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JUL 24 2019

CITY OF SAMMAMISH

BEFORE THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD STATE OF WASHINGTON

DON GEREND, an individual

Petitioner,

NO.

PETITION FOR REVIEW

VS.

CITY OF SAMMAMISH, a Washington municipal corporation,

Respondent.

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Koloušková of Johns Monroe Mitsunaga Koloušková, PLLC, submits this Petition for Review of the City of Sammamish's amendments to the Sammamish Municipal Code concerning transportation concurrency and level of service for road segments and corridors as adopted under Ordinance No. O2019-484. The City failed to comply with the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW, and Growth Management Act ("GMA"), chapter 36.70A RCW, by failing to be guided by the goals of the GMA, failing to adequately consider environmental impacts of its action, failing to comply with the concurrency adoption process and substantive requirements contained in the GMA, and

failing to comply with the City's duties and responsibilities to foster and stimulate urban

Petitioner Don Gerend ("Petitioner"), by and through its attorney Duana T.

232425

growth.

I. PETITIONER'S IDENTITY

Don Gerend 22730 SE 23rd Place Sammamish, WA 98075

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Petitioner is represented by:

Duana T. Koloušková, WSBA # 27532 JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ, PLLC 11201 SE 8th St., Suite 120 Bellevue, WA 98004 (425) 467-9966 (425) 451-2818 (fax)

II. IDENTITY OF RESPONDENT, ACTION AT ISSUE, DATE OF ACTION

City of Sammamish ("City") is a code city and is required to comply with the mandates of the Growth Management Act, Chapter 36.70A RCW. The City adopted Ordinance No. O2019-484, "Amending Chapters 14A.05, 14A.10, and 21A.15 of the City of Sammamish Municipal Code Relating to Transportation Concurrency and Level of Service for Road Segments and Corridors." The City adopted Ordinance No. O2019-484 on May 23, 2019, and published the ordinance on May 27, 2019.

III. ISSUES

In adopting Ordinance No. O2019-484, did the City violate the Growth Management Act, specifically as follows:

1. Whether Ordinance No. O2019-484 violates RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140, for failing to provide an adequate public participation process and failing to follow the City's prescribed development regulation process as set forth in chapters 2.60 and 24A.15 SCC?

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- 2. Whether Ordinance 02019-484 violates Chapter 43.21C (including but not limited to section 43.21C.030) and Chapter WAC 197-11 (including but not limited to sections 197-11-070; 197-11-310; 197-11-600) because it was adopted without adequate and legally required threshold determination and due consideration of the potential environmental impacts of the new level-of-service standards and regulations contained in the Ordinance?
- 3. Whether, in adopting Ordinance O2019-484, the City failed to adequately consider and adopt findings relating to the goals contained in RCW 36.70A.020?
- 4. Whether, in adopting Ordinance O2019-484, the City failed to be guided by the goals contained in RCW 36.70A.020, including but not limited to (1) Urban Growth; (2) Reduce Sprawl; (4) Housing; (5) Economic Development; (6) Property Rights; (7) Permits; (11) Citizen Participation and Coordination; (12) Public Facilities and Services?
- 5. Whether Ordinance O2019-484 procedurally and substantively violates RCW 36.70A.040, RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810, because it imposes new level-of-service standards through a development regulation rather than as an amendment to the Transportation Element of the City's Comprehensive Plan?
- 6. Whether Ordinance O2019-484 violates RCW 36.70A.040 and RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810 by being inconsistent with the Comprehensive Plan, including but not limited to the Land Use and Transportation Elements, and the Town Center Plan?

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- 7. Whether Ordinance O2019-484 violates RCW 36.70A.040, RCW 36.70A.070(6), WAC 365-196-430 and/or WAC 365-196-840 by imposing new level of service standards based on an erroneous methodology for determining roadway capacities?
- 8. Does Ordinance No. O2019-484 violate RCW 36.70A.110(1), (2), (3) and (4) by precluding urban densities, failing to provide areas and densities sufficient to permit projected growth, locating growth in areas that have adequate public facilities or are characterized by urban growth, and failing to provide urban governmental services?
- 9. Does Ordinance No. O2019-484 violate RCW 36.70A.115 by failing to provide sufficient land capacity for development
- 10. Whether Ordinance No. O2019-484 violates RCW 36.70A.390 by imposing a *de facto* moratorium on development without complying with the requirements of RCW 36.70A.390, including but not limited to failing to adopt findings of fact justifying the moratorium?

IV. STANDING

Petitioner has participation standing to bring this challenge as Petitioner participated before the City in its hearing process regarding the transportation concurrency standards and levels of service which culminated in Ordinance No. O2019-484.

In addition, Petitioner has RCW 36.70A.280(2)(d), A.P.A. standing, and standing under chapter 43.21C RCW because he (1) owns and/or has a vested and cognizable legal interest in property within the City of Sammamish that is directly affected and prejudiced by Ordinance No. O2019-484, (2) has interests as a result of their property ownership which the City was required to take into account and (3) as a former Councilmember re-elected four times and Mayor of the City has actively been engaged in the City's ongoing long range planning both within the City and regionally under PSRC, all of which would be adversely

impacted by the Ordinance. As a resident and participant in the City's transportation concurrency process, the City was obligated to consider his interests when it engaged in the challenged action. Petitioner is likely to incur injury due to Ordinance No. O2019-484 unless this Board issues a decision which redresses that injury.

V. ESTIMATED LENGTH OF HEARING

Petitioner anticipates the hearing will last approximately one-half day.

VI. RELIEF SOUGHT

Petitioner requests that the Board find that Ordinance No. O2019-484 fails to comply with the Growth Management Act and establish a mandatory compliance schedule. Petitioner requests the Board to find Ordinance No. O2019-484 substantially interferes with the goals of the GMA and determine that Ordinance No. O2019-484 is invalid under RCW 36.70A.302.

VIII. CERTIFICATION

Petitioner and his undersigned attorneys have read the foregoing petition for review and believe the contents thereof to be true.

By

DATED this $24 \frac{1}{\text{day}}$ of 3019.

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ, PLLC

Duana T. Koloušková, WSBA #27532

Dean Williams, WSBA #52901 Attorneys for Petitioner Gerend

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Tel: 425-451-2812 / Fax: 425-451-2818

CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2019-484

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTERS 14A.05, 14A.10, AND 21A.15 OF THE CITY OF SAMMAMISH MUNICIPAL CODE RELATING TO TRANSPORTATION CONCURRENCY AND LEVEL OF SERVICE FOR ROAD SEGMENTS AND CORRIDORS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapters 14A.05, 14A.10, and 21A.15 of the Sammamish Municipal Code ("SMC") contain definitions and regulations for public works and transportation; these regulations must be consistent with the City's Comprehensive Plan and particularly its Transportation Element; and

WHEREAS, on November 20, 2018, City Council Ordinance O2018-477, which established interim regulations by amending Chapters 14A.05, 14A.10 and 21A.15 SMC, and adopted road segment and corridor level of service (LOS) standards as the volume to capacity (V/C) ratios of up to and including 1.4 for segments and 1.1 for corridors; and

WHEREAS, the interim regulations expire on June 1, 2019, pursuant to the limits established in RCW 36.70A.390; and

WHEREAS, on January 15, 2019, the City Council held a public hearing on Ordinance O2018-477 pursuant to RCW 36.70A.390; and

WHEREAS, an environmental review of the proposed amendments was conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), including submittal of a SEPA checklist, which included *Transportation Issue Paper*, containing analysis of the potential environmental impacts associated with amended policy language in the Transportation Element; and

WHEREAS, on June 19, 2018, a SEPA threshold determination of non-significance ("DNS") was issued and no appeals were filed; and

WHEREAS, The City of Sammamish issued a SEPA addendum on September 13, 2018 to document the revised SEPA checklist pursuant to WAC 197-11-625. The lead agency determined that there are no substantial changes to the proposal such that it might have significant adverse environmental impacts; therefore, the DNS issued on June 19, 2018 stands; and

WHEREAS, on March 12, 2019, the City submitted the proposed code amendments and to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on March 7, 2019, the Planning Commission held a public hearing on the proposed code amendments, considered public comment, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council has determined that the proposed code amendments meet the City's goals and objectives for transportation concurrency and level of service for road segments and corridors; and

WHEREAS, on May 7, 2019, the City Council held a public hearing on the proposed amendments to Chapters 14A.05, 14A.10, and 21A.15 SMC to provide further opportunity for public comment and participation and voted to continue the public hearing to a special meeting on May 23, 2019; and

WHEREAS, on May 23, 2019, the City Council continued the public hearing opened on May 7, 2019 on the proposed amendments to Chapters 14A.05, 14A.10, and 21A.15 SMC to provide further opportunity for public comment and participation.

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

Section 1. Chapters 14A.05, 14A.10, and 21A.15 Sammamish Municipal Code, Amended. Chapters 14A.05, 14A.10, and 21A.15 SMC are hereby amended as shown in Attachment A, attached and incorporated herein 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 five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF MAY, 2019.

CITY OF SAMMAMISH

Christie Malchow, Mayor

Melonie Agderson

Melonie Anderson, City Clerk

Approved as to Form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: May 3, 2019
Public Hearing: May 7, 2019
First Reading: May 7, 2019
Public Hearing: May 23, 2019
Passed by the City Council: May 23, 2019
Date of Publication: May 27, 2019
Effective Date: June 3, 2019

Chapter 14A.05 DEFINITIONS

14A.05.010 Definitions.

The following words and terms are defined pursuant to RCW 82.02.090 and shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. The following words, terms, and definitions shall apply to all portions of this title, except as specifically superseded by definitions set forth elsewhere in this title.

"Concurrency test" means the determination of an applicant's impact on transportation facilities by the comparison of the City's adopted level of service standards to the projected level of service at intersections or road corridors, or road segments with the proposed development.

"Level of service standards" means the City's defined performance standards for its adopted concurrency intersections, and road corridors, and road segments, as defined in the City's Comprehensive Plan SMC 14A, 10,050.

Chapter 14A.10 CONCURRENCY

14A.10.010 Concurrency requirement.

- (1) In accordance with RCW 36.70A.070(6)(b), the City must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards defined in SMC 14A.10.050, adopted in the transportation element of the City's comprehensive plan, unless transportation improvements or strategies to accommodate the impacts ofdevelopment are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of the City's concurrency requirement, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.
- (2) The City shall not issue a development permit until:
 - (a) A certificate of concurrency has been issued; or
 - (b) The applicant has executed a concurrency test deferral affidavit where specifically allowed; or
 - (c) The applicant has been determined to be exempt from the concurrency test as provided in SMC 14A.10.030(1).

14A.10.020 Application for certificate of concurrency.

- (1) Each applicant for requesting a comprehensive plan site-specific land use map amendment requesting property redesignation or zone reclassification, except as provided in SMC 14A.10.030(1), shall elect one of the following options:
 - (a) Apply for a certificate of concurrency; or
 - (b) Execute a concurrency test deferral affidavit.
- (2) Each applicant for a planned action, subdivision (including a preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation), mobile home park, a master site plan, urban planned development unified zone development plan, conditional use permit, or site development permit shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with a comprehensive plan site-specific land use map amendment or zone reclassification, or except as provided in SMC 14A.10.030(1).

- (3) Each applicant for a building permit or certificate of occupancy for a change in use shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with subsections (1) or (2) of this section, or except as provided in SMC 14A.10.030(1).
- (3)(4) Each applicant filing under subsection (1) and (2) of this section shall contact the department to schedule a preapplication conference as defined in SMC 20.05.030 and 14A.05,010, that shall be held prior to filing an application for a certificate of concurrency. The Director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.
- (4)(5) Applicants for a certificate of concurrency may designate the density and intensity of development to be tested for concurrency, provided such density and intensity shall not exceed the maximum allowed for the parcel. If the applicant designates the density and intensity of development, the concurrency test will be based on and applicable to only the applicant's designated density and intensity. If the applicant does not designate density and intensity, the concurrency test will be based on the maximum allowable density and intensity.

14A.10.030 Exemptions from concurrency test.

- (1) The following developments are exempt from this chapter, and applicants may submit applications, obtain development permits and commence development without a certificate of concurrency:
 - (a) Any development permit for the following development because it creates insignificant and/ortemporary additional impacts on any public facility:
 - (i) Right-of-way use;
 - (ii) Street improvements, including new streets constructed by the City of Sammamish;
 - (iii) Street use permits;
 - (iv) Utility facilities which do not impact public facilities, such as pump stations, transmission or collection systems, and reservoirs;
 - (v) Expansion of an existing nonresidential structure that results in the addition of 100 square feet or less of gross floor area and does not add residential units or accessory dwelling units as defined in SMC 21A.15.345 to 21A.15.370;
 - (vi) Expansion of a residential structure provided the expansion does not result in the creation of an additional dwelling unit or accessory dwelling unit as defined in SMC 21A.15.345 to 21A.15.370:
 - (vii) Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;
 - (viii) Demolition or moving of a structure; or
 - (ix) Tenant improvements that do not generate additional trips.

14A.10.040 Concurrency test.

- (1) The City shall perform a concurrency test for each application for a certificate of concurrency. The public works director, or his/her designee, shall use the following methods to conduct the concurrency test-for each type of public facility:
 - (a) For individual single-family residential building permit applications on existing lots, or other land use permits that generate less than 10 trips during an individual peak hour, the ecity will run a concurrency test after permit applications have been received that collectively result in 10 or more trips during an individual peak hour; provided, however, that a concurrency certificate can be issued without conducting the concurrency test when fewer than 10 accumulated trips have been generated since the last concurrency test. The City may run the concurrency test when less than 10 accumulated trips have been generated since the last test when there are existing public transportation facility circumstances that necessitate the concurrency test be performed in the order received for single-family residential building permit applications on existing lots. For

- (b) For all other development, review of each application as received in subsection (4) compared to the capacity of the public facilities in accordance with the provisions of this chapter.
- (2) If the impact of the development does not cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is passed, and the applicant shall receive a certificate of concurrency.
- (3) If the impact of the development will cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is not passed, and the applicant may select one of the following options:
 - (a) Accept a 90-day reservation of public facilities that are available, and within the same 90-day period amend the application to meet the level of service standard set forth in SMC 14A.10.050, or
 - (b) Appeal the denial of the application for a certificate of concurrency, pursuant to the provisions of SMC 14A.10.080; or
 - (c) Arrange to provide for public facilities that are not otherwise available and that cause the level of service to rise to the standards set forth in SMC 14A.10.050.
- (4) The City shall conduct the concurrency test, as needed, in the order that completed applications are received and proposed trip generation estimates are approved by the City.
- (5) A concurrency test, and any resulting certificate of concurrency, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

14A.10.050 Level of service standards.

- (1) In conducting the concurrency test in accord with Chapter 14A.10 SMC, the intersection LOS standards adopted in the Transportation Element of the Comprehensive Plan are LOS D for intersections that include principal arterials and LOS C for intersections that include minor arterials or collector arterials. The LOS for intersections with principal arterials may be reduced to E for intersections that require more than three approach lanes in any direction. The intersection standards shall be applied to both the morning and afternoon peak hours. The LOS standard for the higher road classification shall be the standard applied.
- (2) In conducting the concurrency test in accord with Chapter 14A.10 SMC, the road corridor and segment LOS standards are volume to capacity ratio of up to and including 1.1 for corridors and 1.4 for segments, respectively, for the City's principal and minor arterials. The roadway standards shall be applied per the City's traffic model's AM and PM peak hours in each direction. The 2016 and 2024 corridor and segment capacities and LOS standards are shown in Figure 1. The capacity was calculated by modifying the Highway Capacity Manual, 6th Edition methodology as described in the Measuring Concurrency for Segments and Corridors: HCM 6th Edition, Modified memo, dated November 16, 2018 by Kendra Breiland and Bianca Popescu, Fehr & Peers.

	Figure 1: 2016	HCM I	Modified	Methodol	ogy				
	September 1		AM Volume	PM Volume	Coperities	AMV/C	PM V/C	AM	PM
	their without in the same of the same of the same of the same				2016 HOM Mod	2016 HCM Mod	2016 HCM Mod		dor £1.1 ent £1.4
9 (1	East Lake Serumemish Perkway Horth Corridor	HB	Wei vill			1.52	0.78	FeB	Pass.
ji.	the first service of the service of	SB	5/4/25	. ja ja,		0.44	1.55	Pass	Fall
1	E Lk Sammamish Pkwy, City limits - 196th Ave NE (Weber PI) ¹	NB	1,145	585	705	1.62	0.83	Fall	Pass
_		58	365	1,238		0.52	1.76	Pass	Fail
2	E Lk Sammarnish Pkwy, 196th Ave NE - NE 26th Pi	MB	1,198	614	705	1.70	0.87	Fall	Pass
_		82	309	1,167		0.44	1,65	Pass	Fall.
9	E Lk Sammamish Pkwy, NE 26th Pi - NE Inglewood Hill Rd	NB	1,202	623	969	1.24	0.64	Pass	Pass
_		SB	358	1,209	909	0.37	1.25	Pass	Pass
٦	East Lake Sammamish Parkway Central Corridor	NB	JJ., 42 1	J. U. 371	- 2	0.61	0.65	Pass	Pass
e. I	A CANADA CHAMINA	58		of the		0.47	0.77	Pass	Pass
A	E Lk Sammarriish Pkwy, Inglewood Hill Rd — Louis Thompson Rd	NB	649	529	925	0.70	0.57	Pass	Pass
7	c ry commontant cytel, militared tim yer today sticumptot ten	SB	963	759	925	0.39		Pass	Pass
5	E Lk Sammamish Pkwy, Louis Thompson Rd NE – 5E 8th St	NB	985	454	705	0.55		Pass	Pass
	For sentimental combined them to the control of the	SB	935	546	/05	0.48		Pass.	Pass
	CIL Commanded Clares CT Oak Co. CT Dark 246	NB	345	523		0.49		Pess	Pass
٦	E Lk Sammamish Pkwy, SE 8th St — SE 24th Way	SB	378	494	705	0.54		Pass	Pass

г	Language of the second second second second	NB		T	7	0.53	1.0	2 Pess	Pass
L	East Leke Sammamkin Parkway South Corridor	58				0.87		0 Pass	Pass
Ţ,	ELk Sammamish Pkwy, SE 24th Way – 212th Ave SE	MB	391	545	705	0.47		7 Pass	Pass
H		SB NB	450 429	545 881		0.64		7 Pass 8 Pass	Pass
Ľ	E Lk Sammamish Pkwy, 212th Ave SE – South City Umit	58	750	620	749	1.00	0.8	_	Pass
Γ	Satislee Way-228th Avenue North Corridor	MB		(F. 2)	1. 0	1.12		Fall	Pess
Ŀ		SS NB	1,256	573		0.56		Pass	Pass Pass
9	Sahalee Way/228th Ave NE, City Umit - NE 37th Way	SB	471	1,102	951	0.50		Pass	Pass
20	Sahalee Way/228th Ave NE, NE 97th Way - NE 36th St	NB	1,043	547	906	1.15	0.6		Pass
H		SB NB	1,023	989 531		0.52 1.13		Pass Pass	Pass Pass
11	Schalee Way/228th Ave NE, NE 36th St - 223rd Ave NE	\$B	457	947	906	0.50		Pess	Pass
12	Sahalee Way/228th Ave HE, 223rd Ave NE — NE 25th Way	MB	950	545	906	1.05		Pass	Pass
H		SB NB	450 711	790		0.50 0.78		Pass	Pass
19	228th Ave, NE 25th Way – HE 12th Pl	58	560	795	906	0.73		Pass	Pass
Г	228th Avenue Central Corridor	нач	A CONTRACT			0.54	0.60		Pass
L		SB AND	252	904	-1	0.58		Pass	Pass
14	228th Ave, NE 12th PI — NE 8th St/Inglewood Hill Rd	SB	727 807	894 870	969	0.75 0.83	0.92	Pass.	Pass
15	228th Ave, NE 8th St/Inglewood HIV Ad Main St	NB	808	1,058	1,861	0.43	0.57	Pass	Pass
_		58	1,024	1,052		0.55		Pass	Pass
16	225th Ave, Main St - SE 8th St ⁴	NB SB	925 820	1,085	1,861	0.50		Pass	Pass
17	719th Aug SE Seb Po . SE 18th Co	NB	854	1,209	1,861	0.46		Pass	Pass
	228th Aye, SE 8th St - SE 10th St	58	954	1,078	7,502	0.51	0.58		Pass
18	228th Ave, Se 10th St - SE 20 th St	NB S8	1,086	1,303	1,861	0.58		Pass	Pass
		(NB	1,087	1,233	, :	0.58		Pass	Pass
	228th Avenue South Corridor	\$8	. Jr	1		0.70	-	Pass	Pass
19	228th Ave, SE 20th St - Issaquah Pine Lake Rd SE	NB	1,128	1,426	1,949	0.58	0.73		Pass
_		SB	1,136	1,941.		0.58		Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE – SE 49rd Way	NB SB	454 827	953 565	969	0.47		Pass Pass	Pass Pass
	244th Avenue Horth Comidor	NB	574			0.99	100	Pass	Pass
	ZAMB AVENUE NOTUI CONTRION.	58	ا ياده ا	1,0		0.48	0.42	Pass	Pass
21	244th Ave NE, NE 30th PI - NE 20th St	NB	295	293	705	0.42		Pass	Pass.
-		SB NB	313 320	920 334		0.44		Pass Pass	Pass Pass
22	244th Ave NE, NE 20th St - NE 8th St	SB	467	350	705	0.66		Pass	Pass
23	244th Ave NE, NE 8th St — E Main St	NB.	369	306	925	0.40	0.53	Pass	Pass
_		SB	295	375		0.52		Pass	Pass
24	244th Ave NE/SE, E Main St - 5E 8th St	NB SB	189 371	342 291	881	0.21	0.39	Pass	Pass
		EB :	15.50	-10	y 79 Sp.	0.31	0.79		Pass
1 1	HE Inglewood HIB Road Corridor	WB	a.h.e	17.	* * * * * * * * * * * * * * * * * * *	0.77	0.39	Pass	Pass
25	NE triglewood Hill Rd, E Lk Sammamish Pkwy – 216th Ave	EB	180	678.	705	0.25	0.96		Pass
4		W/B	681 334	288 560		0.97	0.41		Pass Pass
26	NE inglewood Hill Rd, 216th Ave NE — 228th Ave NE	WB	480	364	969	0.50	0,38		Pass
٦	NE 8th Street Corridor	3 B	Talley T	المراق الراقلوس والمنا	1 1 12	0,95	0,52	Pass	Pass .
		WB		*	1. [9]	0.46	0.34		Pass
27	NE 8 th St, 228 th Ave NE — 235 th Ave HE	EB	985	554	969	0.40	0.57		Pass
+		WB EB	461	344		0.48	0.35 0.45		Pass
28	NE 8 th St, 235 th Ave NE -244 th Ave NE	wa	384	288	881	0.44	0.33		Pass
	SE 8th Street Corridor	EB	THE PARTY	LAST.	T 7 34	0.28	0.40		Pass
a	Tylin and the second	WB		1 1 1 1	1 1	0.63	0.32		Pass
29	SE 8 th St, 228 th Ave SE 244 th Ave SE	EB WB	257 585	572 292	925	0.28	0.40 0.32		Pass
1	157-157-107-107-10-10-10-10-10-10-10-10-10-10-10-10-10-	EB/S8	Name and Address of the Owner, where	434	4 (2)	0.97	0.52		Pass
ŀ	Issagush-Pine Lake Road Corridor	WB/N		1000	: 1	0.54	1.06		Pars
<u>"</u> †	issaguah-Pine ik Rd, 228 th Ave SE - SE 32 nd Way ³	EB	467	802	969	0.48	0.83		Pass
	mandon and by LM TTO ME OF AC 25 Mal	WB	589	613		0.61	0.63		Pass
1	ssaguah-Pìne Lk Rd, SE 32 nd Way - SE Klahanie Bivd	HB.	505	747	881	0.57	0.85		9955
╁		SB NB	610 391	754		0,69	0.86		Pass
2	ssaquah-Pine Lk Rd, SE Klahanie Bivd — SE 46 [®] St	SB	979	990 742	881	1.11	1.12 0.84		Pass Pass
	ssaquah-Pine Lk Rd, SE 46th St - SE 48th St	NB	444	1,207	881	0.50	1.37		Pass
ا"	eadmit the pind or soldie de inner	58	1,078	717	4-4	1.22	0.81		Pass

- 5	SE 92nd Way/Street - Issaguet-Beaver Lake Road Corridor	EB				0.25	0.56	Pess	Pass
		WB			L	0.46	0.41	Pass	Pass
94	SE 32 nd Way, Issaguah-Pine Lk Ad — 235 th Place SE	EB	178	475	705	0,25	0.67	Pass:	Pass
_	at at avay, isoquare nic taxas - 255 Frace Sc	W8	390	529	,,,,	0.55	0.47	Pass.	Pass
35	SE 92" Way, 235" Place SE - 244" Ave SE	EB	173	381	705	0.25	0.54	Pass.	Pass
_	OC ST WIND, 235 FINESC - 244 MIESE	WB	285	264	,,,,	0.40	0,37	Page .	Pass
36	SE 32 ⁴⁴ Way, 244 th Ave SE – E Beaver Lake Dr SE	EB	216	439	705	0.31	0,62	Pass	Pass
		WB	354	933		0.52	0.47	Pass	Pass
37	issagush-Beaver ik Rd, E Beaver ik Or — SE Duthle Hill Rd	EB	171	282	881	0.19	0.32	Pass	Pass
_		WB	257	285		0.29	0.32	Pass	Pass
7	Issagush-Fell Chy Road Corridor	HB/t	В	(1	0.26	0.91	Pass .	Pass
-		58/V	/B			0.94	0.54	Pass .	Pess
38	SE issaquah-fall Chy Rd, issaquah-Pine Lk Rd — 245 th PI SE ⁶	EB	552	1,271	1,772	0.30	0.72	Pass	Pass
	ar conducting city on confederate by so \$40 14 25	WB	1,186	744	1,772	0.67	0.42	Pass	Pass
39	SE Issaquah-Fall City Rd, 245th Ave SE - Klahanie Dr SE	EB	149	1,160	8R1 -	0.17	1.32	Pass	Pass
_		WB	1,263	669	-	1.43	0.76	Feli	Pass
40	SE issaquah-fail City Rd, Klahanie Dr SE - SE Duthie Hill Rd	EB	237	746	881	0.27	0.85	Pass	Pass
		WB	653	488		0.74	0.55	Pass	Pass
41	SE Duthle Hill Rd, SE Issaquah-Beaver Lk Rd — SE Issaquah-Fali City Rd*	NB	203	521	881	0.23	0.59	Page	Pass
	or person many or medosts octates or tra 20 Dandratis an Orland	SB	599	264		0.68	0.50	Pass	Pass
	Dirthle Hill Road Corridor	HB/E	В			0.92	0.93	P.ass	Pass
		\$8/M	8			0.90	0.63	Pass	Pass
42	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - 266th Ave SE	MB	254	769	725	0.35	1.06	Pass	Pass
	and a series of the series of the series of	SB	745	520	,2	1.03	0,72	Pass	Pats
43	SE Duthle Hill Rd, 266th Ave SE – Trossachs Blvd SE ⁴	EB	262	713	906	0.29	0.79		Pass

Hotes

Corridor V/C ratios are volume weighted.

⁴ Segment is partially outside of Sammamish City Limits.

	2024 HCN	Modific	d Meth	golobo	/				
			YARTI	SHITCH	Cepediles	AMY/C	PM V/C	ANA	PM
	Service Community		AM Volume	PM Volume	2034 HCM Mod	2024 HCM Mod	2024 HCM Mod	Grand Property	idoral.1 Herral.4
Ī	Fast Lake Sammemich Perlavey Horth Corridor	NB	T. D. F. T. SPORT	LEFL	-का एका एक	1.52	0.82	Fail:	Pess
	AND AND LINE SHEET SHEET AND THE STATE OF TH	SB	H. PAR	7-7-52 a		0.54	A 03 1.61	Pass	FeB
1	E Lk Sammamish Pkwy, City limits - 196th Ave NE (Weber PI) ¹	MB	1,144	611	705	1.62	0.87	Fall	Pass
_	L CK SHITTENSHOW FRITZ, CIT BIRDS - 13001 MYE HE [VIEDS FO	58	442	1,285		0.63	1.82	Pass	fall
2	E Lk Sammamish Pkwy, 196th Ave NE - NE 26th Pi	NB	1,198	642	705	1.70	0.91	Fall	Pass
_		S8	385	1,215		0.55	1.72	Pars	Fall.
3	E Lk Sammamish Pkwy, NE 28th PI - NE Inglewood Hill Rd	NB	1,201	653	969	1.24	0.67	Pass	Pass
_		56	433	1,258		0.45	1.50	Pass	Pass
- 5	East Lake Sammamish Perhapy Central Confidor	N8	D	5 FQ14	- P.A.	0.63	0.67	Pass ·	Pass
_	programme and the programme of the progr	SB	t real	e		0.50	0.78	Pass	Pass
4	E Lk Sammanish Pkwy, Inglewood Hill Rd — Louis Thompson Rd	NB	678	541	943	0.72	0.57	Pass	Pass
•	e recommendate and a ferroon integrands thoughouses	\$8	583	762	343	0.41	0.81	Pess	Pass
5	E lk Sammamish Pkwy, Louis Thompson Rd NE – SE 8th St	NB	415	475	705	0.59		Pass	Pass
,	F ry soundation Leads' rough attentional will be - 30 oft 37	58	361	357	745	0.51		Pass	Pass
6	E Uk Sammamish Pkwy, SE 8th St - SE 24th Way	NB	374	541	705	0.53		Pass	Pass
•	E CK Setunianishi Party, SE ONI SE - SE Zalui 11897	SB	404	501	/03	0.57		Pass	Pass
_	East Lake Semmentish Perkery South Confdor	MB	hi it se ti	1 227	4	0.52	0.99		Pass
	East sate South and Landy South College	CB	7.175 21.13	1 2 1300	2.0	0.85	0.72		Pass
7	E Lk Sammamish Pkwy, SE 24th Way – 212th Ave SE	NB	362	567	881	0.41	0.64		Pass
•	ELA SENERIE INSTITATA, SE AND TREY - 21201 AVE SE	SB	487	546	861	0.55	0.62	-	Pass
B	Pilikananaka Stara Milata Araba Marak Marak Marak	NB	451	904		0.60	1.21		Pass
D	E Lk Sammamish Pkwy, 212th Ave SE — South City Limit	S8	781	610	749	1.04	0.81		Pass
-		5 NB		TH-90"	3 6	1.16	0.66		Pass
1	Schalee Way-228th Averyce North Corridor	58	St. to Jan .	Tarabash B		0.55	1.05		Pess
9	Cabalan Mara (1989ah A. 1975 Charles and O'Ash 1984a	NB	1,982	582	4.0	1.36	0.57		Pass
,	Sahalee Way/228th Ave NE, City Limit — NE 97th Way	58	485	1.178	1,015	0.48	1.16		Pass
_		NB	1.164	571		1.20	0.59		Pass
ַ	Sahalee Way/228th Ave NE, NE 97th Way - NE 86th St ²	58	495	1,071	969	0.51	1.11		Pass
_		NB	1,139	561		1.18	0.58		Pass
ı	Sahalee Way/228th Ave NE, HE 36th St - 223rd Ave NE ³	58	474	1,033	959	0.49	1.07		Pass
		NB	1,047	585		1.08	0.60		Pass
Z	Sahalee Way/228th Ave NE, 223rd Ave NE - NE 25th Way	SB	470	911	959	0.49	0.94		Pass
_		NB	810	836		0.84	0.86		Pass
9	228th Ave, NE 25th Way – NE 12th Pl ³	SB	683	872	969	0.71	0.90		Pass

 $^{^{\}circ}$ ELSP corridors are shown for information purposes only as they are excluded from concurrency:

 $^{^{\}rm 1}$ A portion of this segment is 30 MPH.

² PM Peak Hour in Sammamish is 4:45-5:45 PM, 15 minute segment count not available, 5-69M used.

⁸A portion of this segment is 95 MPH.

⁴2016 count was not available, 2017 count used.

⁵ This segment transitions from a wider cross-section to two lanes, the narrower section

Г	22.8th Atrentie Central Corridor	MB SB		5-		0.59		Pess	Pess
-		N8	825	937	444	0.84		O Pass	Pass
14	228th Ave, NE 12th PI - NE 8th St/Inglewood HII Rd	\$8	858		987	0.87		4 Pass	Pass
1	228th Ave, NE 8th St/inglewood Hill Rd — Main St	NB	884	1,099	1,896	0.47		8 Pess	Pess
10	228th Ave, Main St - SE 8th St	SB NB	973 984	1,124 1,159	1,896	0.51 0.52	0.6	Pass 1 Pass	Pass Pass
_		SB NB	788 948	1,297		0.42		5 Pass	Pass Pass
37	228th Ave, SE 8th St – SE 10th St	SB	1,032	1,249	1,896	0.54	0.6	6 Pass	Pass
18	228th Ave, Se 10th 51 SE 20th St	NB SB	1,127	1,408	1,896	0.59		4 Pass	Pass
-		NB	1,130	d- " ~	, i	0.59		7 Pess	Pess
_	228th Avesuse South Corridor	58		4	(4) A	0.73		O Pess	Pass
19	228th Ave, SE 20th St - Issaquah Pine Lake Rd SE	NB SB	1,190	1,504	1,949	0.61 0.62		7 Pass 3 Pass	Pass Pass
20	228th Ave, Issequah Pine Lake Rd SE — SE 43rd Way	NB	526	997	969.	0.54	1.0	S Pass	Pass
_	Landata Cara Cara Cara Cara Cara Cara Cara C	SB	851	608	-	0,89	A COLUMN TWO IS NOT THE OWNER.	Pess Pess	Pass
	ZASth Avenue North Corridor	SB	i trace			0.43		Pess	Pass
21	244th Ave NE, NE 30th PI - NE 20th St	NB SB	503 318	332	881	0.34 0.36		Pass	Pass
22	244th Ave NE, NE 20th St - NE 8th St	NB	330	351 374	881	0.36		Pass Pass	Pass Pass
_	eriance at the education on the	58	474	382		0.54		Pess	Pass
23	244th Ave NE, NE 8th St — E Main St	NB SB	870 299	320 375	925	0.40		Pess Pess	Pass
24	244th Ave NE/SE, E Main St - SE 8th St	NB	195	368	881	0.22		Pass	Pess
24	Extended to hamilar agenting	58	391	299	***	0.44		Pass	Pass
	NE inglewood MR Road Comidor	EB WB	a tana	- 44		0.74		Pess	Pass
25	NE inglewood Hill Rd, E Lk Sammamish Pkwy — 216th Ave	63	236	734	705	0.33		Pass	Pass
_	DE INDESTRUCTION OF THE OWNERS OF THE PERSON	WB	654	\$20		0.93		Pess	Pess
26	NE Inglewood Hill Rd, 216th Ave NE – 228th Ave NE	EB WB	479	554 335	1,019	0.22		Pass	Pass
	ME Sth Street Configur	EB		8 EQ.	Mai	0.92	0.52	Pass	Pags
		WB	S 196	100		0.44		Pass	Pess
27	NE 8th St. 228th Ave NE — 235th Ave NE	EB WB	375 470	585 973	1,013	0.37 0.46		Pass	Pass
28	NE 8 th St. 235 th Ave NE – 244 th Ave NE	EB	250	415	925	0.25		Pass	Pass
	NEW SUSS AFERE 27 MERE	WB	385	316		0.42		Pass	Pass
	SE 8th Street Coridor	WB	3-30-3	17 4		0.65		Pass	Pers Pérs
żo	SE 8 th St, 228 th Ave SE – 244 th Ave SE	EB	256	396	925	0.28		Pass	Pess
_	350 31,220 ANESC-244 ANESC	WB	600	304		0.65		Pess	Pass
100	fssequet: Pine Like Road Corridor	EB/S				0.94		Pess	Pass
30	Issaquah-Pine Lk Rd, 228 th Ave SE - SE 32 nd Way ^S	EB	422	845	987	0.43		Pass	Pass
_	pooldmitting prantition when the or and	WB	509	629		0.52		Pass	Pass
31	Issaquah-Pine Lk Rd, SE 32 nd Way - SE Klahanie Bivd	NB SB	540 682	778 782	987	0.5S 0.69		Pass	Pass
12	issaguah-Pine J.k. Rd, SE Klahanie Blvd – SE 46 th St	NB	408	1;020	943	0.43		Pass	Pass
_	indiant, up by up an annual and an an	SB NB	1,015 456	751 1,236		1.08 0.48		Pass	Pass
33	Issaquah-Pine Lk Rd, SE 46th St - SE 48th St	SB	1,107	723	943	1.17		Pass	Pass
681	SE 32nd Way/Street - lissaquah Beiver Labe Road Cartistor	8		7.72	3	0.54		Pass	Pess
-2		WB	255	674	1 . 77	0.51		Pess Pess	Pess
4	SE S2 [™] Way, Issignah-Pine ik Rd – 235 [®] Place SE	EB WB	458	524 363	749	0.61		Pass	Pass Pass
15	SE 52 ^{ed} Way, 235 th Place SE – 244 th Ave SE	EB	.228	449	705	0.32	0.64	Pass	Pass
		WB	326	281		0.46		Pass	Pass
16	SE 32 ^{ne} Way, 244 th Ave SE — E Beaver Lake Dr SE	8W	286 401	479 365	705	0.41 0.57		Pass	Pess
7	issaquat-Beaver ik Rd, E Beaver ik Ör — SE Duthle Hill Rd	EB	242	298	881	0.27	0.34	Pess	Pass
-	Control of the second of the s	WS NB/E	274 B	295	475 1	0.31	The second second	Pass	Pass
	staquah Fall Chy Road Confidor	\$ 1 /1/	/B	District in	1.0	0.79	0.44	Puss.	Pass
8	SE issaquah-Fall City Rd, Issaquah-Pine Lk Rd — 245° Pi SE ³	£8	532	1,494	1,772	0.30	0:84		Pass
+		W8 E8	1,953	787 1,385	1 000	0.76	0.44 0.74		Pass
9	SE Issaquial-Fall City Rd, 245th Ave SE - Kishanie Dr SE	WB	1,430	721	1,861	0.77	0.39	Pass	Pass
0	SE issaquah-Fall City Rd, Klahanie Or SE - SE Duthle Hill Rd	EB	237	951 528	925	0.26	1.03		Pass
+		NB NB	795 211	585	081	0.86	0.57 0.66		Pass
1	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd — SE Issaquah-Fall City Rd ^e	58	693	287	881	0.79	0.33		Pass

	Duthic Hill Road Contidor	NB/ SB/		· ·		0.34 0.96	1.02	Pass Pass	Pass Pass
42	SE Duthle Hill Rd, SE issaquah-Beaver Lk Rd — 266th Ave SE	NB	271	839	725	0.37		Pass	Pass.
-		SB	794	544		1.09	0.75	Pass	Pass
43	SE Duthle Hill Rd, 266th Ave SE — Trossachs Blvd SE ⁶	EB	278	787	906	0.91	0.87	Pass	Pass
		WB.	753	520		0.81	0.57	Pass	Pass

Notes

Corridor V/C ratios are volume weighted.

 ELSP corridors are shown for information purposes only as they are excluded from concurrency.

- (23) In conducting the concurrency test in accord with SMC Chapter 14A.10.040, the City shall apply the level of service standards for the concurrency intersections as designated in SMC 14A.10.010(1) in the Comprehensive Plan and for the concurrency corridors and segments in SMC 14A.10.050(2). If no any intersections, corridor or segment operates at or below better than the level of service standards, the concurrency certificate shall be granted. If any concurrency intersection, corridor or segment operates worse than below the level of service standards, the concurrency certificate will be denied, or the applicant may select one of the options described in SMC 14A.10.040(3), choose to accept a 90-day reservation as described in SMC 14A.10.040(4)(a) or provide public facilities as described in SMC 14A.10.040(4)(c).
- (34) In conducting the concurrency test, the City shall find that the impact of development occurs, and therefore the level of service standards for intersections, <u>corridors and segments</u> shall be achieved and maintained, no later than six years from the date of the development.
- (45) In the event that the applicant is required to construct a public facility, the development cannot be occupied until the public facility is completed, or the applicant provides the City with a performance bond that is acceptable to the City.
- (<u>56</u>) The City shall determine which additional public facilities are needed to be included in the Capital Facilities Plan Element of the Comprehensive Plan to achieve the adopted level of service standards. Such additional public facilities shall be underwritten by a financial commitment.

Chapter 21A.15 TECHNICAL TERMS AND LAND USE DEFINITIONS

21A.15.685 Level of service (LOS), traffic.

"Level of service (LOS), traffic" means the City's defined performance standards for its adopted concurrency intersections, road corridors, and road segments, as defined in the City's Comprehensive Plan and development regulations.

¹ A portion of this segment is 90 MPH.

² PM Peak Hour in Sammambh is 4:45-5:45 PM. 15 minute segment count not available, 5-6PM used.

³ A portion of this segment is 35 MPH.

^{*228}th/iPLR: No FYA; 228th/SE 24th; No FYA during peak hours; 228th/SE 20th: FYA. Since the FYA is not in operation during peak hours for the majority of the major intersections, the segment overall doesn't experience increased capacity due to FYAs during peak hours.

⁹ This segment transitions from a wider cross-section to two lanes, the narrower section was used.

Segment is partially outside of Sammamish City Limits.

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DECLARATION OF SERVICE – PAGE 1 of 1

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JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ PLLC A T T O R N E Y S A T L A W 11201 SE 8th St., Suite 120 Bellevue, Washington 98004

EVANNA L. CHARLOT

Tel: 425-451-2812 / Fax: 425-451-2818

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BEFORE THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD STATE OF WASHINGTON

DON GEREND, an individual

Petitioner,

VS.

CITY OF SAMMAMISH, a Washington municipal corporation,

Respondent.

NO.

PETITION FOR REVIEW

Petitioner Don Gerend ("Petitioner"), by and through its attorney Duana T. Koloušková of Johns Monroe Mitsunaga Koloušková, PLLC, submits this Petition for Review of the City of Sammamish's amendments to the Sammamish Municipal Code concerning transportation concurrency and level of service for road segments and corridors as adopted under Ordinance No. O2019-484. The City failed to comply with the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW, and Growth Management Act ("GMA"), chapter 36.70A RCW, by failing to be guided by the goals of the GMA, failing to adequately consider environmental impacts of its action, failing to comply with the concurrency adoption process and substantive requirements contained in the GMA, and failing to comply with the City's duties and responsibilities to foster and stimulate urban growth.

Tel: 425-451-2812 / Fax: 425-451-2818

I. PETITIONER'S IDENTITY

Don Gerend 22730 SE 23rd Place Sammamish, WA 98075

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Petitioner is represented by:

Duana T. Koloušková, WSBA # 27532 JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ, PLLC 11201 SE 8th St., Suite 120 Bellevue, WA 98004 (425) 467-9966 (425) 451-2818 (fax)

II. IDENTITY OF RESPONDENT, ACTION AT ISSUE, DATE OF ACTION

City of Sammamish ("City") is a code city and is required to comply with the mandates of the Growth Management Act, Chapter 36.70A RCW. The City adopted Ordinance No. O2019-484, "Amending Chapters 14A.05, 14A.10, and 21A.15 of the City of Sammamish Municipal Code Relating to Transportation Concurrency and Level of Service for Road Segments and Corridors." The City adopted Ordinance No. O2019-484 on May 23, 2019, and published the ordinance on May 27, 2019.

III. ISSUES

In adopting Ordinance No. O2019-484, did the City violate the Growth Management Act, specifically as follows:

1. Whether Ordinance No. O2019-484 violates RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140, for failing to provide an adequate public participation process and failing to follow the City's prescribed development regulation process as set forth in chapters 2.60 and 24A.15 SCC?

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- 2. Whether Ordinance 02019-484 violates Chapter 43.21C (including but not limited to section 43.21C.030) and Chapter WAC 197-11 (including but not limited to sections 197-11-070; 197-11-310; 197-11-600) because it was adopted without adequate and legally required threshold determination and due consideration of the potential environmental impacts of the new level-of-service standards and regulations contained in the Ordinance?
- 3. Whether, in adopting Ordinance O2019-484, the City failed to adequately consider and adopt findings relating to the goals contained in RCW 36.70A.020?
- 4. Whether, in adopting Ordinance O2019-484, the City failed to be guided by the goals contained in RCW 36.70A.020, including but not limited to (1) Urban Growth; (2) Reduce Sprawl; (4) Housing; (5) Economic Development; (6) Property Rights; (7) Permits; (11) Citizen Participation and Coordination; (12) Public Facilities and Services?
- 5. Whether Ordinance O2019-484 procedurally and substantively violates RCW 36.70A.040, RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810, because it imposes new level-of-service standards through a development regulation rather than as an amendment to the Transportation Element of the City's Comprehensive Plan?
- 6. Whether Ordinance O2019-484 violates RCW 36.70A.040 and RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810 by being inconsistent with the Comprehensive Plan, including but not limited to the Land Use and Transportation Elements, and the Town Center Plan?

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- 7. Whether Ordinance O2019-484 violates RCW 36.70A.040, RCW 36.70A.070(6), WAC 365-196-430 and/or WAC 365-196-840 by imposing new level of service standards based on an erroneous methodology for determining roadway capacities?
- 8. Does Ordinance No. O2019-484 violate RCW 36.70A.110(1), (2), (3) and (4) by precluding urban densities, failing to provide areas and densities sufficient to permit projected growth, locating growth in areas that have adequate public facilities or are characterized by urban growth, and failing to provide urban governmental services?
- Does Ordinance No. O2019-484 violate RCW 36.70A.115 by failing to provide sufficient land capacity for development
- 10. Whether Ordinance No. O2019-484 violates RCW 36.70A.390 by imposing a *de facto* moratorium on development without complying with the requirements of RCW 36.70A.390, including but not limited to failing to adopt findings of fact justifying the moratorium?

IV. STANDING

Petitioner has participation standing to bring this challenge as Petitioner participated before the City in its hearing process regarding the transportation concurrency standards and levels of service which culminated in Ordinance No. O2019-484.

In addition, Petitioner has RCW 36.70A.280(2)(d), A.P.A. standing, and standing under chapter 43.21C RCW because he (1) owns and/or has a vested and cognizable legal interest in property within the City of Sammamish that is directly affected and prejudiced by Ordinance No. O2019-484, (2) has interests as a result of their property ownership which the City was required to take into account and (3) as a former Councilmember re-elected four times and Mayor of the City has actively been engaged in the City's ongoing long range planning both within the City and regionally under PSRC, all of which would be adversely

PETITION FOR REVIEW PAGE 4 of 5

impacted by the Ordinance. As a resident and participant in the City's transportation concurrency process, the City was obligated to consider his interests when it engaged in the challenged action. Petitioner is likely to incur injury due to Ordinance No. O2019-484 unless this Board issues a decision which redresses that injury.

V. ESTIMATED LENGTH OF HEARING

Petitioner anticipates the hearing will last approximately one-half day.

VI. RELIEF SOUGHT

Petitioner requests that the Board find that Ordinance No. O2019-484 fails to comply with the Growth Management Act and establish a mandatory compliance schedule. Petitioner requests the Board to find Ordinance No. O2019-484 substantially interferes with the goals of the GMA and determine that Ordinance No. O2019-484 is invalid under RCW 36.70A.302.

VIII. CERTIFICATION

Petitioner and his undersigned attorneys have read the foregoing petition for review and believe the contents thereof to be true.

DATED this 24 day of July

, 2019.

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ, PLLC

By

Duana I. Koloušková, WSBA #27532

Dean Williams, WSBA #52901 Attorneys for Petitioner Gerend

01-1918-1 Petition for Review 07-23-19.doc

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CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2019-484

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTERS 14A.05, 14A.10, AND 21A.15 OF THE CITY OF SAMMAMISH MUNICIPAL CODE RELATING TO TRANSPORTATION CONCURRENCY AND LEVEL OF SERVICE FOR ROAD SEGMENTS AND CORRIDORS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapters 14A.05, 14A.10, and 21A.15 of the Sammamish Municipal Code ("SMC") contain definitions and regulations for public works and transportation; these regulations must be consistent with the City's Comprehensive Plan and particularly its Transportation Element; and

WHEREAS, on November 20, 2018, City Council Ordinance O2018-477, which established interim regulations by amending Chapters 14A.05, 14A.10 and 21A.15 SMC, and adopted road segment and corridor level of service (LOS) standards as the volume to capacity (V/C) ratios of up to and including 1.4 for segments and 1.1 for corridors; and

WHEREAS, the interim regulations expire on June 1, 2019, pursuant to the limits established in RCW 36.70A.390; and

WHEREAS, on January 15, 2019, the City Council held a public hearing on Ordinance O2018-477 pursuant to RCW 36.70A.390; and

WHEREAS, an environmental review of the proposed amendments was conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), including submittal of a SEPA checklist, which included *Transportation Issue Paper*, containing analysis of the potential environmental impacts associated with amended policy language in the Transportation Element; and

WHEREAS, on June 19, 2018, a SEPA threshold determination of non-significance ("DNS") was issued and no appeals were filed; and

WHEREAS, The City of Sammamish issued a SEPA addendum on September 13, 2018 to document the revised SEPA checklist pursuant to WAC 197-11-625. The lead agency determined that there are no substantial changes to the proposal such that it might have significant adverse environmental impacts; therefore, the DNS issued on June 19, 2018 stands; and

WHEREAS, on March 12, 2019, the City submitted the proposed code amendments and to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on March 7, 2019, the Planning Commission held a public hearing on the proposed code amendments, considered public comment, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council has determined that the proposed code amendments meet the City's goals and objectives for transportation concurrency and level of service for road segments and corridors; and

WHEREAS, on May 7, 2019, the City Council held a public hearing on the proposed amendments to Chapters 14A.05, 14A.10, and 21A.15 SMC to provide further opportunity for public comment and participation and voted to continue the public hearing to a special meeting on May 23, 2019; and

WHEREAS, on May 23, 2019, the City Council continued the public hearing opened on May 7, 2019 on the proposed amendments to Chapters 14A.05, 14A.10, and 21A.15 SMC to provide further opportunity for public comment and participation.

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

Section 1. Chapters 14A.05, 14A.10, and 21A.15 Sammamish Municipal Code, Amended. Chapters 14A.05, 14A.10, and 21A.15 SMC are hereby amended as shown in Attachment A, attached and incorporated herein 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 five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF MAY, 2019.

CHTY OF SAMMAMISH

Christie Malchow, Mayor

Melonie Agdisson

Melonie Anderson, City Clerk

Approved as to Form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: May 3, 2019
Public Hearing: May 7, 2019
First Reading: May 7, 2019
Public Hearing: May 23, 2019
Passed by the City Council: May 23, 2019
Date of Publication: May 27, 2019
Effective Date: June 3, 2019

Chapter 14A.05 DEFINITIONS

14A.05.010 Definitions.

The following words and terms are defined pursuant to RCW 82.02.090 and shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. The following words, terms, and definitions shall apply to all portions of this title, except as specifically superseded by definitions set forth elsewhere in this title.

"Concurrency test" means the determination of an applicant's impact on transportation facilities by the comparison of the City's adopted level of service standards to the projected level of service at intersections or road corridors, or road segments with the proposed development.

"Level of service standards" means the City's defined performance standards for its adopted concurrency intersections, and road corridors, and road segments, as defined in the City's Comprehensive Plan SMC 14A.10.050.

Chapter 14A.10 CONCURRENCY

14A.10.010 Concurrency requirement.

- (1) In accordance with RCW 36.70A.070(6)(b), the City must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards defined in SMC 14A.10.050, adopted in the transportation element of the City's comprehensive plan, unless transportation improvements or strategies to accommodate the impacts ofdevelopment are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of the City's concurrency requirement, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.
- (2) The City shall not issue a development permit until:
 - (a) A certificate of concurrency has been issued; or
 - (b) The applicant has executed a concurrency test deferral affidavit where specifically allowed; or
 - (c) The applicant has been determined to be exempt from the concurrency test as provided in SMC 14A.10.030(1).

14A.10.020 Application for certificate of concurrency.

- (1) Each applicant for requesting a comprehensive plan site-specific land use map amendment requesting property redesignation or zone reclassification, except as provided in SMC 14A.10.030(1), shall elect one of the following options:
 - (a) Apply for a certificate of concurrency; or
 - (b) Execute a concurrency test deferral affidavit.
- (2) Each applicant for a planned action, subdivision (including a preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation), mobile home park, a master site plan, urban planned development unified zone development plan, conditional use permit, or site development permit shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with a comprehensive plan site-specific land use map amendment or zone reclassification, or except as provided in SMC 14A.10.030(1).

- (3) Each applicant for a building permit or certificate of occupancy for a change in use shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with subsections (1) or (2) of this section, or except as provided in SMC 14A.10.030(1).
- (3)(4) Each applicant filing under subsection (1) and (2) of this section shall contact the department to schedule a preapplication conference as defined in SMC 20.05.030 and 14A.05,010, that shall be held prior to filing an application for a certificate of concurrency. The Director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.
- (4)(5) Applicants for a certificate of concurrency may designate the density and intensity of development to be tested for concurrency, provided such density and intensity shall not exceed the maximum allowed for the parcel. If the applicant designates the density and intensity of development, the concurrency test will be based on and applicable to only the applicant's designated density and intensity. If the applicant does not designate density and intensity, the concurrency test will be based on the maximum allowable density and intensity.

14A.10.030 Exemptions from concurrency test.

- (1) The following developments are exempt from this chapter, and applicants may submit applications, obtain development permits and commence development without a certificate of concurrency:
 - (a) Any development permit for the following development because it creates insignificant and/or temporary additional impacts on any public facility:
 - (i) Right-of-way use;
 - (ii) Street improvements, including new streets constructed by the City of Sammamish;
 - (iii) Street use permits;
 - (iv) Utility facilities which do not impact public facilities, such as pump stations, transmission or collection systems, and reservoirs;
 - (v) Expansion of an existing nonresidential structure that results in the addition of 100 square feet or less of gross floor area and does not add residential units or accessory dwelling units as defined in SMC 21A.15.345 to 21A.15.370;
 - (vi) Expansion of a residential structure provided the expansion does not result in the creation of an additional dwelling unit or accessory dwelling unit as defined in SMC 21A.15.345 to 21A.15.370;
 - (vii) Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;
 - (viii) Demolition or moving of a structure; or
 - (ix) Tenant improvements that do not generate additional trips.

14A.10.040 Concurrency test.

- (1) The City shall perform a concurrency test for each application for a certificate of concurrency. The public works director, or his/her designee, shall use the following methods to conduct the concurrency test-for-each type of public facility:
 - (a) For individual single-family residential building permit applications on existing lots, or other land use permits that generate less than 10 trips during an individual peak hour, the ecity will run a concurrency test after permit applications have been received that collectively result in 10 or more trips during an individual peak hour; provided, however, that a concurrency certificate can be issued without conducting the concurrency test when fewer than 10 accumulated trips have been generated since the last concurrency test. The City may run the concurrency test when less than 10 accumulated trips have been generated since the last test when there are existing public transportation facility circumstances that necessitate the concurrency test be performed in the order received for single-family residential building permit applications on existing lots, or

- (b) For all other development, review of each application as received in subsection (4) compared to the capacity of the public facilities in accordance with the provisions of this chapter.
- (2) If the impact of the development does not cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is passed, and the applicant shall receive a certificate of concurrency.
- (3) If the impact of the development will cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is not passed, and the applicant may select one of the following options:
 - (a) Accept a 90-day reservation of public facilities that are available, and within the same 90-day period amend the application to meet the level of service standard set forth in SMC 14A.10.050, or
 - (b) Appeal the denial of the application for a certificate of concurrency, pursuant to the provisions of SMC 14A.10.080; or
 - (c) Arrange to provide for public facilities that are not otherwise available and that cause the level of service to rise to the standards set forth in SMC 14A.10.050.
- (4) The City shall conduct the concurrency test, as needed, in the order that completed applications are received and proposed trip generation estimates are approved by the City.
- (5) A concurrency test, and any resulting certificate of concurrency, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

14A.10.050 Level of service standards.

- (1) In conducting the concurrency test in accord with Chapter 14A.10 SMC, the intersection LOS standards adopted in the Transportation Element of the Comprehensive Plan are LOS D for intersections that include principal arterials and LOS C for intersections that include minor arterials or collector arterials. The LOS for intersections with principal arterials may be reduced to E for intersections that require more than three approach lanes in any direction. The intersection standards shall be applied to both the morning and afternoon peak hours. The LOS standard for the higher road classification shall be the standard applied.
- (2) In conducting the concurrency test in accord with Chapter 14A.10 SMC, the road corridor and segment LOS standards are volume to capacity ratio of up to and including 1.1 for corridors and 1.4 for segments, respectively, for the City's principal and minor arterials. The roadway standards shall be applied per the City's traffic model's AM and PM peak hours in each direction. The 2016 and 2024 corridor and segment capacities and LOS standards are shown in Figure 1. The capacity was calculated by modifying the Highway Capacity Manual, 6th Edition methodology as described in the Measuring Concurrency for Segments and Corridors: HCM 6th Edition, Modified memo, dated November 16, 2018 by Kendra Breiland and Bianca Popescu, Fehr & Peers.

	Figure 1: 20	16 HCM	Modified	Methodol	ogy				
The state of the s	Semant.		AM Volume	PM Volume	Copacities	AM V/C	PM V/C	AM	PM
					2015 HCM Mod	2016 HOM Mod	2016 HCM Mod	\$100 Subject 50 Styles	or £1.1
	East Lake Sammanish Parkway Horth Corridor	NB	DE HERIZ			1.52	0.78	Fall	Pass
	ALLER CHEMICAL MANAGEMENT AND	SB	Web Parker.	gran for Parlotain		0.44	1.55	Pass	Fail
1	E Lk Sammamish Pkwy, City limits - 195th Ave NE (Weber Pl) ¹	NB	1,145	585	705	1.62	0.83	Fall	Pass
		58	365	1,238	.02	0.52	1.76	Pass	Fail
2	E Lk Sammarnish Pkwy, 196th Ave NE - NE 26th Pi	NB	1,198	614	705	1.70	0.87	Fall	Pass
_		82	309	1,167		0.44	1,65	Pass	Fall.
3	E Lk Sammamish Pkwy, NE 26th Pi - NE Inglewood Hill Rd	NB	1,202	623	969	1.24	0.64	Pass	Pass
_		SB	358	1,209	303	0.37	1.25	Pass	Pass
-	East Lake Sammanish Parkway Central Corridor	NB		Co . Marine To	1	0.61	0.65	Pass	Pass
		58		3521		0.47	0.77	Pass	Pass
4	E Lk Sammarnish Pkwy, Inglewood Hill Rd — Louis Thompson Rd	NB	649.	529	925	0.70	0,57	Pass	Pass
_	a se servicios como de se de la como de la c	58	363	759	325	0.59	0.82	Pass	Pass
5	E Lk Sammarnish Pkwy, Louis Thompson Rd NE - SE 8th St	NB	385	454	705	0.53		Pass	Pass
		58	935	546	,03	0.48	0.77	Pass.	Pass
6	E Lk Sammamish Pkwy, SE 8th St - SE 24th Way	NB	345	523	705	0.49		Pess	Pass
_		SB	378	494	103	0.54	0.70	Pass	Pass

Г	East Lake Sammamish Parkway South Corridor	NB				. 0.53	1.0	2 Pess	Pass
L	Sast Lake Sandinanian Paniway South Consort	\$8				0.87	0,4	0 Pass	Pass
,	ELk Sammamish Pkwy, SE 24th Way – 212th Ave SE	MB SB	391 450	545 545	705	0.64		7 Pass 7 Pass	Pass
ŀ.	Cit Command Blue 212th Aug CE - Court Christing	NB	429	881	749	0.57		8 Pass	Pass
Ľ	E Lk Sammamish Pkwy, 212th Ave SE – South City Limit	SB	750	620	, ,49	1.00		3 Pass	Pass
	Salindee Way-228th Avenue North Corridor	MB SB	- 1,778	195/1		1.12 0.56		7 Fait	Pess
101		NB NB	1,256	573		1.32		S Pass	Pass
9	Schalee Way/228th Ave ME, City Limit - NE 37th Way	SB	471	1,102	951	0.50		6 Pass	Pass
10	Sahalee Way/228th Ave NE, NE 57th Way - NE 36th St ²	NB	1,043	547	906	1.15	0.6	O Pass	Pass
		SB	474	989		0.52		Pess	Pass
11	Sehalee Way/228th Ave NE, NE 35th St - 229rd Ave NE	NB SB	1,023 457	531 947	906	1.13 0.50		Pass Pass	Pass
.,	Sahalee Way/228th Ave NE, 223rd Ave NE — NE 25th Way	NB	950	545	906	1.05		Pass	Pass
	Select 418/1210mWert 753mWert - Ht 7301.1184	SB	450	840	- 300	0.50	0.9	Pass	Pass:
19	228th Ave, NE 25th Way—HE 12th Pl ⁸	NB SB	711 660	790 795	906	0.78 0.75	0.8		Pass
_		NB NB	1 1 120-	190		0.73	0.6		Pass
	228th Avenue Central Corridor	58		-21		0.58		Pess	Pass
14	228th Ave, NE 12th PI - NE 8th St/Inglewood Hill Rd	NB	727	894	969	0.75	0.9	Pass.	Pass
		SB	807	870		0.83		Pass	Pass
15	22Bth Ave, NE 8th St/Inglewood HIII Rd — Main St	NB SB	1,024	1,058	1,851	0.43 0.55		Pass	Pass Pass
10	228th Aug. Main &c. CE 8th &A	NB	923	1,085	1,861	0.50		Pass	Pass
70	228th Ave, Main St - SE 8th St*	SB	820	1,148	1,503	0.44		Pass	Pass
17	228th Ave, SE 8th St - SE 10th St	NB	854	1,209	1,861	0.46		Pass	Pass
		SB NB	954 1,086	1,078		0.51	0.50	Pass	Pass
18	228th Ave, Se 10th St — SE 20 th St	58	1,087	1,233	1,861	0.58		Pess	Pass
5	228th Avenue South Corridor	AB	100	1 1 1 1 1		0,55		Pass	Pass
-	STORY MACHINE ON BUT CONTROL	S8 2		₹.		0.70		Pess	Pass
19	228th Ave, SE 20th St - Issuguah Pine Lake Rd SE	NB	1,128	1,426	1,949	0.58		Pass	Pass
\dashv		SB NB	1,186 454	1,341. 953		0.58		Pass Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE – SE 49rd Way	58	827	565	969	0.85		Pass	Pass
	244th Avenue North Corridor	* NB	1 62	3		0.99		Pess	Pass
_	27tu Ateliae Hotpi Collaba.	\$8	I - 1		1	0.48		Pess	Pass
21	244th Ave NE, NE 30th PI - NE 20th St	NB	295	293	7.05	0.42		Pass	Pass
\dashv		SB NB	313 320	920 334	-	0.44 0.45		Pass Pass	Pass Pass
22	244th Ave NE, NE 20th St - NE 8th St	\$8	467	350	705	0.56		Pass	Pass
,	244th Ave NE, NE 8th St E Main St	NB.	369	306	925	0.40		Pass	Pass
	SAURI WAE LIE LE GRIDIE - E MIRHI ST	SB	295	375		0.52	0.41	Pass	Pass
24	244th Ave NE/SE, E Main St - 5E 8th St	NB	189	342	881	0.21	0.59		Pass
	The section of the se	S8 EB	371	291		0.42		Pass	Pass
	NE Inglewood HIB Road Corridor	WB		F 19 8 19		0.77	0.39	Pass Pass	Pass Pass
	AND A SECOND SHIP PARTY OF THE	EB	180	678.	705	0.25	0.96		Pass
15	NE triglewood Hill Rd, E Lk Sammamish Pkwy – 216th Ave	WB	681	288	703	0.97	0.41	Pass.	Pass"
26	NE inglewood Hill Rd, 216th Ave NE – 228th Ave NE	EB	334	560	969	0.34	0.58		Pass
4	20 W DATE: 144 I	WB	480	364	-44 6 14	0.50		Pass	Pass
ı	NE 8th Street Corridor	WB		1 Jan 12 Je		0,35		Pess Pass	Pass
7		EB	385	554	250	0.40		Pass	Pass
"	NE 8 th St, 228 th Ave NE — 285 th Ave NE	WB	461	344	969	0.48		Pass	Pass
8	NE 8 th St. 235 th Ave NE - 244 th Ave NE	E8	228	393	881	0.26	0.45	Pass	Pass
	ne ou ment on ment	WB	584	288		0.44	0.53		Pass
	SE 8th Street Corridor	D8 ***	PART L		13	0.28		Pass	Pass
4		EB E	257	572	33.4	0.63	0:32		Pass
9	E 8th St, 228th Ave SE 244th Ave SE	WB	585	292	925	0.28	0.40		Pass
+		EB/58	THE RESERVE OF THE PERSON NAMED IN	4. 1.	· 8	0.97	0.83		Pass
1	sequeli-Pine Lake Road Corridor	WB/N		, -541 j	1.4	0.54	1.06		Pass
,	ssaguah-Pine lk Rd, 228 th Ave SE - SE 32 nd Way ^S	83	467	802	969	0.48	0.83		Pass
1	madosu unic re uni sen ute ne ne 16 1183	WB	589	613		0.61	0.63		Pass
1	ssaguah-Pine Lk Rd, SE 32°4 Way - 5E Klahanie Bivd	MB.	505	747	881	0.57	0.85		Pass
+		SB NB	610 391	754		0,69	0.86 1.12		Pass .
2 1	ssaquah-Pine Lk Rd, SE Klahanie Bivd — SE 46° St	SB	979	990 742	861	1.11	0.84		Pass Pass
,t.	ssaguah-Pine Lk Rd, SE 46th St - SE 48th St	NB	444	1,207	881	0.50	1.37		Pass
٠Į٠	Southeis the re un' ac dom at Lac dom at	58	1,078	717	994	1.22	0.81		Pass

	SE 52nd Way/Street - Issaqueh-Beaver Lake Road Corridor	EB				0.25	0.56	Pess	Pass
	and and the section of the section o	WB				0.46	0.41	Poss	Pass
94	SE 92 nd Way, Issaguah-Pine Lk Rd -295 th Place SE	EB	178	475	705	0,25	0.67	Pass:	Pass
	The stay, chequare the taken 255 Frace St	WB	390	329	,03	0.55	0.47	Pass.	Pass
95	SE 32 rd Way, 235 th Place SE - 244 th Ave SE	EB	173	381	705	0.25	0.54	Pass.	Pags
_	C. S. VIOL, 255 FIRESE-244 MESE	W/B	285	264		0.40	0,37	Pass	Pass
36	SE 32 ⁴⁴ Way, 244 th Ave SE-E Beaver Lake Dr SE	83	216	439	705	0.31	0.62	Pass	Pass
_	DE DE PROPERTO DE LA PROPERTO DEL PROPERTO DE LA PROPERTO DE LA PROPERTO DEL PROPERTO DE LA PROPERTO DEL PROPERTO DE LA PROPERTO DE LA PROPERTO DE LA PROPERTO DEL PROPERTO DE LA PROPERTO DEL PROPERTO DEL PROPERTO DE LA PROPERTO DE LA PROPERTO DE LA PROPERTO DE LA PROPERTO DEL PROPERTO DEL PROPERTO DE LA PROPERTO DEL PROPERTO DE LA PROPERTO DEL PROP	WB	364	933		0.52	0.47	Pass	Pass
37	issaguah-Beaver Lk Rd, E Beaver Lk Dr - SE Duthle Hill Rd	€B	171	282	881	0.19	0.32	Pass	Pass
_		WB	257	285		0.29	0.52	Pags	Pass
3	Issequeb-Fell City Road Corridor	MB/E				0,26	0.91	Pass .	Pass
		58/4	/B			0.94	0.54	Pass.	Pess
38	SE issaquah-Fall City Rd, issaquah-Pine Lk Rd — 245 ^{2h} Pi SE ⁶	EB	592	1,271	1,772	0.30	0.72	Pass	Pass
_	or modern ten city na, malpoirt nic to no - 243 Mar	wa	1,186	744	1,772	0.67	0.42	Pass	Pass
39	SE Issaguah-Fall City Rd, 245th Ave SE - Klahanje Dr SE	EB	149	1,160	RR1	0.17		Pass	Pass
		WB	1,263	669		1.43	0.76	feli	Pass
40	SE Issaguah-Fall City Rd, Klahanie Dr SE - SE Duthje Hill Rd	EB	237	746	881	0.27	0.85	Pass	Pass
		₩B	653	488		0.74	0.55	Pass	Pass
11	SE Duthie Hill Rd, SE Issaquah-Beaver Uk Rd — SE Issaquah-Fali City Rd*	NB	203	521	881	0.23	0.59	Pass	Pass
	on overse com into on special action of the one productives city and	SB	599	264		0.68	0.30	Pass	Pass
	Dirthie Hill Road Corridor	NB/E	Biris	- y-*-		0.32	0.93	Pass	Pass
,		M/82	B			0.90	0.63	Pass	Pass
12	SE Duthie Hill Rd, SE lesaguah-Beaver Lk Rd — 266th Ave SE	MB	254	769	725	0.35	1.06	Pass.	Pass
		58	745	520	723 [1.03	0,72	Pass	Pass
43	SE Duthie Hill Rd, 266th Ave SE — Tressachs Blvd SE ⁴	EB	252	715	906	0.29	0.79	_	Pass

Hotes

Carridor V/C ratios are volume weighted.

⁴ Segment is partially outside of Sammamish City Limits.

	2024 HCI	M Modifie	d Meth	odology	1				
	PRESIDENCE IN ACCUSANCE OF	ENTERNA DE	English L	17025	Capadiles :	AMY/C	PM V/C	AM	PM
Section of the	Security		AAA Volume	PM Volume	2024 HCB8 Mod	2024 HCM Mod	2024 HCM Mod	and the process	dor≤1.1 Sent £1.4
54	East Lake Semmemish Perlowey North Corridor	NB	SHAME STEEL		2117 7	1.52	0.82	Fall	Pess
4		50		13 Te 3		0.54	1.61	Pars	Fell
1	E Lk Sammamish Pkwy, City Braits - 196th Ave NE (Weber Pi) ⁴	MB	1,144	611	705	1.62	0.87	Fail	Pass
_	Erromannon Kirly, and mana - Thom wite the faiting Ld	SB	442	1,285		0.63	1.82	Pass	fell
2	E Lk Sammamish Pkyvy, 196th Ave NE - NE 26th Pi	NB	1,198	642	705	1.70	0.91	Fall	Pass
		SB	385	1,215		0.55	1.72	Pass	Fa)
3	E Lk Sammamish Pkwy, NE 28th PI - NE Inglewood Hill Rd	NB	1,201	653	969	1.24		Pass	Pass
		SB	433	1,258		0.45		Pass	Pass
71	East Lake Sammamish Parloisy Central Confidor	N8	CA L	1000		0.63		Pass ·	Pass
		S8	T. 47 35			0.50	0.78		Pass
4	E Lk Sammamish Pkwy, Inglewood Hill Rd — Louis Thompson Rd	NB	678	541	943	0.72	0.57	Pass	Pass
_		\$8	583	762	- 10	0.41	0.81	Pess	Pass.
5	E Lk Sammanish Pkwy, Louis Thompson Rd NE – SE 8th St	NB	415	475	705	0.59	0.67	Pass	Pass
_	Trespondent stall man allegibant sed tot on the	58	361	557	703	0.51		Pass	Pass
6	E Lk Sammamish Pkwy, SE 8th St - SE 24th Way	NB	374	541	705	0.53	0.77	Pacs	Pass
_	E CAMBINATION OF THE OCCUPANT OF EACH THAT	58	404	501	703	0.57	0.71	Pass	Pass
	East Lake Sezomentish Perkway South Corridor	MB	elm elm	T. Mat. a	2	0.52	0.99	Pass	Pass
	EVERY RECEIVED TO BE THE STATE OF THE FOREST	S8 (A THE A	1 1 d. / 10 mg	70	0.85	0.72		Pess
7	ELk Sammemish Pkwy, SE 24th Way – 212th Ave SE	NB	362	567	881	0.41	0.64		Pass
•	LE CONTRIBUIT PARTY, DE 2001 1007 - 22201746 DE	SB	487	546	661	0.55	0.62		Pass
8	E Lix Sammamish Pixwy, 212th Ave SE — South City Limit	NB	451	904	749	0.60	1.21		Pass
•	E EX SOLUTION DE SAY, ALZEN AVE SE - SOUDI CITY LITTE	\$8	781	610	/49	1.04	0.81		Pass
-	Schelee Way-228th Avenue Horth Corridor	A NB		151/2507	-	1.16	0.66		Pass
1	Mary that are the state of the	58	STATES.	16 2 4		0.55	1.05		Pass
9	Sahalee Way/228th Ave NE, City Limit - NE 97th Way	NB	1382	582	1,015	1.36	0.57		Pass
2	annese may/cront are let' cità rellit - let 3/01 max	SB	485	1.178	1,015	0.48	1.16		Pass
ın	And a territoria a contract a contract and a contra	NB	1,164	571	969	1.20	0.59		Pass
w	Sahalee Way/228th Ave NE, NE 97th Way - NE 86th St ³	SB	495	1,071	369	0.51	1.11		Pass
	A	NB	1,139	561	050	1.18	0.58		Pass
4	Sahalee Way/228th Ave NE, NE SEth St - 223rd Ave NE ²	SB	474	1,033	959	0.49	1.07		Pass
	Sahalee Way/228th Ave NE, 223rd Ave NE – NE 25th Way	NB	1,047	585	969	1.08	0.60		Pass
4	Deligice Wey/220th Ave HE, 223th Ave HE - NE 25th Way	SB	470	911	959	0.49	0.94		Pass
		NB	810	836	000	0.84	0.86		Pass
13	228th Ave, NE 25th Way – NE 12th Pi ³	SB	683	872	969	0.71	0.90		Pass

 $^{^{\}circ}$ ELSP corridors are shown for information purposes only as they are excluded from concurrency:

¹ A portion of this segment is 30 MPH.

^a PM Peak Hour in Sammanish is 4:45-5:45 PM. 15 minute segment count not available, 5-69M used.

³ A portion of this segment is 95 MPH.

⁴2016 count was not available, 2017 count used.

³ This segment transitions from a wider cross-section to two lanes, the narrower section

1 2	228th Avenue Central Corridor	NB SB		5		0.59		Pess Pass	Pess
		NB	825	937	987	0.04		5 Pass	Pass
14	228th Ave, NE 12th PI - NE 8th St/Inglewood Hill Rd	SB	858	924	30/	0.87		4 Pass	Pass
15	228th Ave, NE 8th Stringlewood Hill Rd - Main St	NB	884		1,896	0.47		8 Pass	Pass
_		SB NB	973 984	1,124	4 000	0.51		9 Pess	Pass
16	228th Ave, Main St - SE 8th St	SB	789	1,297	1,896	0.42	0.6	5 Pass	Pass
17	228th Ave, SE 8th St - SE 10th St	NB SB	948	1,344	1,896	0.50		1 Pass 6 Pass	Pass
40		NB	1,127	1,408	1.896	0.50		4 Pass	Pass
10	228th Ave, Se 10th St SE 20 th St	\$8	1,150	1,350	1,050	0.60	THE RESERVE OF THE PERSON NAMED IN	1 Pass	Pass
	228th Avenue South Corrigor	NB SB	* 1	4 451	: 	0.59		7 Pess	Post -
		NB	1,190	1,504	1,949	0.61		7 Pass	Pass
19	228th Ave, SE 20th St — Issaquah Pine Lake Rd SE	SB	1,203	1,424	1,343	0.62	0.7	3 Pass	Pass
20	228th Ave, Issaguah Pine Lake Rd SE - SE 43rd Way	NB S0	526 851	997 608	969	0.54		3 Pass	Pess
_		MB	1 14	B-100		0.05		Pess	Pess
	ZÁGO Avenue North Corddor	SB	34.	1		0.43		Pass	Pess
21	244th Ave NE, NE 30th PI - NE 20th St	NB	503	332	681	0.54		Pus	Pass
		SB NB	318	351 374	004	0.36 0.37		Pass Pass	Pass Pass
4	244th Ave NE, NE 20th St - NE 8th St	SB	474	382	881	0.54		Pess	Pass
23	244th Ave NE, NE 8th St — E Main St	NB	370	520	925	0.40		Pess	Pass
4		58 NB	208 195	375 368		0.52		l Pass	Pass
24	244th Ave NE/SE, E Main St - SE 8th St	58	391	299	881	0.44		Pass	Pass
	ME Instanced MD Road Corridor	(3)		, F 1865	,	D.28	11 THE O. R.	Pess	. Pess
-1	NE Inglewood His Road Corridor	WB	> 1 d	. 1		0.74		Pass	Pass
25	NE inglewood Hill Rd, E Lk Sammamish Plovy — 216th Ave	EB	256	734	705	0.33		Pass	Pass
\exists		WB EB	227	\$20 554	4.040	0.93		Pass	Pass
26	NE Inglewood Hill Rd, 216th Ave NE – 228th Ave NE	WB	479	335	1,019	0.47		Pass	Pass
	NE 8th Street Corridor	D	1,44	. 77.	7	0.32		Pess	Pass
4	Paris Contraction of the Contrac	We	1 1 1 1	. 450	* ;	0.44		Pass	Pess
27	NE 8th St., 228th Ave NE – 235th Ave NE	EB	375 470	585 373	1,015	0.97		Pass	Pass Pass
1		EB	230	415	925	0.25		Pass	Pass
28	NE 8 th St, 295 th Ave NE — 244 th Ave NE	WB	385	316	7/3	0.42		Pass	Pass
-	SE 8th Street Corildor	· 28	10. Lead-	7 741.8		0,28		Pess	Pass
-	The state of the s	WB		and .	4 6.	0.65		Pags Pags	Pess
19	SE 8 th St, 228 th Ave 3E – 244 th Ave SE	EB WB	256 600	396 304	925	0.28		Pess	Pess
	issaguah Pine Like Road Coylöpr	EB/1	The second second	77 BUS 14	1.077	0.94		Pess	Pess
¥.	Constitute the second of the second of the second	WB/	NB	- 4		0.50	1,02	Poss	Pass
0	Issaquah-Pine Lt. Rd., 228 th Ave SE - SE 92 nd Why ²	EB	422	845	987	0.43		Pass	Pass
4		WB	509 540	629 778		0.52		Pass	Pats Pats
1	Issaqueh-Pine Lk Rd, SE 32 ^M (Way - SE Klahanie Bivd	NB.	682	782	987	0.53		Pass	Pass
2	Issaguah-Pine Lt Rd, SE Klahanie Blvd – SE 46 th 5a	NB	408	1,020	943	0.43		Pass	Pass
1	Issaquan-Fine Jik Ko, Se kianame awa - Se 40 - Se	SB	1,015	751		1.08		Pass	Peiss
3	Issaquah-Pine Lk Rd, SE 46th St - SE 48th St	NB SB	456 1,107	1,236 725	943	0.48 1.17		Pass Pass	Pass
la i		(B)	1,100	7 7 22 7	: '	0.54	0.62		Pess
i	SE 32nd Way/Street - Issuellah Beaver Labé Road Carifdor	48	C YET	FOR F	n gerten	0.51	0.4	Pess	Pèss
4	SE 32 nd Way, Issiguith-Pine ik Rd — 235 th Place SE	EB	255	524	749	0.94		Pass	Pass
4		WB	458	363		0.61		Pass	Pass
5	5E 52 ^{ml} Way, 235 th Place SE – 244 th Ave SE	EB WB	.228 926	449 281	705	0.52		Pass	Pass
+		83	286	479	705	0.41		Pass	Pess
9	SE 32 ⁴⁶ Way, 244 th Ave SE – E Beaver Lake Dr SE	W8	401	365	103	0.57	0.52	Pass	Pess
7	ssaquair-Beaver Lk Rd, E Beaver Lk Or — SE Dutivle Hill Rd	E8 WB	242 274	298 295	881	0.27 0.31		Pass Pass	Pass
, i		W6		<i>a</i> ;	179-90	0.32		Pass .	Pass
	sniquith-Pall City Roed Confidor	\$8/9		MALE STREET	1 29 1	0.79		Pess	Pess
2.	iE Issaquah-Fall City Rd, Issaquah-Pine Lik Rd — 245° PI SE'	£8	532	1,494	1,772	0.30	0.84		Pass
8 .		11450	1,953	787		0.76		Pays	Pass
8 3	it togetheria en ortans' medden vass prue 542 . 140 f.	WB					0.74	China in	Pass
+	is issaquah-Fall City Rd, 245th Ave SE - Klahanie Dr SE	EB	147	1,385	1,861	0.08			
9 9	iE Issaquiah-Fall City Rd, 245th Ave SE - Kfahanle Dr SE	EB WB	1,430	1,385 721 951		0.77 0.26	0.39	Pags	P9.55
9 5		EB		721	1,861 925	0.77		Pass Pass Pass	

Duthje Hill Roed Chridge	NB/I				0.34	1.02	Pass	Pass
, and the protect of the second	S8/V	VB.			0.96	2:0.66	Pass	Pass
42 SE Duthle HBI Rd, SE issaquah-Beaver Lk Rd — 266th Ave SE	NB	271	839	725	0.37	1.16	Pass	Pass
	SB	794	544		1.09	0.75	Pass	Pass
45 SE Duthle Hill Rd, 266th Ave SE — Trossachs Blvd SE ⁵	EB	278	787	906	0.91	0.87	Pass	Pass
	WB	733	520	300	0.81	0.57		Pass

Hotes

Corridor V/C ratios are volume weighted.

 ELSP corridors are shown for information purposes only as they are excluded from concurrency.

¹ A portion of this segment is 30 MPH.

² PM Peak Hour in Sammamish is 4:45-5:45 PM. 15 minute segment count not available, 5-6PM used.

- A portion of this segment is 35 MPH.
- ⁴ 228th/IPLR: No FYA; 228th/SE 24th: No FYA during peak hours; 228th/SE 20th: FYA. Since the FYA is not in operation during peak hours for the majority of the major intersections, the segment overall doesn't experience increased capacity due to FYAs during peak hours.
- ³ This segment transitions from a wider cross-section to two lanes, the narrower section was used.
- Segment is partially outside of Sammamish City Limits.
- (23) In conducting the concurrency test in accord with SMC-Chapter 14A.10.040, the City shall apply the level of service standards for the concurrency intersections as designated in SMC 14A.10.010(1) in the Comprehensive Plan and for the concurrency corridors and segments in SMC 14A.10.050(2). If no any intersections, corridor or segment operates at or below better than the level of service standards, the concurrency certificate shall be granted. If any concurrency intersection, corridor or segment operates worse than below the level of service standards, the concurrency certificate will be denied, or the applicant may select one of the options described in SMC 14A.10.040(3), whoose to accept a 90-day reservation as described in SMC 14A.10.040(4)(a) or provide public facilities as described in SMC 14A.10.040(4)(c).
- (34) In conducting the concurrency test, the City shall find that the impact of development occurs, and therefore the level of service standards for intersections, <u>corridors and segments</u> shall be achieved and maintained, no later than six years from the date of the development.
- (45) In the event that the applicant is required to construct a public facility, the development cannot be occupied until the public facility is completed, or the applicant provides the City with a performance bond that is acceptable to the City.
- (56) The City shall determine which additional public facilities are needed to be included in the Capital Facilities Plan Element of the Comprehensive Plan to achieve the adopted level of service standards. Such additional public facilities shall be underwritten by a financial commitment.

Chapter 21A.15 TECHNICAL TERMS AND LAND USE DEFINITIONS

21A.15.685 Level of service (LOS), traffic.

"Level of service (LOS), traffic" means the City's defined performance standards for its adopted concurrency intersections, road corridors, and road segments, as defined in the City's Comprehensive Plan and development regulations.