excludes all costs associated with the Crossroads facility.

6 This item includes the office supplies as well as a wide variety of non-computer equipment and supplies related to animal care (e.g., uniforms, food, litter, etc.).

7 This cost element consists of printing and publication costs for various materials used at the shelter.

8 Medical costs include the cost for ambulance and hospital care for animals requiring emergency services as well as the cost for consulting vets, laboratory costs, medicine, and vaccines.

9 Services for animal control operations vary by year but include costs such as shipping of food provided free of charge and sheltering of large animals.

10 Transportation costs include the cost of the maintenance, repair, and replacement of and fuel for the animal care and control vehicles used by the shelter to facilitate adoptions, as well as reimbursement for occasional job-related use of a personal vehicle.

11 Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.

12 Information technology direct costs include IT equipment replacement as well as direct services costs.

13 Miscellaneous direct costs consist of all animal care costs not listed above including but not limited to contingency, training, certification, and bad checks.

14 General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.

15 Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.

16 Other overhead costs include IT, telecommunications, finance, and property services.

17 Non-licensing revenue attributable to sheltering operations include impound fees, microchip fees, adoption fees, and owner relinquished euthanasia costs.
### Licensing Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

The calculation of 2010 (Annualized) Licensing Services Costs is shown below (all costs in 2010 dollars).

<table>
<thead>
<tr>
<th></th>
<th>Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Direct Service Management Staff Costs</td>
</tr>
<tr>
<td>2</td>
<td>Direct Service Licensing Staff Costs</td>
</tr>
<tr>
<td>3</td>
<td>Overtime, Duty, Shift Differential and Temp Costs</td>
</tr>
<tr>
<td>4</td>
<td>Facilities Costs</td>
</tr>
<tr>
<td>5</td>
<td>Office and Other Operational Supplies and Equipment</td>
</tr>
<tr>
<td>6</td>
<td>Printing, Publications, and Postage</td>
</tr>
<tr>
<td>7</td>
<td>Other Services</td>
</tr>
<tr>
<td>8</td>
<td>Communications Costs</td>
</tr>
<tr>
<td>9</td>
<td>IT Costs and Services</td>
</tr>
<tr>
<td>10</td>
<td>Misc Direct Costs</td>
</tr>
<tr>
<td>11</td>
<td>General Fund Overhead Costs</td>
</tr>
<tr>
<td>12</td>
<td>Division Overhead Costs</td>
</tr>
<tr>
<td>13</td>
<td>Other Overhead Costs</td>
</tr>
<tr>
<td>14</td>
<td>2010 Budgeted Total Allocable Licensing Services Cost</td>
</tr>
<tr>
<td>15</td>
<td>Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Licensing Services</td>
</tr>
<tr>
<td>16</td>
<td>2010 Budgeted Net Allocable Licensing Services Cost</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Management direct service staff consists of 0.17 Information Technology Manager and 0.33 Licensing Section Manager.
2. Direct Service Licensing Staff Costs consist of 0.5 FTE Pet License Supervisor, 1.00 FTE Sales and Marketing Manager, 2.80 FTE Customer Specialists, 1.00 FTE Fiscal Specialist, and 1.00 Administration Assistant.
3. These additional salary costs support overtime costs as well as a limited non-jurisdiction specific marketing effort. These costs do not include the enhanced transitional licensing support to be provided by King County to certain cities.
4. Facilities costs include maintenance and utilities for the portion of the King County Administration building occupied by the pet licensing staff and associated records.
5. This item includes the office supplies required for the licensing call center.
6. This cost element consists of printing, publication, and distribution costs for various materials used to promote licensing of pets, including services to prepare materials for mailing.
Services for animal licensing operations include the purchase of tags and monthly fees for online pet licensing hosting.

Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.

Information technology direct costs include IT equipment replacement as well as direct services costs. Excludes approximately $120,000 in service costs associated with mainframe systems.

Miscellaneous direct costs consist of all pet licensing costs not listed above including but not limited to training, certification, transportation, and bad checks.

General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.

Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.

Other overhead costs include IT, telecommunications, finance, and property services.

Non-licensing revenue attributable to licensing operations consists of licensing late fees.
Transition Funding Credit

The Transition Funding Credit has been calculated to offset costs to certain cities on a declining basis over four years. Cities qualifying for this credit, as shown below, are those that under the basic Animal Services cost allocation formula (allocating costs generally based half on population and half on usage), would pay the highest per capita costs in 2010.

To determine the initial level of the Transition Funding Credit, $250,000 has been allocated to Cities with preliminary estimated 2010 cost allocations (before considering offsetting Licensing Revenue) exceeding $6 per capita; an additional $400,000 was allocated to the Cities with preliminary estimated 2010 cost allocations (before considering offsetting Licensing Revenue) exceeding $8 per capita. (The per capita cost allocations used to qualify for this credit may be derived from Exhibit C-1 in column caption “Estimated Total Cost Allocation” divided by the population for the jurisdiction as shown in Exhibit C-2.)

The Transition Funding Credit declines over time: 50% of the annual amount (since the service year is six months, rather than a full year) is allocable to each qualifying City in calculating the Estimated 2010 Payment; 100% of the amount is allocable again in calculating the 2011 Estimated Payment; 66% of the amount is allocable in 2012. If the Agreement is extended for an additional two years, 33% of the amount is available in 2013; no Transition Funding Credit is allocable in 2014.

The credit is only available to a qualifying City if that City has agreed to a 2.5 Year Agreement. Application of the credit can never result in the Estimated Payment Amount being less than zero ($0) (i.e., cannot result in the County owing the City an Estimated Payment).

The allocation of the Transition Funding Credit is shown in Table 1 below.
Table 1: Transition Funding Credit – Initial Contract Period and Extension Period

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Initial 2 1/2-Year Contract Period</th>
<th>2-Year Extension Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2010 Transition Funding (1/2 year)</td>
<td>2011 Transition Funding</td>
</tr>
<tr>
<td>Carnation</td>
<td>$836</td>
<td>$1,674</td>
</tr>
<tr>
<td>North Bend</td>
<td>$2,086</td>
<td>$4,172</td>
</tr>
<tr>
<td>Kent</td>
<td>$167,417</td>
<td>$334,834</td>
</tr>
<tr>
<td>SeaTac</td>
<td>$11,275</td>
<td>$22,551</td>
</tr>
<tr>
<td>Tukwila</td>
<td>$7,962</td>
<td>$15,925</td>
</tr>
<tr>
<td>Auburn</td>
<td>$99,824</td>
<td>$199,649</td>
</tr>
<tr>
<td>Black Diamond</td>
<td>$1,832</td>
<td>$3,664</td>
</tr>
<tr>
<td>Covington</td>
<td>$7,682</td>
<td>$15,364</td>
</tr>
<tr>
<td>Enumclaw</td>
<td>$16,592</td>
<td>$33,903</td>
</tr>
<tr>
<td>Maple Valley</td>
<td>$9,133</td>
<td>$18,265</td>
</tr>
</tbody>
</table>

Notes:
1. The transitional funding credit is the same regardless of which cities sign an Agreement.

**Resident Usage Credit**

The Resident Usage Credit has been calculated to offset the costs of certain cities agreeing to a 2.5 year Agreement that have a low use of King County animal services relative to their population. The amount of the credit is different depending on whether the City of Bothell is receiving service during a given Service Year. The credit has been determined by comparing the estimated cost Cities would pay on an annualized basis in 2010 if the regional payment model was based solely on usage (including estimated costs payable to PAWS by cities that will be contracting for shelter services with PAWS) to the cost payable under the adopted model (which incorporates both usage and population, including estimated costs payable to PAWS by Northern Cities that will be contracting for shelter services with PAWS). The credit is set so that no City that has a Preliminary Estimated 2010 Cost Allocation after considering 2009 Licensing Revenue (as shown in Exhibit C-1 in the column captioned “Estimated Net Cost Allocation”) of over $5,000 (an annualized cost) pays more than 120% above what it would pay under a usage-based model that assumes all cities that expressed interest in participating as of May 5, 2010 sign an Agreement; provided that, a City must sign a 2.5 year Agreement to qualify for the credit; and provided further, that credits are fixed in amount as shown in Table 2 below and will not change regardless of which Cities sign the Agreement. As annualized, the credit is carried forward each year without change through 2012. Application of the credit can never result in the Final Estimated Payments for any Service Year being less than $2,750 for receipt of Animal Services in that year if Bothell is served under an Agreement in such Service Year and not
less than $2,875 for receipt of Animal Services in that year if Bothell is not served (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services). These minimum values are annualized (thus, for example, in 2010, if Bothell is served, the Final Estimated Payments cannot be less than $2750 ÷ 2 = $1,375).

Table 2: Resident Usage Credit (Annualized Values) (1)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>For Service Years in which the City of Bothell Is Receiving Animal Services under an Agreement</th>
<th>For Service Years in Which the City of Bothell Is Not Receiving Animal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirkland</td>
<td>$20,084</td>
<td>$20,433</td>
</tr>
<tr>
<td>Kirkland PAA(2)</td>
<td>$16,465</td>
<td>$16,935</td>
</tr>
<tr>
<td>Redmond</td>
<td>$34,961</td>
<td>$35,692</td>
</tr>
<tr>
<td>Sammamish</td>
<td>$9,140</td>
<td>$14,815</td>
</tr>
<tr>
<td>Bellevue</td>
<td>$91,697</td>
<td>$93,703</td>
</tr>
<tr>
<td>Mercer Island</td>
<td>$25,113</td>
<td>$26,143</td>
</tr>
<tr>
<td>Newcastle</td>
<td>$8,796</td>
<td>$9,071</td>
</tr>
<tr>
<td>Snoqualmie</td>
<td>$3,958</td>
<td>$4,144</td>
</tr>
</tbody>
</table>

Notes:
1. The residential usage credit does not change with time; it only varies based on whether Bothell is receiving services. Thus, if Bothell signs a 6 month Agreement (e.g., ending December 2010), the credit payable in 2010 will be one half the value in column 2 above; the credit payable in 2011 will be the amount in column 3.
2. Kirkland will receive this credit from and after the time the Kirkland PAA is annexed, in addition to the credit noted in the row above labeled “Kirkland.”

Impact Mitigation Credit
The purpose of this credit is to limit the impact to Contracting Cities signing for a 2.5 year Agreement as a result of three cities (Burien, Algona and Pacific) deciding as of May 5, 2010, that they would not participate in the model, as compared to the costs presented to all cities in April, 2010, and assuming all other Cities shown in Exhibit C-1 sign the Agreement. The amount of the credit is sized to ensure that a City’s Preliminary Estimated Payment after applying the Residential Use Credit and the Transition Funding Credit is not greater than 10% more than the Preliminary Estimated 2010 Cost from the April 2010 model and not greater than 15% more than such Cost if Bothell does not contract for service past December 2010; provided that the credit amounts are fixed as shown in Table 3 below and will not change regardless of which Cities sign the Agreement; provided further that only Cities signing a 2.5 year agreement qualify for the
credit; and provided further that application of the credit can never result in the Estimated Payment Amount, of less than $2,750 for receipt of Animal Services in that Service Year if Bothell is served under an Agreement in such Service Year and not less than $2,875 for receipt of Animal Services in that year if Bothell is not served (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services). These minimum values are annualized (thus, for example, in 2010, if Bothell is served, the Final Estimated Payments cannot be less than $2750 ÷ 2 = $1,375).

The allocation of the Impact Mitigation Credit is shown on Table 3.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>For Service Years in which the City of Bothell Is Receiving Animal Services under an Agreement</th>
<th>For Service Years in which the City of Bothell Is Not Receiving Animal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bothell (2)</td>
<td>$475</td>
<td></td>
</tr>
<tr>
<td>Carnation</td>
<td>$81</td>
<td></td>
</tr>
<tr>
<td>Duvall</td>
<td>$865</td>
<td>$1,693</td>
</tr>
<tr>
<td>Kirkland</td>
<td>$10,473</td>
<td>$17,107</td>
</tr>
<tr>
<td>Redmond</td>
<td>$8,098</td>
<td>$12,945</td>
</tr>
<tr>
<td>Shoreline (2)</td>
<td>$4,373</td>
<td></td>
</tr>
<tr>
<td>Woodinville (2)</td>
<td>$1,585</td>
<td></td>
</tr>
<tr>
<td>Bellevue</td>
<td>$1,334</td>
<td>$2,797</td>
</tr>
<tr>
<td>Newcastle</td>
<td>$2,170</td>
<td>$1,498</td>
</tr>
<tr>
<td>Yarrow Point</td>
<td>$35</td>
<td></td>
</tr>
<tr>
<td>Kent</td>
<td>$49,065</td>
<td>$41,536</td>
</tr>
<tr>
<td>SeaTac</td>
<td>$7,953</td>
<td>$4,645</td>
</tr>
<tr>
<td>Tukwila</td>
<td>$5,644</td>
<td>$2,783</td>
</tr>
<tr>
<td>Enumclaw</td>
<td>$169</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. These credits do not change over the period of the Agreement.
2. These credits assume that these cities’ costs to shelter animals at PAWS exceed their estimated rebate by greater than $2,750 in Column 2 situation (Bothell served) and $2,875 in the Column 3 situation (Bothell not served). At reconciliation, if a City with a PAWS shelter contract cannot demonstrate this, it will not receive the credit. Regardless of how great a PAWS shelter contract cost is, the credit cannot exceed the amount shown here.
Exhibit C-5

Transitional Licensing Revenue Support Services Provided in 2010

The Cities that will receive Transitional Licensing Revenue Support Services in 2010 are listed below. These Cities have been selected by determining which cities in 2009 had the lowest per-capita licensing revenue amongst all cities to which the County was then providing animal care and control services, and (as shown in Exhibit C-1).

City of Bellevue
City of Kent
City of SeaTac
City of Tukwila
City of Enumclaw

The Transitional Licensing Revenue Support Services to be provided in 2010 are detailed in Section 7 of the Agreement. The 2010 Estimated Payment for these Cities incorporates the estimated revenue expected to result from these services.
Exhibit C-6:

Summary of Calculation Periods for Use and Population Components

This Exhibit restates in summary table form the Calculation Periods used for calculating the usage and population components in the formulas to derive Estimated Payments. See Exhibit C for complete formulas and definitions of the formula components.

**ER** is estimated Licensing Revenue attributable to the City  
**CFS** is total annual number of Calls for Service originating in the City  
**A** is the number of animals in the shelter attributable to the City  
**I** is the number of active paid regular pet licenses issued to City residents  
**Pop** is Population of the City expressed as a percentage of all Contracting Parties; **D-Pop** is Population of the City expressed as a percentage of the population of all jurisdictions within a Control District

**Calculation Periods -- Service Year 2010**

<table>
<thead>
<tr>
<th>Component</th>
<th>Estimated 2010 Payment (Exhibit C-1)</th>
<th>Final Estimated 2010 Payment</th>
<th>Reconciliation Payment Amount (determined June 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ER</td>
<td>2009</td>
<td>Same</td>
<td>Actual 2010 (July-December)</td>
</tr>
<tr>
<td>CFS</td>
<td>2007-2009</td>
<td>Same</td>
<td>Actual 2010 (July-December)</td>
</tr>
<tr>
<td>A</td>
<td>2008-2009</td>
<td>Same</td>
<td>Actual 2010 (July-December)</td>
</tr>
<tr>
<td>I</td>
<td>2007-2009</td>
<td>Same</td>
<td>Actual 2010 (July-December)</td>
</tr>
<tr>
<td>Pop, D-Pop</td>
<td>July 2009 OFM report, adjusted for annexations known approved to occur in or prior to 2010</td>
<td>Same</td>
<td>US Census (published April 2011)</td>
</tr>
</tbody>
</table>
### Calculation Periods -- Service Year 2011

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ER</td>
<td>2007-2009</td>
<td>Same</td>
<td>Actual 2011</td>
</tr>
<tr>
<td>CFS</td>
<td>2007-2009</td>
<td>Same</td>
<td>Actual 2011</td>
</tr>
<tr>
<td>A</td>
<td>2008-2009</td>
<td>Same</td>
<td>Actual 2011</td>
</tr>
<tr>
<td>I</td>
<td>2007-2009</td>
<td>Same</td>
<td>Actual 2011</td>
</tr>
<tr>
<td>Pop, D-Pop</td>
<td>July 2010 OFM report, adjusted for annexations known approved to occur in or prior to 2011.</td>
<td>Same (corrected if necessary for annexations approved after August 2010 and effective during or before 2011)</td>
<td>July 2011 OFM report, adjusted for annexations approved after April 2011 to take effect in 2011</td>
</tr>
</tbody>
</table>

### Calculation Periods: Service Year 2012

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ER</td>
<td>Actual 2010</td>
<td>Same</td>
<td>Actual 2012</td>
</tr>
<tr>
<td>CFS</td>
<td>Actual 2010</td>
<td>Same</td>
<td>Actual 2012</td>
</tr>
<tr>
<td>A</td>
<td>Actual 2010</td>
<td>Same</td>
<td>Actual 2012</td>
</tr>
<tr>
<td>I</td>
<td>Actual 2010</td>
<td>Same</td>
<td>Actual 2012</td>
</tr>
<tr>
<td>Pop, D-Pop</td>
<td>July 2011 OFM report, adjusted for annexations known approved to occur in 2012.</td>
<td>Same (corrected if necessary for annexations approved after August 2011 and effective during or before 2012)</td>
<td>July 2012 OFM report, corrected if necessary for annexations approved after April 2012 to take effect in 2012</td>
</tr>
</tbody>
</table>
## Exhibit C-7

### Payment and Calculation Schedule

**Service Year 2010** (July 1, 2010 – December 31, 2010)

<table>
<thead>
<tr>
<th>Item</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Estimated 2010 Payment calculation provided to City by County</td>
<td>August 1, 2010</td>
</tr>
<tr>
<td>2010 Estimated Payment payable by City (or County, if a credit is calculated)</td>
<td>January 15, 2011</td>
</tr>
<tr>
<td>Reconciliation Adjustment Amount for 2010 calculated by County; City notified</td>
<td>On or before June 30, 2011</td>
</tr>
<tr>
<td>Reconciliation Adjustment Amount for 2010 payable by City (or County, if a credit is calculated)</td>
<td>August 15, 2011</td>
</tr>
</tbody>
</table>

**Service Year 2011**

<table>
<thead>
<tr>
<th>Item</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary estimate of 2011 Estimated Payments provided to City by County</td>
<td>August 1, 2010</td>
</tr>
<tr>
<td>Final Estimated 2011 Payment calculation provided to City by County</td>
<td>December 15, 2010</td>
</tr>
<tr>
<td>First 2011 Estimated Payment due</td>
<td>June 15, 2011</td>
</tr>
<tr>
<td>Second 2011 Estimated Payment due</td>
<td>December 15, 2011</td>
</tr>
<tr>
<td>2011 Reconciliation Adjustment Amount calculated</td>
<td>On or before June 30, 2012</td>
</tr>
<tr>
<td>2011 Reconciliation Adjustment Amount payable</td>
<td>August 15, 2012</td>
</tr>
</tbody>
</table>

//
//
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//
//
//
//
//
//
//
## Service Year 2012

<table>
<thead>
<tr>
<th>Item</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary estimate of 2012 Estimated Payments provided to City by County, (together with notice of reminder of deadline for giving notice of intent not to automatically extend Agreement an additional two years.)</td>
<td>August 1, 2011</td>
</tr>
<tr>
<td>Final Estimated 2012 Payment calculation provided to City by County</td>
<td>December 15, 2011</td>
</tr>
<tr>
<td>Notice of Intent not to Automatically Extend Agreement due</td>
<td>May 1, 2012</td>
</tr>
<tr>
<td>First 2012 Estimated Payment due</td>
<td>June 15, 2012</td>
</tr>
<tr>
<td>Second 2012 Estimated Payment due</td>
<td>December 1, 2012</td>
</tr>
<tr>
<td>2012 Reconciliation Adjustment Amount calculated</td>
<td>On or before June 30, 2013</td>
</tr>
<tr>
<td>2012 Reconciliation Adjustment Amount payable</td>
<td>On or before August 15, 2013</td>
</tr>
</tbody>
</table>

If the Agreement is extended past December 31, 2012, the schedule is developed in the same manner as described above for years 2011 and 2012.

See Section 4 of Agreement for additional details on Extension of the Agreement Term for an additional two years.

### Dates for remittal to County of pet license sales revenues processed by Cities (per section 3.c)

<table>
<thead>
<tr>
<th>Dates for remittal to County of pet license sales revenues processed by Cities (per section 3.c)</th>
<th>Quarterly, each March 31, June 30, September 30, December 31</th>
</tr>
</thead>
</table>
Exhibit D
Reconciliation

The purpose of the reconciliation calculation is to adjust payments made each Service Year by Contracting Parties to reflect actual use, population, licensing rates and licensing and non-licensing revenue data as compared to the Estimated Payments made. To accomplish this, an Adjusted Payment “AP” calculation is made each June for each Contracting City, using the same formulas from Exhibit C but substituting actual values as described below (with one additional component calculation related to Enhanced Service Contracts).

For Service Year 2010, AP is calculated based on actual values from the six month period of the Agreement from July-December 2010, compared against the 2010 Final Estimated Payment for the same six month period, thus:

\[ EP - AP = R \]

For Service Years 2011 and beyond, AP is an annualized number, and is compared to the total Estimated Payments owed by the Party for the Service Year (“EP x 2”) to determine a Reconciliation Adjustment Amount (“R”), thus:

\[ (EP \times 2) - AP = R \]

The value of “R” can be positive or negative; provided that in no event shall a City receiving a Transition Funding Credit for the Service Year pay less than $0 for receipt of Animal Services in that year, and in no event shall a City receiving a Resident Usage Credit or Impact Mitigation Credit for the Service Year pay less than $2,750 (annualized) for receipt of Animal Services in that year if Bothell is served, nor less than $2,875 (annualized) for receipt of Animal Services in that year if Bothell is not served in such year (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services).

As described in Exhibit C, the amount of the Estimated Payment(s) (“EP”) for each Service Year are derived from applying Budgeted Net Allocable Costs and historical (Calculation Period) use, population and licensing data to the formulas set forth in Exhibit C. These formulas are restated below, substituting actual value components (denoted by an “A” in subscript) for purposes of calculating “AP.” Terms not otherwise defined here have the meanings set forth elsewhere in Exhibit C or the body of the Agreement.
AP = \[AC + AS + AL - AR - T - U - M\]

Where:

\[AC = \{(CA \times 0.25) \times 0.5 \times CFS_A\} + \{(CA \times 0.25) \times 0.5 \times D-Pop_A\} + O\]

\[AS\ (for \ “Northern Cities” \ with \ shelter \ contracts \ with \ PAWS) = (SA \times 0.5 \times Pop_A) \div 2\]

\[AS\ (for \ all \ other \ cities) = [SA \times 0.5 \times Pop_A] + (ESP_A \times Pop_{2A}) + (SA \times 0.5 \times A_A)\]

\[AL = [(LA \times 0.5 \times Pop_A) + (LA \times 0.5 \times I_A)]\]

And where:

“AC” is the City’s adjusted share of the Control Services Cost for the Service Year.

“AS” is the City’s adjusted share of the Shelter Services Cost for the Service Year.

“AL” is the City’s adjusted share of the Licensing Services Cost for the Service Year.

“T” is the Transition Funding Credit, if any, for the Service Year, provided that the Transition Credit will be limited if necessary so that the value of AP is not less than zero.

“U” is the Resident Usage Credit, if any, for the Service Year, provided that the Resident Usage Credit will be limited if necessary so that the value of AP is not less than $2,750 (annualized) for receipt of Animal Services in that year if Bothell is served and not less than $2,875 (annualized) for receipt of Animal Services in that year if Bothell is not served (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services).

“M” is the Impact Mitigation Credit, if any, for the Service Year, provided that the Impact Mitigation Credit will be limited if necessary so that the value of AP is not less than $2,750 (annualized) for receipt of Animal Services in that year if Bothell is served and not less than $2,875 (annualized) for receipt of Animal Services in that year if Bothell is not served (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services).

“AR” is Actual Licensing Revenue attributable to the City, based on actual Licensing Revenues received from residents of the City in the Service Year. (License Revenue that cannot be attributed to a specific Party (e.g., License Revenue associated with incomplete
address information), will be allocated amongst the Parties based on their respective percentages of total AR).

“$Ca$” is Adjusted Budgeted Net Allocable Control Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for Control Services in the Service Year, less the Actual Total Non-Licensing Revenue attributable to Control Services in the Service Year.

“$CFS_a$” is the actual total annual number of Calls for the Service Year for animal control services originating within the City expressed as a percentage of the $CFS_a$ for all Contract Parties within the Control District. Calls responded to by an Animal Control Officer dedicated to the City per an Enhanced Service Contract are not included in the calculation of $CFS_a$.

“$D-Pop_a$” is the Adjusted Population of the City, expressed as a percentage of the Population of all jurisdictions within the applicable Control District (pro-rated if necessary to account for annexations over 2,500 occurring during the Service Year).

“$Pop_a$” is the Adjusted Population of the City expressed as a percentage of the Population of all Contracting Parties (pro-rated if necessary to account for annexations over 2,500 occurring during the Service Year).

“$O$” is the Support Cost Adjustment Factor amount associated with Enhanced Control Service, if any, as further described in Exhibit D-1.

“$Sa$” is the Adjusted Budgeted Net Allocable Shelter Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for Shelter Services less Actual Total Non-Licensing Revenue attributable to Shelter operations (i.e., adoption fees, microchip fees, impound fees, owner-surrender fees, from all Contracting Parties) in the Service Year.

“$ESP_a$” is the sum of all reduced shelter costs allocable to all cities qualifying for such reduced charge in the Service Year (thus incorporating values of $Pop_a$).

“$A_a$” is the sum of the actual number of animals that during the Service Year that were: (1) picked up by County Animal Control Officers from within the City, (2) delivered by a City resident to the County shelter, or (3) delivered to the shelter that are owned by a resident of the City, expressed as a percentage of the total number of animals in the County shelter during the Service Year.
“La” is the Adjusted Budgeted Net Licensing Services Cost for the Service Year, which equals the County’s Budgeted Total Allocable Costs for License Services in the Service Year less Actual Total Non-Licensing Revenue attributable to License Services (for example, pet license late fees) in the Service Year.

“Ia” is the actual number of active paid regular pet licenses (e.g., excluding buddy licenses or temporary licenses) issued to City residents during the Service Year.

If the resulting calculation shows that the City’s AP for the Service Year is less than EP for Service Year 2010 (EP x 2 for Service Years 2011 and beyond), the difference (“R”) shall be paid to the City by the County not later than August 15; provided that R shall be limited such that in no event shall the City pay less than zero for Animal Services for the Service Year if the City received a Transition Credit, and not less than $2750 (annualized) in that year if Bothell is served and not less than $2,875 (annualized) for receipt of Animal Services in that year if Bothell is not served (for Northern Cities with PAWS contracts in effect as of July 1, 2010, calculations are made inclusive of a City’s actual payments for such year to PAWS for shelter services).

If the resulting calculation shows that the City’s AP is more than the EP for the Service Year, the difference (“R”) shall be paid by the City to the County not later than August 15.
Exhibit D-1

Calculation of Support Cost Adjustment Factor
Associated with Enhanced Control Service (“O”)

The Support Cost Adjustment Factor is intended to re-allocate certain indirect costs associated with Animal Control Officers (ACOs) when an Enhanced Control Service Contract is in place for any Contracting Party and the Enhanced Service is being provided during Regular ACO Service Hours as defined in Exhibit A, Part I, Section 2.a.

If a Contracting Party purchases Enhanced Control Service during any part of a Service Year, and that Enhanced Control Service is provided during Regular ACO Service Hours, then a Support Cost Adjustment Factor (“O”) will be calculated for all Contracting Parties in the same Control District. This calculation will be applied as part of the reconciliation process.

If no Contracting Party within the Control District purchased Enhanced Control Service during any part of a Service Year, or if Enhanced Control Service was purchased but was not provided during Regular ACO Service Hours, then there is no Support Cost Adjustment Factor (that is, the value of “O” is zero).

If “O” is not zero, its value will be calculated as follows:

First, identify the Non-Direct Service Support Costs for Control Services in a single Control District (including the management, animal cruelty sergeant, call center and IT costs and general overhead costs; excluding salary, benefits, vehicle and equipment costs).

Second, divide this Non-Direct Service Support Cost number by 2 (since half these costs are funded through the population-based factor in calculation of “Ca”), to derive the Allocable Support Costs.

Third, divide the Allocable Support Costs by 6 (the number of regular ACOs funded in the base service model) plus the number of Enhanced Animal Control Service Officers providing service in the Control District. For example, if a City (or Cities) in the Control District has purchased .5 FTE equivalent of Enhanced Service, the divisor is 6.5. The resulting dollar amount is then multiplied by the FTE equivalent for the Enhanced Service officer (in this example, .5) to derive the Support Cost Adjustment Factor.

The Support Cost Adjustment Factor is then applied as follows to determine the value of “O” for each Contracting Party in the Control District:
1. One Half the Support Cost Adjustment Factor multiplied by the Contracting Party’s percentage of Calls for Service (CFS\textsubscript{A}) is applied as a reduction in costs for all Contracting Parties in the Control District.

2. One Half the Support Cost Adjustment Factor (shared pro rata if Parties are sharing an Enhanced Control Service officer within the same Control District) is applied as an addition in costs for the Contracting Party purchasing Enhanced Service.

A hypothetical example follows, based on 2010 Annualized Costs, assuming .5 FTE Enhanced Control Service purchased by 1 City in a Control District:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Allocable Control Service Costs in the base model (excluding costs of enhanced service officer):</td>
<td>$1,698,500</td>
</tr>
<tr>
<td>Allocable Control Service Costs per District ($1,698,500 ÷ 4)</td>
<td>$424,625</td>
</tr>
<tr>
<td>Non-Direct Service Support Costs for Control Services in a Single Control District</td>
<td>$196,450</td>
</tr>
<tr>
<td>Allocable Support Costs (allocable based on Use) ($196,450 ÷ 2)</td>
<td>$98,225</td>
</tr>
<tr>
<td>Support Cost Adjustment Factor ($98,225 ÷ 6.5) x .5FTE</td>
<td>$7,556</td>
</tr>
</tbody>
</table>

Assume 4 Parties in Control District

| City A | % of Calls for Service, actual (CFSA) = 20% |
| City B | CFSA = 30% |
| City C | CFSA = 10% |
| County | CFSA = 40% |

Assume City A purchases .5 FTE Enhanced Control Service for the full Service Year. Resulting 2010 annualized costs for “O” shown for each City and County in the rows below:

| City A | value of “O” is an additional cost of ($7,556÷ 2) - [20% x ($7,556 ÷ 2)] = $3,778 - $75 6 = $3,022 | $3,022 |
| City B | value of “O” is a cost reduction of 30% x ($7,556 ÷ 2) | - $1,133 |
| City C | value of “O” is a cost reduction of 10% x ($7,556 ÷ 2) | - $378 |
| County | value of “O” is a cost reduction of 40% x ($7,556 ÷ 2) | - $1,511 |
Exhibit E

Enhanced Control Services Contract (Optional)

Between City of _________________ ("City") and King County ("County")

The County is prepared to offer Enhanced Control Services to the City subject to the terms and conditions as described herein. The provisions of this Exhibit are optional and shall not be effective unless this Exhibit is executed by both the City and the County and the City and the County have entered into the underlying Agreement. The Parties may agree to enter into this Enhanced Control Services Contract ("Contract") at any point during the term of the Animal Services Interlocal Agreement between the City and the County dated effective July 1, 2010 ("Agreement") and prior to August 1, 2011.

A. The County shall provide enhanced Control Services to the City in the form of an animal control officer dedicated to the City ("Dedicated Officer") as described in Attachment A (Enhanced Service Options Matrix). Such services shall be provided for the period of time and cost described on Attachment A and may not be for a term of less than one year except as per subparagraph 1 below. Costs identified in Attachment A are for one (1) year of service, in 2010 dollars, and include the cost of the employee (salary, benefits), equipment and animal control vehicle for the employee’s use. Thus, the cost for service for July 1 through December 31, 2010 will be one-half the amount shown in Attachment A. Annual costs are subject to adjustment each year, limited by the Annual Budget Inflator Cap (as defined in the Agreement).

1. Notwithstanding the foregoing, a City requesting enhanced control services beginning in July 2010 can require that its Contract term end on December 31, 2010, in the event the County implements (at the County’s expense) an additional 2 days per week of Control Services countywide beginning in January 2011 (resulting in 7-day per week/8 hour day minimum). If such additional service is not funded by the County, the City’s Contract for enhanced Control Services will remain in effect for such longer period as the City has requested (not less than one-year in total).

B. Services of the Dedicated Officer shall be in addition to the Animal Services otherwise provided to the City by the County through the Agreement. Accordingly, the calls responded to by the Dedicated Officer shall not be incorporated in the calculation of the City’s Calls for Service (as further described in Exhibit C and D to the Agreement). However, if the City is requesting that the Enhanced Service occur during Regular ACO Service Hours, the City will pay a Support Cost Adjustment Factor as part of the
Reconciliation Adjustment Amount, calculated per Exhibit D-1 of the Agreement, in addition to the costs described herein.

C. The scheduling of work by the Dedicated Officer shall be determined by mutual agreement of the contract administrators identified in Section 16 of the Agreement, and the mutual agreement of officials of other Cities named as contract administrators that have committed to sharing in the expense of the Dedicated Officer; provided in the event the parties are unable to agree, the County shall have the right to finally determine the schedule of the Dedicated Officer in order to best meet the requests of multiple cities in light of work rules applicable to the Dedicated Officer.

D. Control Services to be provided to the City pursuant to this Enhanced Services Contract include Control Services of the type and nature as described under the Agreement with respect to Animal Control Officers serving in Control Districts, and include but are not limited to, issuing written warnings, citations and other enforcement notices and orders on behalf of the City, or such other services as the Parties may reasonably agree.

E. The County shall provide the City with a general quarterly calendar of scheduled service in the City, and a monthly report of the types of services offered and performed.

F. An FTE will be scheduled to serve 40 hour weeks, however, with loss of service hours potentially attributable to vacation, sick leave, training and furlough days, a minimum of 1600 hours per year will be provided. Similarly, a half-time FTE will provide a minimum of 800 hours per year. The County shall submit to the City an invoice and billing voucher at the end of each calendar quarter, excepting that during the 4th quarter of each year during the term of this Contract, an invoice shall be submitted to the City no later than December 15th. All invoiced amounts shall be payable by the City within 30 days of the invoice date.

G. The City or County may terminate this Enhanced Services Contract with or without cause upon providing not less than 3 months written notice to the other Party; provided that, if the City is sharing the Enhanced Control Services with other Contracting Cities, this Contract may only be terminated by the City if: (1) all such other Contracting Cities similarly agree to terminate service on such date, or (2) if prior to such termination date another Contracting City or Cities enters into a contract with the County to purchase the Enhanced Control Service that the City wishes to terminate; provided further: except as provided in Paragraph A.1, a Contract may not be terminated if the term of service resulting is less than one year.
H. All terms of the Agreement, except as expressly stated otherwise in this Exhibit, shall apply to this Enhanced Control Services Contract. Capitalized Terms not defined herein have those meanings as set forth in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Enhanced Services Contract to be executed effective as of this ___ day of ______, 201__.

King County

City of ______________________

____________________________________
Dow Constantine
King County Executive

____________________________________
Date

____________________________________
Date

Approved as to Form:

Approved as to Form:

____________________________________
Deputy Prosecuting Attorney

____________________________________
City Attorney
Exhibit E: Attachment A

ENHANCED CONTROL SERVICES OPTION REQUEST
(to be completed by City requesting Enhanced Control Services; final service terms subject to adjustment by County and agreement by City and will be confirmed in writing executed and appended to Exhibit E)

City_____________________________________________________

Requested Enhanced Control Services Start Date: ________________________________

Requested Enhanced Control Services End Date: ________________________________*

*term of service must be at least one year, except as provided in Paragraph A.1 (alternate service end date must be provided in event sales tax vote is not approved).

% of Full Time Equivalent Officer (FTE) requested: _____ (minimum request: 20%; requests must be in multiples of either 20% or 25%)

General Description of desired services (days, hours, nature of service):
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________.

Cities with whom the City proposes to share the Enhanced Control Services, and proposed percentages of an FTE those Cities are expected to request:
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________.

On behalf of the City, the undersigned understands and agrees that the County will attempt to honor requests but reserves the right to propose aggregated, adjusted and variously scheduled service, including but not limited to adjusting allocations of service from increments of 20% to 25%, in order to develop workable employment and scheduling for the officers within then-existing workrules, and that the City will be allowed to rescind or amend its request for Enhanced Control Services as a result of such proposed changes.

Requests that cannot be combined to equal 50% of an FTE, 100% of an FTE, or some multiple thereof may not be honored. Service must be requested for a minimum term of one-year, except as permitted by Paragraph A.1. Service may not extend beyond the term of the Agreement.
City requests that alone or in combination with requests of other Cities equal at least 50% of an FTE will be charged at the rate in Column 1 below.

City requests that alone or in combination with other requests for Enhanced Control Services equal 100% of an FTE will be charged at the rate in Column 2 below.

Cities may propose a different allocation approach for County consideration.

An FTE will be scheduled to serve 40 hour weeks, however, with loss of hours potentially attributable to vacation, sick leave, training and furlough days, a minimum of 1600 hours per year will be provided. A half-time FTE will provide a minimum of 800 hours per year. For example, a commitment to purchase 20% of an FTE for enhanced service will result in provision of not less than 320 hours per year.

Hours of service lost for vacation, sick leave, training and furlough days will be allocated on pro rata basis between all cities sharing the services of that FTE.

<table>
<thead>
<tr>
<th>Column 1:</th>
<th>Column 2:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate of 50% of an FTE Requested by all Participating Cities</td>
<td>Aggregate of 1 FTE Requested by all Participating Cities</td>
</tr>
<tr>
<td>Cost to City: (% of Half-Time FTE requested) x $75,000/year in 2010*</td>
<td>Cost to City: ( % of FTE requested) x $115,000/year in 2010 *</td>
</tr>
</tbody>
</table>

Example: if City A requests 25% of an FTE ** and City B requests 25% of an FTE**, then each city would pay $18,750 for Enhanced Control Services from July 1, 2010 through December 31, 2011.

***(50% of a Half-Time FTE)***

Example: If City A requests 25% of an FTE and City B requests 25% of an FTE and City C requests 50% of an FTE, Cities A and B would pay $14,375 and City C would pay $28,750 for Enhanced Control Services from July 1, 2010 through December 31, 2011.

*2010 annual cost; subject to annual inflator adjustment as described in Paragraph A.

Request Signed as of this ___ day of ________ , 2010.
City of _____________________________
By:_________________________________
Its _________________________________

Exhibit 1
City Council Agenda Bill

Meeting Date: June 15, 2010          Date Submitted: May 26, 2010

Originating Department: Community Development

Clearances:
☑ City Manager                        ☐ Community Development
☑ Attorney                           ☐ Parks & Recreation
☐ Admin Services                     ☐ Finance & IT
                                      ☐ Police
                                      ☐ Fire
                                      ☐ Public Works

Subject: Title 19A SMC, Land Division

Action Required: Second Reading, Take additional comment, Close Public Hearing, Deliberate and Adopt ordinance

Exhibits: 1. Proposed Ordinance and Attachment A (Title 19A)

Budget: N/A

Summary Statement:

One title of the Sammamish Municipal Code (Title 19, Subdivisions) is proposed to be replaced with a re-written Title 19A, Land Division. This title deals mostly with the procedures used to process and approve a variety of permit applications for subdivisions, short-subdivisions, boundary line adjustments and similar applications. The revised version improves the clarity and completeness of the code. The Planning Commission held a public hearing, considered three major policy choices, and transmitted their recommendations for Title 19A on May 11, 2010. A few minor edits have been made subsequent to the Planning Commission’s recommendation pursuant to the City attorney’s review, and the term of approval of a preliminary subdivision set forth in proposed SMC 19A.12.020 has been revised to conform to new state law requirements. One revision was requested in the City Council session on June 1, 2010 pertaining to Chapter 19.24.010 and is incorporated herein.

Background:

The original Title 19, Subdivisions was adopted from King County Code upon incorporation in 1999. In working with that code, it became apparent that an improved version of the code was needed and would improve ease of use for both staff and applicants. A revised version was developed with early stakeholder input from builders, developers, consultants and relevant jurisdictions including the water and sewer districts. Subsequently the Planning Commission sought and considered additional stakeholder input, held their public hearing and made a recommendation to the City Council.
Financial Impact: N/A

Recommended Motion:

Motion to adopt Title 19A as amended.
CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF SAMMAMISH, REPLACING TITLE 19 (SUBDIVISIONS) OF THE SAMMAMISH MUNICIPAL CODE WITH A REVISED TITLE 19A (LAND DIVISION)

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 19 which regulates land division; and

WHEREAS, the City Council finds it in the interest of the City of Sammamish to amend the City Code to replace the existing Title 19, adopted under Ordinance 2003-132, with a revised Title 19A, as set forth in Attachment “A” to this Ordinance, to improve clarity and completeness and make appropriate revisions to the provisions governing land division in the City; and

WHEREAS, the Planning Commission considered the proposed revisions to the Sammamish Municipal Code during their regular meetings on March 4, March 18 and April 8, 2010; and

WHEREAS, the Department of Community Development sent the Washington State Department of Commerce copies of the proposed amendments and was granted expedited review on April 14, 2010, and was informed that the City was in compliance with RCW 36.70A; and

WHEREAS, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on April 1, 2010, with the comment period ending on April 15, 2010; and

WHEREAS, the Planning Commission held public hearings on March 18 and April 8, 2010, to consider the proposed amendments to the Sammamish Municipal Code; and

WHEREAS, the Planning Commission, after due consideration, recommended amendments to Title 19, to be re-named Title 19A, of the Sammamish Municipal Code to the City Council; and

WHEREAS, after providing public notice, the City Council held a public hearing on June 1, 2010, and continued to June 15, 2010, to consider amending the Sammamish Municipal Code in accordance with the proposed amendments; and

WHEREAS, the City Council finds the proposed amendments to the Sammamish Municipal Code to be consistent with and necessary to implement the intent of the City’s Comprehensive Plan;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Repeal of Existing Title 19. Title 19 of the Sammamish Municipal Code as adopted under Ordinance 2003-132 is hereby repealed.

SECTION 2. Adoption of Revised Title 19A. Title 19A, as set forth in Attachment “A” to this Ordinance, is hereby adopted.

SECTION 3. 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.

SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.


CITY OF SAMMAMISH

__________________________
Mayor Donald J. Gerend

ATTEST.AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

__________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk: May 26, 2010
Public Hearing: June 1, 2010
First Reading: June 1, 2010
Public Hearing: June 15, 2010
Passed by the City Council:
Date of Publication:
Effective Date:
Title 19A
LAND DIVISION

Chapters:
19A.01 Purpose
19A.04 Definitions
19A.08 Administration
19A.12 Subdivisions and Short Subdivision
19A.16 Final Plat and Final Short Plat Maps for Preliminarily Approved Subdivisions and Short Subdivisions
19A.20 Binding Site Plans
19A.24 Boundary Line Adjustments

Chapter 19A.01
PURPOSE

19A.01.010 Purpose. The purpose of this title is to:
A. Establish the authority and procedures for dividing land in the City of Sammamish.
B. Define and regulate divisions of land that are exempt from the short subdivision or subdivision requirements.
C. Ensure consistency with and implement the City of Sammamish Comprehensive Plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.
D. Ensure uniform monumenting of land subdivisions and conveyance by accurate legal description.
E. Protect and preserve the public health, safety and general welfare in accordance with the standards established by City of Sammamish and the State of Washington.
F. Ensure consistency with Chapter 58.17 RCW.

Chapter 19A.04
DEFINITIONS

Sections:
19A.04.010 Acre
19A.04.020 Alteration
19A.04.030 Applicant
19A.04.040 Binding site plan
19A.04.050 Building envelope
19A.04.060 Building site
19A.04.070 Civil engineer
19A.04.075 City Engineer
19A.04.080 Condominium
19A.04.090 Dedication
19A.04.100 Department
19A.04.110 Development review engineer
19A.04.120 Director
19A.04.130 Easement
19A.04.140 Engineered preliminary drainage plan
19A.04.150 Financial Guarantee
19A.04.170 Homeowners’ Association (HOA)
19A.04.180 Improvements
19A.04.19A0 Innocent Purchaser
19A.04.200 Land surveyor
19A.04.210 Lot area
19A.04.220 Non-building lot
19A.04.230 Ownership interest
19A.04.250 Plat, final
19A.04.260 Plat, preliminary
19A.04.270 Revisions
19A.04.280 Separate lot
19A.04.290 Short plat, final
19A.04.300 Short plat, preliminary
19A.04.310 Short subdivision
19A.04.320 Street
19A.04.330 Subdivision
19A.04.340 Tract
19A.04.350 Definitions not listed

19A.04.010 Acre: an area of land equal to forty-three thousand, five hundred sixty (43,560) square feet.

19A.04.020 Alteration: the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat, except as otherwise allowed by law.

19A.04.030 Applicant: a property owner, or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

19A.04.040 Binding site plan: a plan drawn to scale which (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies, drainage features, and building envelopes; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Director or Hearing Examiner; and (c) contains provisions requiring any development be in conformity with the site plan; processed in accordance with SMC19AA.20.010 through 19AA.20.060 and chapter 58.17 RCW.

19A.04.050 Building envelope: the area of a lot that delineates the limits of where a building may be placed on a lot.

19A.04.060 Building site: an area of land, consisting of one or more lots or portions of lots, that is:
A. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or
B. Currently legally developed.

19A.04.070 Civil engineer: an individual registered and licensed as a professional civil engineer pursuant to chapter 18.43 RCW.

19A.04.075 City Engineer: the individual appointed as the City Engineer for the City of Sammamish or his or her designee.

19A.04.080 Condominium: real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to chapter 64.32 or 64.34 RCW.
19A.04.090 Dedication: the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or deed for filing.

19A.04.100 Department: the City of Sammamish Department of Community Development and/or the Department of Public Works as appropriate.

19A.04.110 Development review engineer: the Director of the Department of Public Works or his or her designee.

19A.04.120 Director: the Director of the City of Sammamish Department of Community Development or Department of Public Works, as appropriate, or his or her designee.

19A.04.130 Easement: a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes, that may include, but are not limited to, road access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space.

19A.04.140 Engineered preliminary drainage plan: a preliminary plan, consistent with the City’s adopted drainage manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required detention pond, bioswales, wetponds or other water quality facilities.

19A.04.150 Financial guarantee: a form of financial security posted to ensure timely and proper completion of improvements, compliance with the City of Sammamish Code or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, surety bonds and other forms of financial security acceptable to the Director.

19A.04.170 Homeowners’ Association (HOA): any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan.

19A.04.180 Improvements: constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, street trees, landscaping, critical areas signage, sidewalks, plat monument signs, survey monuments.

19A.04.19A Innocent Purchaser: an individual who has purchased real property for value, has not received actual notice that the lot has not been legally created as a separate lot, and has not previously been granted innocent purchaser status by the City.

19A.04.200 Land surveyor: an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.

19A.04.210 Lot area: the total area contained within the boundaries of the lot, excluding submerged land.

19A.04.220 Non-building lot: a lot identified as a non-building lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited.

19A.04.230 Ownership interest: having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor.

19A.04.250 Plat, final: the final drawing of the subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW and Chapter 332-130 WAC.
19A.04.260 Plat, preliminary: a true and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, tracts, and other elements of a subdivision required by this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

19A.04.270 Revisions: a change prior to recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.

19A.04.280 Separate lot: a physically separate and distinct parcel of property, which has been created through one of the following processes:
A. The lot was created in compliance with the subdivision or short subdivision laws in effect at the time of creation of the lot;
B. The lot has been recognized by the department as a lot pursuant to SMC 19A.08.070 (determining and maintaining legal lot status), SMC 19A.08.080 (removing limitations on non-building lots), SMC 19A.08.090 (lots created in violation of this title); or
C. The lot is a portion of a lot created through the processes cited in subsection (A) or (B) of this section that is separated from the remainder of the lot by one of the following:
1. A public road right-of-way; or
2. Shorelines as defined in SMC 25.10.450; or
3. Another separate lot, or a tract as defined in this title, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to SMC 19A.08.040.

19A.04.290 Short plat, final: the final drawing of the short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW and Chapter 332-130 WAC.

19A.04.300 Short plat, preliminary: a true and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, and other elements of a short subdivision required by this title and chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

19A.04.310 Short subdivision: a division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.

19A.04.320 Street: a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

19A.04.330 Subdivision: a division or redivision of land into two or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership, except as provided by the short subdivision of two to nine lots. A subdivision can also be known as a “long subdivision”.

19A.04.340 Tract: land encompassed by a separate property boundary and reserved on the final plat, final short plat, or binding site plan for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, storm water facilities, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling or commercial/institutional construction.

19A.04.350 Definitions not listed: For words not defined in this chapter, the definitions of Chapter 21A SMC shall control. For words not defined in either Chapter 19A or 21A SMC, the usual and customary meaning shall apply.
Chapter 19A.08
ADMINISTRATION

Sections:
19A.08.010 Scope of chapter
19A.08.030 Transfer of land or granting of an easement to a public agency.
19A.08.040 Exemptions – subdivision and short subdivision
19A.08.050 Recording map and legal descriptions
19A.08.060 Review for conformity with other codes, plans and policies
19A.08.070 Determining and maintaining legal status of a lot
19A.08.080 Removing limitations on non-building lots
19A.08.090 Lots created in violation of this title
19A.08.100 Public street rights-of-way
19A.08.110 Limitations within future road corridors
19A.08.120 Public trail rights-of-way
19A.08.130 Adequacy of access
19A.08.140 Affidavit of correction
19A.08.150 Vertical and horizontal survey controls
19A.08.160 Financial guarantees
19A.08.170 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans
19A.08.180 Violations and enforcement
19A.08.19A0 Circumvention of zoning density prohibited
19A.08.200 Rules

19A.08.010 Scope of chapter. Any division of land is subject to the provisions of this title except as stated herein.

19A.08.030 Transfer of land or granting of an easement to a public agency. The transfer of land or granting of an easement to a public agency for road and utility purposes shall not be considered a division of land.

19A.08.040 Exemptions – subdivision and short subdivision. The subdivision and short subdivision provisions of this title shall not apply to:
A. Divisions of lands for cemeteries and other burial plots while used for that purpose.
B. Divisions of land into lots or tracts each one of which is twenty acres or larger.
C. Divisions of land into lots or tracts that are one-one hundred twenty-eighth of a section, or five acres or larger only for the purpose of allowing fee simple purchase or deeding of such lots or tracts to public agencies.
D. Divisions of land made by testamentary provisions or laws of descent.
E. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for which a condominium binding site plan has been recorded in accordance with the binding site plan provisions set forth in this title.
F. An adjustment of boundary lines in accordance with the provisions of this title.
G. Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a binding site plan for the use of the land as a mobile home park has been approved by the Director.
H. Divisions of land by binding site plan into lots or tracts classified for commercial use consistent with the binding site plan provisions of this title.
I. A parcel that is a portion of a lot that is separated from the remainder of the lot by one of the following: a public road right-of-way; shorelines as defined in SMC 25.10.450; or another separate lot; or a tract as defined in SMC 19A.04.340, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to this title.
J. A division meeting the provisions of RCW 58.17.040(8) for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.
K. A division of land meeting the provisions of RCW 58.17.040(9) into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.

19A.08.050 Recording map and legal descriptions. The final recording map and legal description of a plat, short plat, boundary line adjustment or binding site plan shall be prepared by a land surveyor in accordance with Chapter 58.09 RCW and Chapter 332-130 WAC, Surveys and Recording, and be recorded with the King County Office of Records and Elections as required by this title.

19A.08.060 Review for conformity with other codes, plans and policies. Applications for approvals pursuant to this title shall be reviewed in accordance with the set forth in this title and SMC Title 20. A preliminary subdivision, short subdivision or binding site plan may be approved, approved with conditions or denied based on findings in accordance with city, special district and state rules, regulations, plans and policies including, but not limited to:
A. Chapter 43.21C RCW (SEPA)
B. Chapter 58.17 RCW (Subdivisions), including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review)
D. SMC Titles 14 and 14A (Public Works and Transportation, Public Facilities)
E. SMC Title 15 (Environment)
F. SMC Title 16 (Buildings and Construction)
G. SMC Title 20 (Administrative Procedures/Environmental Policy)
H. SMC Title 21A (Development Code)
I. SMC Title 21B (Town Center)
J. SMC Title 23 (Code Enforcement)
K. Applicable shoreline master program, including SMC Title 25
L. City of Sammamish Public Works Standards
M. Administrative rules adopted pursuant to SMC Chapter 2.55
N. King County Board of Public Health rules and regulations
O. Applicable water/sewer district requirements
P. City of Sammamish Comprehensive Plan
Q. City of Sammamish Stormwater Comprehensive Plan
R. SMC Title 27A (Financial Guarantees)
S. This title.

19A.08.070 Determining and maintaining legal lot status
A. A property owner may request that the department determine whether a lot was legally created. The property owner shall demonstrate to the satisfaction of the department that, a lot was created, in compliance with applicable state and local land use statutes or codes in effect at the time the lot was created.
B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:
1. Recorded subdivisions, or division of land into four lots or less;
2. King County or City of Sammamish documents indicating approval of a short subdivision;
3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2);
4. Tax records or other evidence, describing the lot as an individual parcel. The department shall give weight to the existence of historic tax records or tax parcels in making its determination.
C. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner aggregates or merges the lot with another lot or lots in order to:
1. Create a parcel of land that would qualify as a building site; or
2. Implement a deed restriction or condition, a covenant or court decision.
D. The department’s determination shall not be construed as a guarantee that the lot constitutes a building site as defined in SMC 19A.04.060.
19A.08.080 Removing limitations on non-building lots. Limitations placed on a non-building lot may be removed and the lot recognized by the City of Sammamish as a building lot by approval of a subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding site plan.

19A.08.090 Lots created in violation of this title.
A. All contiguous lots created in violation of this title and that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.
B. A lot that has been determined to meet the requirements for innocent purchaser status by the City, including filing of a notarized affidavit of innocent purchase with the department on forms satisfactory to the Director, shall be treated as follows for purposes of determining zoning compliance and for establishing eligibility for building permits and future subdivisions:
   1. A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area and lot width;
   2. Innocent purchaser lots that do not meet current zoning requirements, but that did meet zoning requirements in effect at the time that they were created, will be treated the same as legally created substandard lots as provided in the City’s development code;
   3. Innocent purchaser lots that do not meet current zoning requirements and that did not meet the zoning requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits; and
   4. A determination by the department of innocent purchaser status of a lot shall not relieve a property owner or applicant from compliance with all other codes, requirements and restrictions applicable to the lot.

19A.08.100 Public street rights-of-way. The City Engineer shall have the authority to make determinations under this section whether dedication or deeding of right-of-way is required. Right-of-way widths shall comply with current Public Works Standards. Dedication or deeding to the city of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:
A. Where the current six-year Transportation Improvement Program (TIP), or projects identified in the City’s adopted comprehensive plan transportation element will require a new right-of-way or portion thereof for street purposes; or
B. Where necessary to extend or to complete the existing or future neighborhood street pattern, including connection to existing adjacent right-of-way stubs; or
C. Where necessary to provide additional or new right-of-way to existing city right-of-way network; or
D. Where necessary to comply with the city’s current Public Works Standards; or
E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the City of Sammamish Comprehensive Plan or Title 21A SMC, provided that the right-of-way shall:
   1. Provide for vehicular and pedestrian circulation within and between neighborhoods; or
   2. Provide local traffic alternatives to the use of arterial streets.

19A.08.110 Limitations within future road corridors. In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the City may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas.
19A.08.120 Public trail rights-of-way. In conformance with SMC 21A.30.200 (Trail corridors-Applicability), a dedication, deeding or easement to the City for public trail purposes shall be required where a binding site plan, subdivision, or short subdivision or portion thereof is located on properties that include trail corridors shown within an adopted City parks or trails plan. The trail corridor dedication, deeding, or easement shall be in an appropriate location and of sufficient width and dimension to meet the requirements of SMC 21A.30.210 (Trail corridors-Development standards) and the Trails, Bikeways and Paths Plan.

19A.08.130 Adequacy of access. Each lot within the subdivision, short subdivision, or binding site plan shall have acceptable access conforming to the current Public Works Standards. In order to assure safe and adequate access, the City Engineer:
1. May limit direct access to certain streets and require on-site public streets in lieu of private streets, individual driveways or access panhandles, in accordance with the City street standards as set forth in the current Public Works Standards;
2. May require off-site improvements to public or private streets as necessary to provide access from the subdivision, short subdivision or binding site plan to a road acceptable to the City engineer;
3. May require off-site mitigation of identified significant impacts to neighborhood streets; and
4. May assure that the number of lots, units or commercial space to be served by the street system complies with the street standards as set forth in the current Public Works Standards.

19A.08.140 Affidavit of correction. A. Any map page or document recorded with the King County Records and Elections division, or its successor agency, under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:
1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown easement; or
5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.
B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.
C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.
D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.
E. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval. After department approval, the affidavit shall be recorded with the King County Records and Elections Division, or its successor agency.

19A.08.150 Vertical and horizontal survey controls. A. Vertical requirements. The vertical datum on all engineering plans, plats, binding site plans and short plats shall be the North American Vertical Datum of 19A88 (NAVD 88) and shall be tied to at least one King County Survey Control Network benchmark. The benchmark will be shown on the plans.
B. Horizontal requirements. The horizontal component of all plats, binding site plans and short plats shall have the North American Datum of 19A83/91 (NAD 83/91) as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County Survey horizontal control monuments. The basis of bearing shall be shown on the plans.

19A.08.160 Financial guarantees. Notwithstanding any other provision of this title, the Director is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of SMC Title 27A.
19A.08.170 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans. The application requirements shall be set forth in an official application packet approved by the Director, and shall identify all items necessary for a complete application. The determination that an application is complete shall not preclude the department from requesting additional information in order to determine compliance with applicable standards and regulations.

19A.08.180 Violations and enforcement. Any person or entity violating any provision of this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of SMC Title 23.

19A.08.19A0 Circumvention of zoning density prohibited. A legal lot, which has been created through a legally recognized process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further subdivided. However, such further division of the lot shall not be permitted if the total number of lots contained within the external boundaries of the original short subdivision, subdivision or binding site plan exceeds the density allowed under current zoning.

19A.08.200 Rules. The Director is authorized to adopt rules to implement the provisions of this title pursuant to SMC Chapter 2.55.

Chapter 19A.12
SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:
19A.12.010 Purpose
19A.12.020 Preliminary approval of short subdivisions and subdivisions-filing of final plat or short plat
19A.12.030 Limitations for short subdivisions
19A.12.040 Revisions of preliminary short subdivisions and subdivisions

19A.12.010 Purpose. The purpose of this chapter is to specify the requirements for the division of land through short subdivisions and subdivisions, in accordance with applicable Washington State and City of Sammamish laws, rules and regulations, including permit processing procedures required by SMC Title 20.

19A.12.020 Preliminary approval of short subdivisions and subdivisions-Filing of final plat or final short plat.
A. Preliminary short subdivision approval shall be effective for a period of 60 months. Preliminary subdivision approval shall be effective for a period of 84 months for any plats receiving preliminary approval between January 1, 2004 and December 31, 2014 and for 60 months thereafter. If any condition is not satisfied and/or the final plat or short plat is not recorded within the approval period the subdivision or short subdivision shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of the final documents.
B. Preliminary subdivision or short subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the short subdivision or subdivision and preparation of the final short plat or plat subject to all the conditions of the preliminary approval.
C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.
19A.12.030 Limitations for short subdivisions.
A. A maximum of nine lots may be created by a single application.
B. An application for further division may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots, in which case an alteration application may be submitted to create a cumulative total of up to nine lots within the original short plat boundary.
C. A maximum of nine lots may be created from two or more contiguous parcels with any common ownership interest.

19A.12.040 Revisions of preliminary short subdivisions and subdivisions.
Applications to revise short subdivisions or subdivisions that have received preliminary approval shall comply with the following:
A. Revisions that result in any substantial changes, as determined by the Department, shall be treated as a new application for purposes of vesting. Short subdivisions shall be reviewed as a Type 2 land use decision and subdivisions as a Type 3 land use decision pursuant to SMC 20.05.020. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, substantial change in access, or changes to conditions of approval on an approved preliminary short subdivision or subdivision.
B. Approval of the following modifications by the department shall not be considered revisions:
1. Engineering design, unless the proposed design alters or eliminates features required as a condition of preliminary approval.
2. Changes in lot or tract dimensions that are consistent with SMC Title 21A.
3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of SMC Title 21A, if applicable.
C. The department shall have the authority to administratively review and approve modifications described in B above through review procedures established by the department.

Chapter 19A.16
FINAL PLAT AND FINAL SHORT PLAT MAPS FOR PRELIMINARILY APPROVED SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:
19A.16.010 Purpose
19A.16.020 Phased development
19A.16.030 Final plat and final short plat engineering plan review requirements
19A.16.040 Minimum subdivision and short subdivision improvements
19A.16.045 Final plat and final short plat review procedures
19A.16.050 Contents of final plat and final short plat
19A.16.060 Final forms
19A.16.070 Alterations of final plats
19A.16.080 Alterations of final short plats
19A.16.090 Vacations of a final plat or final short plat

19A.16.010 Purpose. The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of final plat and final short plat maps, for preliminarily approved subdivisions and short subdivisions, also referred to herein as plats and short plats.

19A.16.020 Phased development. Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording in phases. All phases shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular phase must be met. The department may require certain features, including but not limited to storm water facilities, open space or access, be included in the first phase or in subsequent phases as necessary to assure compliance with applicable standards and regulations.
19A.16.030 Construction plan review requirements.
A. Construction plans for streets, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval prior to the issuance of a site development permit. No on-site clearing or construction activities shall occur prior to issuance of a site development permit.
B. Construction plans shall conform to the requirements of the department as set forth in the adopted Surface Water Design Manual and current Public Works Standards. Plans and technical information reports shall be submitted to the City and prepared consistent with the requirements of the Sammamish Municipal Code, City of Sammamish current Public Works Standards, adopted Surface Water Design Manual, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer licensed in the State of Washington.
C. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the applicable water/sewer district will be required prior to the approval of the construction plans. Approval of the King County department of public health will be required when applicable.
D. Prior to approval of construction plans, and issuance of a site development permit, the applicant shall post a site restoration guarantee consistent with the provisions of SMC Title 27A, and shall pay any mitigation and/or impact fee amounts due, and all applicable fees due as set forth in the City fee resolution.

19A.16.040 Minimum subdivision and short subdivision improvements.
A. Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, and shall be approved by the City, or in the case of water and sewer facilities, by the applicable district, unless otherwise approved by the City Engineer.
1. Public drainage facilities and erosion control measures consistent with the adopted surface water design manual;
2. Water mains and hydrant(s) installed and fire flow available, if required by water and sewer district;
3. Sewer mains installed if served by public sewer;
4. Streets graded and paved, with the exception of the final lift of asphalt, to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
5. Specific site improvements required by the preliminary plat approval or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
6. Delineation and required signage and fencing of critical areas;
7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt; and
8. Improvements without which the Director determines a safety hazard would exist.
B. The City shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum improvements required in subsection A of this section.

19A.16.045 Final plat and final short plat review procedures.
A. Upon substantial completion of the site improvements required by SMC 19A.16.040, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval. Substantial completion of site improvements, for purposes of final plat or final short plat submittal, shall mean street and lot rough grading has been completed and water, sewer, stormwater, and natural gas utilities have been installed.
B. All final plats and final short plats shall demonstrate conformance to the conditions of preliminary approval in a compliance matrix, as well as Chapter 58.17 RCW and Chapter 332-130 WAC.
C. Plat certificates or owner’s duplicate certificates for land registered pursuant to Chapter 65.12 RCW shall be provided to the department prior to recording. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.
D. All applicable processing fees specified by City fee resolution, applicable mitigation and impact fee amounts, and any civil penalty assessed pursuant to SMC Title 23 against a site being reviewed under this section shall be paid, and all required financial guarantees posted prior to recording.
E. Prior to recording, all required site improvements shall be complete and approved by the city. Applicable performance bonds and written final approval from the applicable water/sewer district and health department shall be obtained, if required.

F. A copy of protective deed covenants shall accompany the final plat or short plat, if applicable.

G. Upon approval by the department, the City Council shall consider the final plat at a public meeting to confirm the conformance of the final plat to the conditions of preliminary approval imposed by the hearing examiner. Upon approval, the final plat or short plat shall be recorded with the county records and elections division.

19A.16.050 Contents of final plat and final short plat. The final plat or short plat shall comply with the requirements of RCW Chapter 58.17 and be in a form prescribed by the department and shall include all information as described in an official application packet approved by the Director.

19A.16.060 Final forms.
A. A final plat or final short plat shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

B. Forms shall be printed with materials acceptable for filing as specified in WAC 332-130-050 and be formatted consistent with forms provided by the department.

A. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with the regulations in effect at the time the alteration application is submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or portion to be altered.

B. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or alter the relevant covenants in order to accomplish the proposed alteration.

C. An application shall be processed as a Type 3 permit pursuant to SMC Chapter 20.05.020, except that a public hearing is not required unless requested by a person receiving notice within fourteen days of receipt of the notice. The application may be approved if the proposed alteration is consistent with the required findings of SMC 20.10.200 and SMC 20.10.220.

D. After approval of an alteration, the applicant shall submit a revised drawing of the approved alteration of the final plat, to be processed in the same manner as set forth for final plats in this title.

19A.16.080 Alterations of final short plats.
Alteration of a final short plat may be approved by the department when consistent with the following requirements:
A. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application.

B. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or portion to be altered.

C. If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or alter the relevant covenants in order to accomplish the proposed alteration.

D. An application shall be processed as a Type 2 permit pursuant to SMC Chapter 20.05.020.

E. An alteration may be allowed to remove non-building lot status on short subdivisions provided that no public dedications are required and original conditions of approval do not prohibit conversion of a non-building lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review.
19A.16.090 Vacations of a final plat or final short plat.
A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.
B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration pursuant to SMC 20.10.240. Following the public hearing, the hearing examiner shall determine if the proposed vacation is consistent with the requirements of SMC 20.10.210. If the proposal is found to be consistent, the hearing examiner may recommend that the City Council approve the application.
C. Applications for vacations of City roads may be processed pursuant to this chapter only when such road vacations are proposed in conjunction with the vacation of a plat. Vacations limited to City roads shall be processed in accordance with Chapter 36.87 RCW and the current Public Works Standards.

Chapter 19A.20
BINDING SITE PLANS

Sections:
19A.20.010 Purpose
19A.20.020 Applicability
19A.20.030 Requirements and limitations
19A.20.040 Alterations
19A.20.050 Vacations
19A.20.060 Recording

19A.20.010 Purpose
The purposes of this chapter are:
A. To provide an alternative method for division of land for commercial zoned property or condominiums;
B. To allow the Director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar codes adopted by the City and allow use of the entire site for the purpose of satisfying these requirements;
C. To allow the Director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
D. To specify administrative requirements for binding site plans in addition to the procedural requirements of SMC 20.05 and in accordance with applicable Washington State and City of Sammamish laws, rules and regulations.

19A.20.020 Applicability
A. Any person seeking the use of a binding site plan process to divide property for the purpose of sale, lease or transfer of ownership of commercial zoned property, or creation of condominium units, is required to have an approved binding site plan prior to any property division, as provided for in Chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A binding site plan for a condominium shall be based on a building permit, an as-built site plan for developed sites, a site development permit issued for the entire site, or an approved site plan showing the anticipated development plan for the entire site, notwithstanding the provisions of SMC 21A.95.
B. An application for a binding site plan approval shall be processed as a Type 2 permit pursuant to SMC 20.05.020.
C. The site that is subject to the binding site plan shall consist of one or more contiguous lots.
D. The site that is subject to the binding site plan may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.
E. The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.
19A.20.030 Requirements and limitations
A. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
B. The binding site plan shall:
1. Identify the areas and locations of all streets, roads, improvements, utilities, water and sewer facilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features, and building envelopes;
2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the Director or the hearing examiner; and
3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.
C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms.

19A.20.040 Alterations
A. Alteration of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.
B. Changes to a building permit, subdivision, short subdivision, or site development permit within a binding site plan area shall also require alteration of the binding site plan unless the Director determines that such changes are consistent with the approved binding site plan.

19A.20.050 Vacations
A. Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another binding site plan.
B. If a building permit or commercial site development permit is revised or expires, then the binding site plan shall be vacated unless the Director determines that the revision or expiration is consistent with the approved binding site plan.

19A.20.060 Recording
A. Plat certificates or owner’s duplicate certificates for registered land pursuant to chapter 65.12 RCW shall be provided to the department by the owner.
B. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared in a format prescribed by the department.
C. The binding site plan shall contain all information as set forth in an official submittal checklist signed by the Director.
D. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
E. No person shall sell, transfer or lease any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan.
F. The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and contain a provision that any development of the site shall be in conformity with the approved binding site plan.
Chapter 19A.24
BOUNDARY LINE ADJUSTMENTS

Sections:
19A.24.010 Purpose
19A.24.020 Procedures and limitations of the boundary line adjustment process
19A.24.030 Final approval and recording required
19A.24.040 Boundary line agreement

19A.24.010 Purpose.
The purpose of this chapter is to provide procedures and criteria for the review and approval of adjustments to boundary lines of legal lots or tracts in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

19A.24.020 Procedures and limitations of the boundary line adjustment process. Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:
A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in SMC chapter 20.05. The review shall include examination for consistency with SMC Title 21A, shoreline master program including SMC Title 25 and for developed lots building and fire codes and may include review by the applicable agency for department of health regulations and water and sewer district requirements;
B. Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;
C. May require modification or sharing of access from public works to be approved by the City Engineer;
D. A boundary line adjustment proposal shall not:
1. Result in the creation of an additional lot;
2. Result in a lot that does not qualify as a building site pursuant to this title;
3. Reduce conforming lot dimensions such as area or width to non-conforming dimensions;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Result in a lot that previously met sewer/water district standards for sewer/water service no longer meeting district standards;
6. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
7. Involve lots which do not have a common boundary; or
8. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;
E. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site shall be considered an adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title; and
F. Recognized lots in an approved site plan for a conditional use permit, special use permit or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development without additional conditional use permit, special use permit or commercial site development review and approval.

19A.24.030 Final approval and recording required.
A. A title insurance certificate updated not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
B. Final boundary line adjustment documents shall be in a form prescribed by the department and be reviewed and approved by the department prior to recording with the King County auditor. Lot lines within
lots under the same ownership will be adjusted upon the recording of the boundary line adjustment and submittal to the city of the recorded boundary line adjustment documents. Lot lines within lots under different ownership shall be adjusted upon submittal to the city of the recorded boundary line adjustment and real estate conveyance documents transferring ownership of the adjusted land area. Approved boundary line adjustment approvals shall expire if the approved boundary line adjustment and real estate documents transferring property ownership are not recorded and a copy submitted to the city within one year from the date of approval.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:
   1. The King County Department of Assessments; and
   2. The City of Sammamish Department of Community Development.

19A.24.040 Boundary line agreement. Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, as evidenced by survey performed by a land surveyor as defined by SMC 19A.15.240 that demonstrates the following:

A. The current legal description incorrectly identifies a property line location that is inconsistent with a location recognized by property owners through established use; or

B. There is a defect in the recorded legal description that creates gaps or overlaps between existing lot lines, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by the procedure below, in conformance with RCW 58.04.007.

If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with Chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with King County, and a copy of the recorded boundary line correction and/or agreement shall be submitted to the city for the record.
Meeting Date:       June 15, 2010          Date Submitted:     June 10, 2010

Originating Department:          Public Works

Clearances:  
☒ City Manager                      ☐ Community Development    ☐ Parks & Recreation
☒ Attorney                           ☐ Finance & IT              ☐ Police
☐ Admin Services                    ☐ Fire                        ☒ Public Works

Subject:  Resolution Adopting the 2011-2016 Six-Year Transportation Improvement Plan (TIP).

Action Required:  Adopt attached Resolution

Exhibits:  1) Resolution adopting the 2011-2016 Six-Year Transportation Improvement Plan (TIP).

2) 2011-2016 Six-Year Transportation Improvement Plan and Map.

Budget:  Not Applicable

Summary Statement:
All cities are required by state law (RCW Chapter 35.77) to have a Six-Year Transportation Improvement Program (TIP) and to adopt an update of the TIP annually. These updates must be pursuant to one or more public hearings and shall be consistent with the City’s Comprehensive Plan. Lastly, the annual TIP must be filed with the Secretary of Transportation within thirty days after adoption.

The TIP is a planning document containing transportation capital improvement programs and projects the City foresees undertaking over the next six years. The TIP by itself does not authorize projects to move forward nor provide funding for any of its listed projects; for that to occur requires that individual projects be funded through the City’s normal budget adoption process.

Background:
This is an annual adoption that is required by State law. Resolution 2009-388 adopting the 2010-2015 TIP was unanimously approved (5-0) at the October 6, 2009 City Council Meeting and included $32.4 million in transportation improvements. The 2011-2016 TIP includes $22.0 million in transportation improvements, representing a decrease of approximately one-third from the previous year’s TIP. This decrease is reflective of the continued downturn in the residential housing market and the associated decrease in forecasted road impact fee revenue and project need.

This update to the TIP is continuing the annual progression along the 18-year TIP that was developed in collaboration with the new road impact fee adopted by the City Council in 2006; however the majority of the concurrency-related capital roadway projects have been pushed out to later years than what was
previously approved. This change reflects the current dramatic slowdown in the development market and the overall economy. Notable changes to this update of the TIP include:

- Removed projects completed in 2010:
  1) East Lake Sammamish Parkway NE, Phase 1B - NE 18th Pl to 2200 Block
  2) 244th Ave NE - SE 8th St to NE 8th St
  3) SE 20th St - 212th Ave SE to 228th Ave SE

- Continued to delay the start of the following concurrency road improvement projects:
  1) East Lake Sammamish Parkway NE - NE 26th St to 196th Ave NE
  2) Issaquah-Pine Lake Rd - SE 48th St to Klahanie Blvd

- Reestablished funding for the SE Duthie Hill Rd/Issaquah-Beaver Lake Rd Intersection concurrency project

- The 244th Ave NE - NE 8th St to NE 14th St non-motorized project improvements were expanded and the project was moved to 2011

This TIP does not yet include any improvements related to the Town Center Plan.

Financial Impact:

There is no financial impact at this time. The 6-year TIP is a planning document and as such does not commit the City to any financial obligations. Council will encounter and address the financial impacts in the future as they appropriate funding for the various projects listed in the 6-year TIP.

Recommended Motion:

Move to adopt, by Resolution Number 2010-____, the 2011-2016 Six-Year Transportation Improvement Plan as attached.
CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2010---

A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ADOPTING AN UPDATED SIX-YEAR
TRANSPORTATION IMPROVEMENT PLAN FOR 2011-2016

WHEREAS, state law requires the legislative body of each city to prepare and adopt a comprehensive transportation improvement plan for the ensuing six years; and

WHEREAS, the purpose of such plan is to assure that each city shall have plans looking to the future, for not less than six years, as a guide in carrying out a coordinated transportation program; and

WHEREAS, if a city has adopted a comprehensive plan, state law provides that the transportation improvement plan shall be consistent with the comprehensive plan; and

WHEREAS, the adoption of a transportation improvement plan will allow the City to coordinate planning efforts, mitigate certain transportation impacts, and pursue grant funding for transportation projects; and

WHEREAS, the updated plan is consistent with recent changes to RCW 35.77.010 and incorporates urban planning approaches that promote physical activity and non-motorized and transit oriented projects; and

WHEREAS, the City has conducted an environmental review of the plan in accordance with the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, the Planning Commission and City Council have conducted a public hearings to receive comments on the proposed plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Adoption of Transportation Improvement Plan. The City hereby adopts the Six-Year Transportation Improvement Plan, 2011-2016, attached hereto as Exhibit “A” and incorporated herein by reference.

Section 2. 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.
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF ____________, 2010

CITY OF SAMMAMISH

APPROVED

____________________________
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

____________________________
Melonie Anderson, City Clerk

Approved as to form:

____________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk: June 10, 2010
Passed by the City Council: ____________, 2010
Resolution No.: R2010 - _____
## Project List and Total Project Expenditure Summary

All Projects costs and revenue projections are in 2010 dollars

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<th>TIP</th>
<th>Project Title</th>
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<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
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<td>Sahalee Way NE - 220th Ave NE to North City Limits</td>
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<td>Transportation Concurrency Program</td>
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<td>Neighborhood CIP</td>
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### 6-Yr Total Project Expenditures - Transportation

<table>
<thead>
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<th>6-Yr Total Project Expenditures - Transportation</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>6 Yrs Total</th>
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<td>5,568,667</td>
<td>3,790,000</td>
<td>2,917,333</td>
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### Total Expenditures

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<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>6 Yrs Total</th>
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<td>5,568,667</td>
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### Operating Contribution Percentage

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<th>100%</th>
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<td>TOTAL</td>
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<td>Accumulative Project Expenditures</td>
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<tr>
<td>Accumulative Cash Flow Surplus or Deficit</td>
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<td>1,352,500</td>
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Draft 2011 - 2016 TIP.xls
Adopted _______ 2010 by Resolution 2010-____
6/9/2010
Project List

3. SE Duthie Hill Rd/SE Issaquah-Beaver Lake Rd. Intersection
5. Issaquah-Pine Lake Rd. SE - SE 48th St. to SE Klahanie Blvd.
10. 244th Ave. SE - NE 8th St. to NE 14th St.
Meeting Date: June 15, 2010
Date Submitted: May 26, 2010

Originating Department: Community Development

Clearances:
- City Manager
- Attorney
- Admin Services
- Community Development
- Parks & Recreation
- Finance & IT
- Police
- Fire
- Public Works

Subject: Town Center Development Regulations, Zoning Map and Infrastructure Plan

Action Required: Second Reading, Continued Public Hearing

Exhibits:
1. Proposed Ordinance with Attachments A, B and C (available for viewing on the city website at https://www.ci.sammamish.wa.us/departments/communitydevelopment/TownCenter)

Budget: N/A

Summary Statement:
To implement the adopted Town Center Subarea Plan, this ordinance would adopt Town Center Development Regulations, Zoning Map amendments, and the Town Center Infrastructure Plan to implement the adopted Town Center Subarea Plan. The Development Regulations would be codified in the Sammamish Municipal Code as Title 21B, specific to Town Center development.

Background:
The Town Center plan was unanimously adopted by City Council in June, 2008. The Town Center Plan was developed after City Council had decided upon a Preferred Alternative. The Preferred Alternative identified policies incorporated into the Town Center Plan. Throughout the process of plan and coded development, there were multiple opportunities for public comment, workshops, preference surveys, and extensive review by the Planning Commission leading to final adoption by the City Council.

The Planning Commission provided to the City Council their recommended Town Center Development Regulations in January, 2010. The Planning Commission focused on providing a balanced document that emphasized a balance between prescriptive requirements and flexible options. The Town Center Development Regulations are intended to complement existing Sammamish Municipal Code requirements, while including requirements specific to the Town Center. The Zoning Map implements the adopted Town Center Plan and is designed to be implemented with the regulations. The Infrastructure Plan incorporates development principles for implementing the regulations on specific sites.

On June 1, 2010 the City Council opened the Public Hearing and held a first reading on this ordinance. The public hearing was continued to June 15, 2010 and additional comment will be taken.
recommended motion: continue hearing, take testimony then close public hearing.
CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2010 - ___

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING THE TOWN CENTER DEVELOPMENT REGULATIONS AS TITLE 21B OF THE SAMMAMISH MUNICIPAL CODE; ADOPTING ZONING MAP AMENDMENTS FOR THE TOWN CENTER SUBAREA; AND ADOPTING THE TOWN CENTER INFRASTRUCTURE PLAN

WHEREAS, the City Council adopted the Sammamish Comprehensive Plan on September 16, 2003, consistent with the state Growth Management Act and applicable Countywide Planning Policies; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003, and subsequent revisions have been made since that time; and

WHEREAS, the City Council adopted the Town Center Subarea Plan on June 9, 2008, as an amendment to and element of the Sammamish Comprehensive Plan; and

WHEREAS, the Town Center Subarea Plan established the policy basis for the development of the Town Center Development Regulations, Zoning Map amendments, and the Town Center Infrastructure Plan; and

WHEREAS, the Town Center Development Regulations will authorize development consistent with the policy direction of the adopted Town Center Plan and specific regulatory provisions; and

WHEREAS, the Zoning Map amendments will designate zoning for properties within the Town Center Subarea to implement the Town Center Plan and the Town Center Development Regulations; and

WHEREAS, the Town Center Infrastructure Plan will assist in guiding infrastructure development within the Town Center Subarea Plan; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance for the proposed Town Center Regulations, Zoning Map amendments, and Town Center Infrastructure Plan was issued on May 12, 2010; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on March 10, 2010 and was granted expedited review on March 25, 2010; and
WHEREAS, the public process for the proposed amendments has provided for extensive public participation opportunities at public meetings and hearings before the Planning Commission and City Council between June of 2008 and June of 2010; and

WHEREAS, the Planning Commission held public meetings and public hearings in 2008 and 2009 and forwarded recommended Town Center Development Regulations, Zoning Map, and Town Center Infrastructure Plan to the City Council on January 12, 2010; and

WHEREAS, the City Council received and considered public comment at City Council public hearings on June 1, 2010 and June 15, 2010;

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

Section 1. Adoption of the Town Center Development Regulations. The Town Center Regulations, as set forth in Attachment “A” to this Ordinance, are hereby adopted.

Section 2. Adoption of the Zoning Map Amendments. The Zoning Map amendments, as set forth in Attachment “B” to this Ordinance, are hereby adopted.

Section 3. Adoption of the Town Center Infrastructure Plan. The Town Center Infrastructure plan, as set forth in Attachment “C” to this Ordinance, is hereby adopted.

Section 4. 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 5. 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 __________DAY OF __________, 2010.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

________________________________________
Melanie Anderson, City Clerk
Approved as to form:

___________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk: May 27, 2010
Public Hearing: June 1, 2010
First Reading: June 1, 2010
Public Hearing: June 15, 2010
Second Reading: June 15, 2010
Passed by the City Council:
Date of Publication:
Effective Date:
Meeting Date: June 16, 2010
Date Submitted: MAY 24, 2010

Originating Department: City Manager

Clearances:
- ☑ City Manager
- ☑ Attorney
- ☑ Admin Services
- ☑ Community Development
- ☑ Finance & IT
- ☑ Fire
- ☑ Parks & Rec
- ☑ Police
- ☑ Public Works

Subject: Speed limit and parking Restrictions for 2010 USGA Senior Open golf tournament

Action Required: Motion to pass Resolution

Exhibits: 1. Resolution

Budget: Minimal expenditure of funds

Summary Statement:
Now that traffic and parking plans have been finalized, it is desired that speed limit and parking restrictions be put in place to facilitate the movement of mass transit vehicles and to provide for enhanced safety near the ingress/egress point.

Background:
Work by City staff was initiated for this project in March 2008. The investment in time is similar to that which occurred in 2002 for the NEC Invitational Tournament. Experience of the 2002 event, as well as information gathered on a tournament in 1998 helped to develop the 2010 traffic and parking plan. The amount of traffic and parking control recommended is substantially less than occurred in 2002, as the changed traffic pattern makes wholesale traffic and parking restrictions unnecessary.

Financial Impact:
Modest - there will be limited staff investment, use of electronic reader signs and a few parking restriction signs.

Recommended Motion:
Approve Resolution as presented.
CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2010- ____

A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, PROVIDING FOR TEMPORARY SPEED  
LIMIT CHANGES AND PARKING RESTRICTIONS TO  
ENHANCE PUBLIC SAFETY DURING THE 2010 USGA  
SENIOR OPEN GOLF TOURNAMENT.

WHEREAS, the USGA Senior Open Golf Tournament will be held on Monday, July 26,  
2010 through Sunday, August 1, 2010 in the City of Sammamish at the Sahalee Country Club; and

WHEREAS, the Tournament is expected to attract up to 30,000 spectators daily, thereby  
generating a demand for parking for over 6,000 vehicles; and

WHEREAS, adverse traffic impacts may occur to City streets and neighborhoods in the  
absence of a traffic mitigation plan; and

WHEREAS, the traffic plan, as jointly developed between Tournament officials, the City  
of Sammamish, the City of Redmond and King County specifies that the majority of the off-site  
public parking will take place at Marymoor Park, near Redmond; and

WHEREAS, the City is authorized to adjust arterial roadway speed limits under  
Washington Administrative Code Section 308-330-270(3) and to regulate roadway parking  
under Washington Administrative Code Section 308-330-270(5), as adopted and set forth in the  
Sammamish Municipal Code Section 46.05.010; and

WHEREAS, the roadway temporary speed limit change and temporary parking  
restrictions enacted by this resolution are necessary for the proper functioning of the Tournament  
and for the protection of the public,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Temporary Speed Limit. For the purposes of enhancing and facilitating the  
movement of mass transit vehicles, Sahalee Way NE from a point 300 feet south of the  
intersection with NE 37 Way to a point 550 feet south of the intersection with Sahalee Drive  
East will have a speed limit of thirty-five (35) miles per hour beginning at 12:01 a.m. on Monday,  
July 26, 2010 through 8:00 p.m. on Sunday, August 1, 2010. This speed limit shall be effective  
when posted upon fixed or variable signs.
Section 2. Parking Restrictions Established. To facilitate the movement of mass transit vehicles and to provide for increased safety to other roadway users, Sahalee Way NE from NE 37 Way to a point 550 south of Sahalee Drive East there shall be no parking, standing or stopping of vehicles, except mass transit, at any time daily beginning at 12:01 a.m. on Monday, July 26, 2010 through 8:00 p.m. on Sunday, August 1, 2010.

Section 6. Tow-Away Zones Established. The restricted parking area set forth in Section 2 of this resolution is also designated as a tow-away zone. Upon determining that a vehicle is parked, stopped or standing in violation of this ordinance, any duly authorized law enforcement officer or other municipal officer with parking control responsibilities may issue a Notice of Infraction and cause the impoundment of the offending vehicle. Court fines and costs as well as towing and storage fees are the sole responsibility of the vehicle owner or agent.

Section 7. Installation of Signs. The City Manager shall cause temporary speed limit and parking restriction signs to be installed pursuant to this resolution. Such signs shall be of a temporary nature and removed once the restrictions are terminated.

Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this resolution 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 resolution or its application to other persons or circumstances.

Section 9. Effective Date. This resolution 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 of JUNE 2010.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk
Approved as to form:

______________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:       June 3, 2010
Passed by the City Council:     R2010-__
Resolution:
Meeting Date: June 15, 2010  Date Submitted: June 10, 2010

Originating Department: Parks and Recreation

Clearances:  ✔ City Manager  ✔ Community Development  ✔ Parks & Recreation
        ☐ Attorney  ☐ Finance & IT  ☐ Police
        ☐ Admin Services  ☐ Fire  ☐ Public Works

Subject: Resolution recognizing the historical significance of the Freed House.

Action Required: Approve the Resolution

Exhibits: 1. Resolution

Budget: N/A

Summary Statement: The Sammamish Heritage Society presented a recent proposal to the City Council outlining their strategy for the preservation of the Reard/Freed House. One element of their proposal includes establishing the Reard/Freed House as a historical landmark. A separate resolution is being considered to begin the process of establishing a Sammamish Landmark Commission, thereby allowing the landmark nomination process to proceed. In the meantime, the Heritage Society is seeking support for their project and has asked the City Council to officially recognize the historical significance of this property via the attached resolution.

Background:

Financial Impact: None

Recommended Motion: Approve the Resolution recognizing the historical significance of the Reard/Freed House.
CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2010-

A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE REARD/FREED HOUSE TO THE CITY OF SAMMAMISH

WHEREAS, the City of Sammamish is the owner of the Reard/Freed House; and

WHEREAS, the Reard/Freed House is one of the last remaining historical homes in Sammamish; and

WHEREAS, the Reard/Freed House is a symbol of early pioneer life on the Sammamish Plateau; and

WHEREAS, the Sammamish Heritage Society is working with local volunteers and historical agencies to preserve and restore the Reard/Freed House; and

WHEREAS, the City Council desires to support the preservations efforts of the Sammamish Heritage Society;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON:

That City Council does hereby officially recognize the historical significance of the Reard/Freed House and support the preservation efforts of the Sammamish Heritage Society.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15th DAY OF JUNE 2010.

CITY OF SAMMAMISH

________________________________________
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk
Approved as to form:

_________________________
Bruce L. Disend, City Attorney

Filed with the City Clerk:       June 10, 2010
Passed by the City Council:     R2010-
Meeting Date: June 15, 2010

Date Submitted: June 10, 2010

Originating Department: Community Development

Clearances:

- City Manager
- Attorney
- Admin Services
- Community Development
- Finance & IT
- Fire
- Parks & Recreation
- Police
- Public Works

Subject: Resolution appointing a Special Member to Sammamish Landmark Commission

Action Required: Approve the solicitation of applicants for the vacant Special Member of the Sammamish Landmark Commission and authorize the City Manager to make the appointment

Exhibits:

1. Resolution

Budget: N/A

Summary Statement:

Background: Chapter 21.10 Protection and Preservation of Landmarks was passed by the City Council on December 16, 2008. SMC Chapter 21.10 was approved in order to implement the Comprehensive Plan Policy ECP-9.3 which states “The City should establish a Landmark Preservation Board”, as well as other policies under Comprehensive Plan Goal EC-9 Recognize and protect historical and cultural resources in the Community. The ordinance was established to provide a formal procedure in cooperation with King County to place historic cultural, engineering and archaeological objects, structures, sites, and districts on either local, county, state or federal registers. It also creates a procedure to formally recognize those structures, objects and sites and provide for tax incentives to owners of designated properties.

Section SMC 21.10.030 indicates the mayor shall appoint a special member of the Sammamish Landmarks Commission to serve with King County Landmarks Commission which serves as the City of Sammamish’s Landmarks Commission. On March 2, 2010 the City Clerk received the signed Interlocal agreement with King County that allows the Sammamish Landmarks Commission to begin considering landmark nominations. In order for any nominations to be considered by the City, the City must first appoint a Special Member so that the Commission can be convened to consider any nominations under sections SMC 21.10.050 and 060.

The procedures would be as follows:

1. Any group or individual who wishes to submit a nomination would submit it to the City who will then forward it to the King County Historic Preservation Officer. The Officer will then determine if the application is sufficient and complies with Commission’s regulations for nomination.

2. The King County Historic Preservation Officer would then forward the nomination to the Sammamish Landmarks Commission for consideration. The Officer must give notice of at least 30 days of a public hearing on the nomination.
3. After the Landmark Commission approves, denies or amends the designation request at the public hearing it must issue a written designation report. The designation decision can then be appealed to the City’s Hearing Examiner within 21 days of the decision by the Landmark Commission. If no appeals were filed the nomination shall be recorded with King County Records together with a legal description.

Financial Impact: None

Recommended Motion: Authorize the City Manager to consider candidates and approve appointing one member from Sammamish to the Landmark Commission.
A RESOLUTION OF THE CITY OF SAMMAMISH
WASHINGTON AUTHORIZING THE CITY MANAGER
TO APPOINT ONE SPECIAL MEMBER TO THE
SAMMAMISH LANDMARK COMMISSION

WHEREAS, the Sammamish City Council approved SMC Chapter 21.10.030 establishing a Sammamish Landmarks Commission and setting forth the duties of said commission; and

WHEREAS, the City Council desires to appoint a local resident to the Sammamish Landmarks Commission for purposes of considering designation proposals in the City of Sammamish; and

WHEREAS, the City Council desires to have the City Manager fill the vacant Landmark Commission position on Council’s behalf;

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

Section 1. The City Manager is hereby authorized to conduct a search for, and make an appointment of, a Special Landmarks Commissioner on behalf of the City Council.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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 Resolution or its application to other persons or circumstances.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE __ DAY OF ______2010

CITY OF SAMMAMISH

______________________
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:
Meeting Date: June 15, 2010  
Date Submitted: June 9, 2010

Originating Department: Parks and Recreation

Clearances:  
City Manager  
Attorney  
Admin Services  
Community Development  
Finance & IT  
Police  
Parks & Recreation  
Fire  
Public Works

Subject: Modifying the Interlocal Agreement with the Issaquah School District for Community Sports Field Use

Action Required: Authorize the City Manager to sign the Addendum to the Interlocal Agreement with the Issaquah School District

Exhibits:  
1. Interlocal Agreement with Issaquah School District: Addendum 1  
2. Letter from ISD Superintendent Steve Rasmussen

Budget: N/A

Summary Statement:

In April of this year the City received a request from the Issaquah School District to modify the Interlocal Agreement as it pertains to the joint use of the Community Sports Fields at Skyline High School. In his letter to the City, Dr. Rasmussen, Superintendent of the School District, requested that the field light hours be extended to 10:00 pm (one additional hour) during the Fall and Spring WIAA sports seasons. This extension will support the school’s need for additional field time due to the return of the freshman class to campus (previously housed at the Pacific Cascade Freshman Campus.) Addendum 1 of the Interlocal Agreement with modifications to Section 3 is attached.

Background:

In 2004 the City entered into an Interlocal Agreement with the Issaquah School District for joint use of facilities. This was followed by an addendum, approved in 2005 by both parties, outlining the terms for the construction and operation of the Community Sports Fields at Skyline High School. The agreement specifies that field lights will turn off no later than 9:00 pm each night. The Skyline Community Sports Fields have been operational since 2007.

The school district estimates that the Skyline High School campus will expand by up to 475 students when the freshman class returns in the fall of 2010. They further estimate that they will need to accommodate over 300 additional student athletes during the fall season alone, hence their desire to secure additional field time on the Community Sports Fields.
City staff and Skyline High School staff attempted to reach the neighbors living adjacent to the Community Sports Fields in person. When visits to individual homes proved to be unsuccessful, a certified letter was sent to each neighbor inviting comments on this proposal. A number of e-mail responses were received as a result of the outreach effort. Generally, the neighbors do not support extending the field light hours. They cited numerous reasons for their opposition with noise intrusion being a central theme. It should also be noted that most of these neighbors participated in discussions in 2005 and voiced the same concerns at that time.

City staff also shared the School District’s request with the community leagues using these fields. The responses were varied – some supported the extended time and others shared concerns about scheduling youth teams until 10:00 pm. A representative from an adult league was supportive of the notion indicating that adult teams would be more than willing to utilize the later time slot. Although the opinions were varied, the general theme was that more field time is needed in Sammamish to accommodate community sports groups.

As mentioned previously, the proposal under consideration extends the field lights until 10:00 pm during the fall and spring WIAA seasons only (approximately 6 months out of the year). This applies to weekday use only and does not include weekend use. The net change is an additional hour of use for school teams, with community use remaining the same.

**Financial Impact:**

None.

**Recommended Motion:**

Authorize the City Manager to amend Addendum 1 to the Interlocal Agreement with the Issaquah School District.
Addendum 1 to
Issaquah School District and City of Sammamish
Interlocal Agreement Regarding the Joint Use, Development and
Maintenance of City and district Properties

This Addendum is entered into on ______________, 2010, by and between the Issaquah School District No. 411 (hereafter referred to as the “District”), a municipal corporation and subdivision of the State of Washington, and the city of Sammamish, Washington (hereafter referred to as the “City”), a municipal corporation, and is designated Addendum 1 to the Issaquah School District and City of Sammamish Interlocal Agreement Regarding the Joint Use, Development and Maintenance, of City and District Properties (hereafter referred to as the “Joint Use Agreement”).

RECITALS

A. The City and the District entered into a Joint Use Agreement dated September 21, 2004, regarding the parties’ use, management and scheduling of each other’s athletic fields and facilities.

B. The City and the District wish to add to and modify the provisions of said Joint Use Agreement for a joint project for improvements to an athletic field at Skyline High School.

C. Attached hereto as Exhibit A, and incorporated herein by reference is a conceptual layout which generally illustrates the location of the improvements subject of this Addendum.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the City and District agree as follows:

AGREEMENT

SECTION 1: Purpose and Subject Matter

The purpose of this Addendum is to set forth the terms and conditions that will allow the City to develop an athletic practice field (“Field”) as identified in this addendum, located at the District’s Skyline High School, so that it may be used by the District for school purposes and by the public for recreation purposes.
SECTION 2: Athletic Field

A. The parties intend to convert the approximately four acre field from a marginally maintained grass field to a high quality facility with synthetic turf and lighting. It will be designed to accommodate a variety of sports and a variety of age groups.

During design and prior to construction, the City will seek acceptance of the adjacent homeowners for this public project. The City will do so by conducting meetings with homeowners throughout the design process. The City shall provide the District with documentation of the adjacent homeowner’s input concerning the design and construction.

B. The City shall be solely responsible for financing the design and construction of the improvements to the new Field. Design, plans, type of construction, field and light specification and construction schedule shall be subject to prior review and written approval by the District, which approval shall not be unreasonably withheld. Once construction of the Field commences, the City will provide the District with status reports on construction progress upon request.

C. The City shall be designated as the lead agent for the Field project for purposes of the State Environmental Policy Act (“SEPA”). The City shall be solely responsible for compliance with all federal, state, and local laws and regulations applicable to design and construction of the Project.

SECTION 3: Scheduling

The City shall act as scheduling coordinator for the Field. The District shall have first priority for use of the Field until 5 PM until the end of the school year for the entire WIAA fall & spring seasons, with community use of the field not starting earlier than 5:15 PM 6:15 PM. The District shall have first priority of use of the Field until 5PM on weekdays for the entire WIAA winter season, with community use of the field not starting earlier than 5:15 PM. Community use of the facility shall be the first priority for use of the Field at all other times. Scheduled use of the Field shall be permitted up to 9:00 PM Monday—Sunday. Scheduled use of the Field shall be permitted up to 10:00 PM Monday-Friday and up to 9:00 PM on Saturday and Sunday during the WIAA fall & spring seasons; and up to 9:00 PM during the WIAA winter season and during the summer months. If the District wants use of the field after 5:00 PM outside of their designated time and/or on weekends they may make that request through the City’s field scheduling process.

SECTION 4: Fees

The City may charge fees to community users of the Field to cover maintenance and replacement costs that the City may incur. Fees will be set by the City and will be consistent with other similar synthetic turf fields that the City provides.
SECTION 5: Maintenance and Repair

A. The City shall maintain and keep in good repair the Field and any landscaping associated with the facility. Maintenance and repair shall include, but not be limited to, weeding, watering, fertilizing and trimming any landscaping and the landscape buffer, regular removal of trash and other refuse, and maintenance of the synthetic turf, portable toilets (including any constructed enclosures), and any additions to the synthetic turf (e.g., spectator stands, goal posts). Maintenance and repair shall also include responsibility for any construction defects.

B. The City agrees to install a deduct electricity meter enabling the parties to determine electric usage for the Field.

C. The City will provide overall management for the maintenance of the Field. It is estimated that the District will make use of the Field approximately 50% of the time and that the City will make use of the Field approximately 50% of the time. The District agrees to provide in-kind maintenance services and the maintenance tasks for the Field will be performed in an equal and coordinated manner. Actual tasks will be outlined by the City in a Maintenance Plan for the Field that will be reviewed annually by City and District staff.

D. Following the initial 12 months of usage by the District and the City, and following each 12 month period thereafter, the parties shall determine the actual percentage of Field use by each party for the preceding 12 months and reconcile the share of maintenance tasks accordingly.

SECTION 6: Water Use

A. The City agrees to install deduct water meters enabling the parties to determine water usage by the City to maintain any landscaping and water use for the Field. The City agrees to reimburse the District 50% of all such water use within thirty (30) days of receiving a request for payment from the District along with documentation supporting the request for payment.

B. Following the initial 12 months of usage by the District and the City, and following each 12 month period thereafter, the parties shall determine the actual percentage of Field use by each party for the preceding 12 months and reconcile the reimbursement amount accordingly. Any amount due and owing from one party to the other, following the reconciliation, shall be payable within thirty (30) days of receiving a request for payment along with documentation supporting the request for payment.

SECTION 7: Use

In the City’s construction, maintenance and repair of the Field, the City shall not materially interfere with the operation of the high school or endanger the students or the employees of the District.
SECTION 8: Drug-Free Workplace

The City and its contractors and all subcontractors, and employees or laborers shall fully comply with all applicable federal, state, and local laws and regulations regarding drug-free workplace, including the Drug-Free Workplace Act of 1988. Any person not fit for duty for any reason, including the use of alcohol, controlled substances, or drugs, shall immediately be removed from the District property.

SECTION 9: Tobacco Products

Pursuant to RCW 28A.212.310, no tobacco products of any kind may be used on the Field and surrounding areas or in any other property of the District.

SECTION 10: Hazardous Materials

To the extent the maintenance or repair of the Field involves any hazardous materials, the City shall comply with Chapter 49.26 RCW and any provisions of the Washington Administrative Code. In the event that any hazardous materials are deposited by the City or its contractors or assigns on the District’s property, the City shall immediately take such actions as may be necessary to remedy any and all damages caused by such deposit. The City shall indemnify, hold harmless and defend the District from any and all claims, liabilities, losses, damages, cleanup costs, response costs, and expenses, including reasonable attorney’s fees arising out of or in any way related to release of hazardous materials by the City or any of its agents, representatives, or employees or the presence of such Hazardous Substances in, on or about the Field whether or not approved.

SECTION 11: Pesticides

During the maintenance and repair of the Field, including all planters, plantings and shrubs, the City shall, in accordance with state law, first give notice and obtain the District’s approval before using any herbicide, insecticide, fungicide or other pesticide on the Field or landscaping.

SECTION 12: No Pets

Pets shall not be permitted at the Field and the City agrees to include signs which notify the public of this policy.

SECTION 13: Effect on Joint Use Agreement

Except as may be amended by this Addendum, all other terms and conditions of the Joint Use Agreement shall remain in full force and effect. In the event of a conflict between this Addendum and the Joint Use Agreement, this Addendum shall control, including provisions concerning days and times of Field use.
IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed on their behalf.

__________________________________   _______________________________
Dr. Steven Rasmussen     Ben Yazici
Superintendent      City Manager
Issaquah School District     City of Sammamish

STATE OF WASHINGTON  )
COUNTY OF KING  )
 ) SS

I certify that I know or have satisfactory evidence that Dr. Steven Rasmussen is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Superintendent of Issaquah School district No. 411, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:_________________________, 2010

___________________________________
[Name]

______________________________[Print]

NOTARY PUBLIC in and for the State of Washington, residing at ________________
My commission expires:________________

STATE OF WASHINGTON  )
COUNTY OF KING  )
 ) SS

I certify that I know or have satisfactory evidence that Ben Yazici is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was
authorized to execute the instrument and acknowledged it as the City Manager of the City of Sammamish, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: ______________________ , 2010

___________________________________
[Name]

___________________________________[Print]
NOTARY PUBLIC in and for the State of Washington, residing at ______________
My commission expires: ______________