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CITY OF SAMMAMISH

**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.

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I. PETITIONER'S IDENTITY

Don Gerend
22730 SE 23rd Place
Sammamish, WA 98075

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?

- 1 2. Whether Ordinance 02019-484 violates Chapter 43.21C (including but not limited to
2 section 43.21C.030) and Chapter WAC 197-11 (including but not limited to sections
3 197-11-070; 197-11-310; 197-11-600) because it was adopted without adequate and
4 legally required threshold determination and due consideration of the potential
5 environmental impacts of the new level-of-service standards and regulations
6 contained in the Ordinance?
- 7 3. Whether, in adopting Ordinance O2019-484, the City failed to adequately consider
8 and adopt findings relating to the goals contained in RCW 36.70A.020?
- 9 4. Whether, in adopting Ordinance O2019-484, the City failed to be guided by the goals
10 contained in RCW 36.70A.020, including but not limited to (1) Urban Growth; (2)
11 Reduce Sprawl; (4) Housing; (5) Economic Development; (6) Property Rights; (7)
12 Permits; (11) Citizen Participation and Coordination; (12) Public Facilities and
13 Services?
- 14 5. Whether Ordinance O2019-484 procedurally and substantively violates RCW
15 36.70A.040, RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-
16 196-810, because it imposes new level-of-service standards through a development
17 regulation rather than as an amendment to the Transportation Element of the City's
18 Comprehensive Plan?
- 19 6. Whether Ordinance O2019-484 violates RCW 36.70A.040 and RCW 36.70A.070,
20 RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810 by being inconsistent with
21 the Comprehensive Plan, including but not limited to the Land Use and
22 Transportation Elements, and the Town Center Plan?
- 23
24
25

- 1 7. Whether Ordinance O2019-484 violates RCW 36.70A.040, RCW 36.70A.070(6),
2 WAC 365-196-430 and/or WAC 365-196-840 by imposing new level of service
3 standards based on an erroneous methodology for determining roadway capacities?
4
5 8. Does Ordinance No. O2019-484 violate RCW 36.70A.110(1), (2), (3) and (4) by
6 precluding urban densities, failing to provide areas and densities sufficient to permit
7 projected growth, locating growth in areas that have adequate public facilities or are
8 characterized by urban growth, and failing to provide urban governmental services?
9
10 9. Does Ordinance No. O2019-484 violate RCW 36.70A.115 by failing to provide
11 sufficient land capacity for development
12
13 10. Whether Ordinance No. O2019-484 violates RCW 36.70A.390 by imposing a *de*
14 *facto* moratorium on development without complying with the requirements of RCW
15 36.70A.390, including but not limited to failing to adopt findings of fact justifying the
16 moratorium?

15 IV. STANDING

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

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

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

5 **V. ESTIMATED LENGTH OF HEARING**

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

7 **VI. RELIEF SOUGHT**

8 Petitioner requests that the Board find that Ordinance No. O2019-484 fails to comply
9 with the Growth Management Act and establish a mandatory compliance schedule.
10 Petitioner requests the Board to find Ordinance No. O2019-484 substantially interferes with
11 the goals of the GMA and determine that Ordinance No. O2019-484 is invalid under RCW
12 36.70A.302.

13 **VIII. CERTIFICATION**

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

16
17 DATED this 24th day of July, 2019.

18
19 JOHNS MONROE MITSUNAGA
KOLOUŠKOVÁ, PLLC

20
21 By  

22 Duana T. Koloušková, WSBA #27532
23 Dean Williams, WSBA #52901
Attorneys for Petitioner Gerend

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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.**

CITY OF SAMMAMISH


Christie Malchow, Mayor

Melanie Anderson

Melanie Anderson, City Clerk

Approved as to Form:

Michael R. Kenyon

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

ATTACHMENT A

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 of development 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).

ATTACHMENT A

(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 City 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

ATTACHMENT A

(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.

Segment*		AM Volume	PM Volume	Capacities	AM V/C	PM V/C	AM	PM
				2016 HCM Mod	2016 HCM Mod	2016 HCM Mod	Corridor <1.1 Segment <1.4	
East Lake Sammamish Parkway North Corridor		NB			1.52	0.78	Fail	Pass
		SB			0.44	1.55	Pass	Fail
1	E Lk Sammamish Pkwy, City limits - 196th Ave NE (Weber Pl) ⁴	NB	1,145	705	1.62	0.83	Fail	Pass
		SB	365		0.52	1.76	Pass	Fail
2	E Lk Sammamish Pkwy, 196th Ave NE - NE 26th Pl	NB	1,198	705	1.70	0.87	Fail	Pass
		SB	309		0.44	1.65	Pass	Fail
3	E Lk Sammamish Pkwy, NE 26th Pl - NE Inglewood Hill Rd	NB	1,202	969	1.24	0.64	Pass	Pass
		SB	358		0.37	1.25	Pass	Pass
East Lake Sammamish Parkway Central Corridor		NB			0.61	0.65	Pass	Pass
		SB			0.47	0.77	Pass	Pass
4	E Lk Sammamish Pkwy, Inglewood Hill Rd – Louis Thompson Rd	NB	649	925	0.70	0.57	Pass	Pass
		SB	363		0.39	0.82	Pass	Pass
5	E Lk Sammamish Pkwy, Louis Thompson Rd NE – SE 8th St	NB	885	705	0.53	0.64	Pass	Pass
		SB	935		0.48	0.77	Pass	Pass
6	E Lk Sammamish Pkwy, SE 8th St – SE 24th Way	NB	345	705	0.49	0.74	Pass	Pass
		SB	378		0.54	0.70	Pass	Pass

ATTACHMENT A

East Lake Sammamish Parkway South Corridor				NB			0.93	1.02	Pass	Pass
				SB			0.87	0.80	Pass	Pass
7	E Lk Sammamish Pkwy, SE 24th Way – 212th Ave SE	NB	591	545	705		0.47	0.77	Pass	Pass
		SB	450	545			0.64	0.77	Pass	Pass
8	E Lk Sammamish Pkwy, 212th Ave SE – South City Limit	NB	429	881	749		0.57	1.18	Pass	Pass
		SB	750	620			1.00	0.83	Pass	Pass
Sahalee Way-228th Avenue North Corridor				NB			1.12	0.67	Fail	Pass
				SB			0.56	1.09	Pass	Pass
9	Sahalee Way/228th Ave NE, City Limit – NE 37th Way	NB	1,256	573	951		1.32	0.60	Pass	Pass
		SB	471	1,102			0.50	1.16	Pass	Pass
10	Sahalee Way/228th Ave NE, NE 37th Way – NE 36th St	NB	1,043	547	906		1.15	0.60	Pass	Pass
		SB	474	989			0.52	1.09	Pass	Pass
11	Sahalee Way/228th Ave NE, NE 36th St – 223rd Ave NE	NB	1,023	531	906		1.13	0.59	Pass	Pass
		SB	457	947			0.50	1.04	Pass	Pass
12	Sahalee Way/228th Ave NE, 223rd Ave NE – NE 25th Way	NB	950	545	906		1.05	0.60	Pass	Pass
		SB	450	840			0.50	0.93	Pass	Pass
19	228th Ave, NE 25th Way – NE 12th Pl	NB	711	790	906		0.78	0.87	Pass	Pass
		SB	660	796			0.73	0.88	Pass	Pass
228th Avenue Central Corridor				NB			0.58	0.68	Pass	Pass
				SB			0.58	0.66	Pass	Pass
14	228th Ave, NE 12th Pl – NE 8th St/Inglewood Hill Rd	NB	727	894	969		0.75	0.92	Pass	Pass
		SB	807	870			0.83	0.90	Pass	Pass
15	228th Ave, NE 8th St/Inglewood Hill Rd – Main St	NB	808	1,058	1,861		0.43	0.57	Pass	Pass
		SB	1,024	1,052			0.55	0.57	Pass	Pass
16	228th Ave, Main St – SE 8th St	NB	923	1,085	1,861		0.50	0.58	Pass	Pass
		SB	820	1,148			0.44	0.62	Pass	Pass
17	228th Ave, SE 8th St – SE 10th St	NB	854	1,209	1,861		0.46	0.65	Pass	Pass
		SB	854	1,078			0.51	0.58	Pass	Pass
18	228th Ave, SE 10th St – SE 20th St	NB	1,086	1,303	1,861		0.58	0.70	Pass	Pass
		SB	1,087	1,233			0.58	0.66	Pass	Pass
228th Avenue South Corridor				NB			0.55	0.83	Pass	Pass
				SB			0.70	0.66	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	Pass
		SB	1,186	1,341			0.58	0.69	Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE – SE 43rd Way	NB	454	953	969		0.47	0.98	Pass	Pass
		SB	827	565			0.85	0.58	Pass	Pass
244th Avenue North Corridor				NB			0.39	0.40	Pass	Pass
				SB			0.48	0.42	Pass	Pass
21	244th Ave NE, NE 30th Pl – NE 20th St	NB	295	293	705		0.42	0.42	Pass	Pass
		SB	313	320			0.44	0.45	Pass	Pass
22	244th Ave NE, NE 20th St – NE 8th St	NB	320	334	705		0.45	0.47	Pass	Pass
		SB	467	350			0.66	0.50	Pass	Pass
23	244th Ave NE, NE 8th St – E Main St	NB	369	306	925		0.40	0.33	Pass	Pass
		SB	295	375			0.32	0.41	Pass	Pass
24	244th Ave NE/SE, E Main St – SE 8th St	NB	189	342	881		0.21	0.39	Pass	Pass
		SB	371	291			0.42	0.39	Pass	Pass
NE Inglewood Hill Road Corridor				EB			0.31	0.79	Pass	Pass
				WB			0.77	0.39	Pass	Pass
25	NE Inglewood Hill Rd, E Lk Sammamish Pkwy – 216th Ave	EB	180	678	705		0.25	0.36	Pass	Pass
		WB	681	288			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	Pass
		WB	480	364			0.50	0.38	Pass	Pass
NE 8th Street Corridor				EB			0.35	0.52	Pass	Pass
				WB			0.46	0.34	Pass	Pass
27	NE 8th St, 228th Ave NE – 255th Ave NE	EB	385	554	969		0.40	0.57	Pass	Pass
		WB	461	344			0.48	0.36	Pass	Pass
28	NE 8th St, 255th Ave NE – 244th Ave NE	EB	228	393	881		0.26	0.45	Pass	Pass
		WB	384	288			0.44	0.33	Pass	Pass
SE 8th Street Corridor				EB			0.28	0.40	Pass	Pass
				WB			0.63	0.32	Pass	Pass
29	SE 8th St, 228th Ave SE – 244th Ave SE	EB	257	372	925		0.28	0.40	Pass	Pass
		WB	585	292			0.63	0.32	Pass	Pass
Issaquah-Pine Lake Road Corridor				EB/SB			0.97	0.83	Pass	Pass
				WB/NB			0.54	1.06	Pass	Pass
30	Issaquah-Pine Lk Rd, 228th Ave SE – SE 32nd Way	EB	467	802	969		0.48	0.83	Pass	Pass
		WB	589	613			0.61	0.63	Pass	Pass
31	Issaquah-Pine Lk Rd, SE 32nd Way – SE Klahanie Blvd	NB	505	747	881		0.57	0.85	Pass	Pass
		SB	610	754			0.69	0.86	Pass	Pass
32	Issaquah-Pine Lk Rd, SE Klahanie Blvd – SE 46th St	NB	391	990	881		0.44	1.12	Pass	Pass
		SB	979	742			1.11	0.84	Pass	Pass
33	Issaquah-Pine Lk Rd, SE 46th St – SE 48th St	NB	444	1,207	881		0.50	1.37	Pass	Pass
		SB	1,078	717			1.22	0.81	Pass	Pass

ATTACHMENT A

SE 92nd Way/Street - Issaquah-Beaver Lake Road Corridor				EB			0.25	0.56	Pass	Pass
				WB			0.46	0.41	Pass	Pass
94	SE 92 nd Way, Issaquah-Pine Lk Rd - 295 th Place SE	EB	178	475	705		0.25	0.67	Pass	Pass
		WB	390	329			0.55	0.47	Pass	Pass
95	SE 92 nd Way, 295 th Place SE - 244 th Ave SE	EB	179	381	705		0.25	0.54	Pass	Pass
		WB	285	264			0.40	0.37	Pass	Pass
96	SE 92 nd Way, 244 th Ave SE - E Beaver Lake Dr SE	EB	216	439	705		0.31	0.62	Pass	Pass
		WB	364	333			0.52	0.47	Pass	Pass
97	Issaquah-Beaver Lk Rd, E Beaver Lk Dr - SE Duthie Hill Rd	EB	171	282	881		0.19	0.32	Pass	Pass
		WB	257	285			0.29	0.32	Pass	Pass
Issaquah-Fall City Road Corridor				NB/EB			0.16	0.91	Pass	Pass
				SB/WB			0.94	0.54	Pass	Pass
98	SE Issaquah-Fall City Rd, Issaquah-Pine Lk Rd - 245 th Pl SE ⁴	EB	592	1,271	1,772		0.30	0.72	Pass	Pass
		WB	1,186	744			0.67	0.42	Pass	Pass
99	SE Issaquah-Fall City Rd, 245 th Ave SE - Kiahnik Dr SE	EB	149	1,160	881		0.17	1.32	Pass	Pass
		WB	1,263	669			1.43	0.76	Fail	Pass
40	SE Issaquah-Fall City Rd, Kiahnik 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 Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - SE Issaquah-Fall City Rd ⁴	NB	203	521	881		0.23	0.59	Pass	Pass
		SB	599	264			0.68	0.30	Pass	Pass
Duthie Hill Road Corridor				NB/EB			0.32	0.93	Pass	Pass
				SB/WB			0.90	0.63	Pass	Pass
42	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - 266 th Ave SE	NB	254	769	725		0.35	1.06	Pass	Pass
		SB	745	520			1.03	0.72	Pass	Pass
43	SE Duthie Hill Rd, 266 th Ave SE - Trossachs Blvd SE ⁴	EB	262	715	906		0.29	0.79	Pass	Pass

Notes

Corridor V/C ratios are volume weighted.

⁴ 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.

³ A portion of this segment is 35 MPH.

⁴ 2016 count was not available, 2017 count used.

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

⁶ Segment is partially outside of Sammamish City Limits.

2024 HCM Modified Methodology											
	Segment*		AM Volume	PM Volume		Capacities		AM V/C	PM V/C	AM	PM
						2024 HCM Mod	2024 HCM Mod	2024 HCM Mod	Corridor <1.1 Segment <1.4		
	East Lake Sammamish Parkway North Corridor	NB					1.52	0.82	Fail	Pass	
		SB					0.56	1.01	Pass	Fail	
1	E Lk Sammamish Pkwy, City Limits - 196th Ave NE (Weber Pl) ⁴	NB	1,144	611	705		1.62	0.87	Fail	Pass	
		SB	442	1,285			0.63	1.82	Pass	Fail	
2	E Lk Sammamish Pkwy, 196th Ave NE - NE 26th Pl	NB	1,198	642	705		1.70	0.91	Fail	Pass	
		SB	385	1,215			0.55	1.72	Pass	Fail	
3	E Lk Sammamish Pkwy, NE 28th Pl - NE Inglewood Hill Rd	NB	1,201	653	969		1.24	0.67	Pass	Pass	
		SB	433	1,258			0.45	1.30	Pass	Pass	
	East Lake Sammamish Parkway Central Corridor	NB					0.63	0.67	Pass	Pass	
		SB					0.50	0.78	Pass	Pass	
4	E Lk Sammamish Pkwy, Inglewood Hill Rd - Louis Thompson Rd	NB	678	541	943		0.72	0.57	Pass	Pass	
		SB	383	762			0.41	0.81	Pass	Pass	
5	E Lk Sammamish Pkwy, Louis Thompson Rd NE - SE 8th St	NB	415	475	705		0.59	0.67	Pass	Pass	
		SB	361	557			0.51	0.79	Pass	Pass	
6	E Lk Sammamish Pkwy, SE 8th St - SE 24th Way	NB	374	541	705		0.53	0.77	Pass	Pass	
		SB	404	501			0.57	0.71	Pass	Pass	
	East Lake Sammamish Parkway South Corridor	NB					0.52	0.99	Pass	Pass	
		SB					0.85	0.72	Pass	Pass	
7	E Lk Sammamish Pkwy, SE 24th Way - 212th Ave SE	NB	362	567	881		0.41	0.64	Pass	Pass	
		SB	487	546			0.55	0.62	Pass	Pass	
8	E Lk Sammamish Pkwy, 212th Ave SE - South City Limit	NB	451	904	749		0.60	1.21	Pass	Pass	
		SB	781	610			1.04	0.81	Pass	Pass	
	Sahalee Way-228th Avenue North Corridor	NB					1.16	0.66	Fail	Pass	
		SB					0.55	1.05	Pass	Pass	
9	Sahalee Way/228th Ave NE, City Limit - NE 37th Way	NB	1,382	582	1,015		1.36	0.57	Pass	Pass	
		SB	485	1,178			0.48	1.16	Pass	Pass	
10	Sahalee Way/228th Ave NE, NE 37th Way - NE 36th St ²	NB	1,164	571	969		1.20	0.59	Pass	Pass	
		SB	495	1,071			0.51	1.11	Pass	Pass	
11	Sahalee Way/228th Ave NE, NE 36th St - 223rd Ave NE ²	NB	1,139	561	969		1.18	0.58	Pass	Pass	
		SB	474	1,033			0.49	1.07	Pass	Pass	
12	Sahalee Way/228th Ave NE, 223rd Ave NE - NE 25th Way	NB	1,047	585	969		1.08	0.60	Pass	Pass	
		SB	470	911			0.49	0.94	Pass	Pass	
13	228th Ave, NE 25th Way - NE 12th Pl ⁴	NB	810	836	969		0.84	0.86	Pass	Pass	
		SB	683	872			0.71	0.90	Pass	Pass	

ATTACHMENT A

228th Avenue Central Corridor					NB				0.58	0.71	Pass	Pass
					SB				0.59	0.70	Pass	Pass
14	228th Ave, NE 12th Pl - NE 8th St/Inglewood Hill Rd				NB	825	937	987	0.84	0.95	Pass	Pass
					SB	858	924		0.87	0.94	Pass	Pass
15	228th Ave, NE 8th St/Inglewood Hill Rd - Main St				NB	884	1,099	1,896	0.47	0.58	Pass	Pass
					SB	973	1,124		0.51	0.59	Pass	Pass
16	228th Ave, Main St - SE 8th St				NB	984	1,159	1,896	0.52	0.61	Pass	Pass
					SB	788	1,237		0.42	0.65	Pass	Pass
17	228th Ave, SE 8th St - SE 10th St				NB	948	1,344	1,896	0.50	0.71	Pass	Pass
					SB	1,032	1,249		0.54	0.66	Pass	Pass
18	228th Ave, SE 10th St - SE 20th St				NB	1,127	1,408	1,896	0.59	0.74	Pass	Pass
					SB	1,190	1,350		0.60	0.71	Pass	Pass
228th Avenue South Corridor					NB				0.59	0.87	Pass	Pass
					SB				0.78	0.70	Pass	Pass
19	228th Ave, SE 20th St - Issaquah Pine Lake Rd SE ⁴				NB	1,190	1,504	1,949	0.61	0.77	Pass	Pass
					SB	1,208	1,424		0.62	0.79	Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE - SE 43rd Way				NB	526	997	969	0.54	1.03	Pass	Pass
					SB	861	608		0.89	0.63	Pass	Pass
244th Avenue North Corridor					NB				0.85	0.95	Pass	Pass
					SB				0.43	0.40	Pass	Pass
21	244th Ave NE, NE 30th Pl - NE 20th St				NB	903	932	881	0.34	0.38	Pass	Pass
					SB	818	851		0.36	0.40	Pass	Pass
22	244th Ave NE, NE 20th St - NE 8th St				NB	930	974	881	0.37	0.42	Pass	Pass
					SB	474	982		0.54	0.43	Pass	Pass
23	244th Ave NE, NE 8th St - E Main St				NB	870	820	925	0.40	0.35	Pass	Pass
					SB	299	375		0.92	0.41	Pass	Pass
24	244th Ave NE/SE, E Main St - SE 8th St				NB	195	368	881	0.22	0.42	Pass	Pass
					SB	391	299		0.44	0.34	Pass	Pass
NE Inglewood Hill Road Corridor					EB				0.28	0.83	Pass	Pass
					WB				0.74	0.39	Pass	Pass
25	NE Inglewood Hill Rd, E Lk Sammamish Pkwy - 216th Ave				EB	296	734	705	0.33	1.04	Pass	Pass
					WB	654	920		0.93	0.45	Pass	Pass
26	NE Inglewood Hill Rd, 216th Ave NE - 228th Ave NE				EB	227	554	1,019	0.22	0.55	Pass	Pass
					WB	479	935		0.47	0.33	Pass	Pass
NE 8th Street Corridor					EB				0.32	0.52	Pass	Pass
					WB				0.44	0.36	Pass	Pass
27	NE 8th St, 228th Ave NE - 235th Ave NE				EB	975	585	1,019	0.37	0.58	Pass	Pass
					WB	470	573		0.46	0.37	Pass	Pass
28	NE 8th St, 235th Ave NE - 244th Ave NE				EB	230	415	925	0.25	0.45	Pass	Pass
					WB	385	916		0.42	0.34	Pass	Pass
SE 8th Street Corridor					EB				0.28	0.43	Pass	Pass
					WB				0.65	0.33	Pass	Pass
29	SE 8th St, 228th Ave SE - 244th Ave SE				EB	256	396	925	0.28	0.43	Pass	Pass
					WB	600	904		0.65	0.33	Pass	Pass
Issaquah-Pine Lake Road Corridor					EB/SB				0.94	0.80	Pass	Pass
					WB/NB				0.40	1.02	Pass	Pass
30	Issaquah-Pine Lk Rd, 228th Ave SE - SE 52nd Way ²				EB	422	845	987	0.43	0.86	Pass	Pass
					WB	509	629		0.52	0.64	Pass	Pass
31	Issaquah-Pine Lk Rd, SE 52nd Way - SE Klahanie Blvd				NB	540	778	987	0.55	0.79	Pass	Pass
					SB	682	782		0.69	0.79	Pass	Pass
32	Issaquah-Pine Lk Rd, SE Klahanie Blvd - SE 46th St				NB	408	1,020	943	0.43	1.08	Pass	Pass
					SB	1,015	751		1.08	0.80	Pass	Pass
33	Issaquah-Pine Lk Rd, SE 46th St - SE 48th St				NB	496	1,236	943	0.48	1.31	Pass	Pass
					SB	1,107	723		1.17	0.77	Pass	Pass
SE 32nd Way/Streets - Issaquah-Beaver Lake Road Corridor					EB				0.34	0.62	Pass	Pass
					WB				0.51	0.44	Pass	Pass
34	SE 32nd Way, Issaquah-Pine Lk Rd - 235th Place SE				EB	255	524	749	0.34	0.70	Pass	Pass
					WB	458	363		0.61	0.49	Pass	Pass
35	SE 32nd Way, 235th Place SE - 244th Ave SE				EB	228	449	705	0.32	0.64	Pass	Pass
					WB	326	281		0.46	0.40	Pass	Pass
36	SE 32nd Way, 244th Ave SE - E Beaver Lake Dr SE				EB	286	479	705	0.41	0.68	Pass	Pass
					WB	401	365		0.57	0.52	Pass	Pass
37	Issaquah-Beaver Lk Rd, E Beaver Lk Dr - SE Duthie Hill Rd				EB	242	298	881	0.27	0.34	Pass	Pass
					WB	274	295		0.31	0.34	Pass	Pass
Issaquah-Fall City Road Corridor					NB/EB				0.25	0.83	Pass	Pass
					SB/WB				0.79	0.44	Pass	Pass
38	SE Issaquah-Fall City Rd, Issaquah-Pine Lk Rd - 245th Pl SE ³				EB	532	1,494	1,772	0.30	0.84	Pass	Pass
					WB	1,353	787		0.76	0.44	Pass	Pass
39	SE Issaquah-Fall City Rd, 245th Ave SE - Klahanie Dr SE				EB	147	1,385	1,861	0.08	0.74	Pass	Pass
					WB	1,430	721		0.77	0.39	Pass	Pass
40	SE Issaquah-Fall City Rd, Klahanie Dr SE - SE Duthie Hill Rd				EB	297	951	925	0.26	1.03	Pass	Pass
					WB	795	528		0.86	0.57	Pass	Pass
41	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - SE Issaquah-Fall City Rd ⁴				NB	211	585	881	0.24	0.66	Pass	Pass
					SB	693	287		0.79	0.33	Pass	Pass

ATTACHMENT A

Duthie Hill Road Corridor:		NB/EB			0.94	1.02	Pass	Pass	
		SB/WB			0.96	1.06	Pass	Pass	
42	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd – 266th Ave SE	NB	271	839	725	0.97	1.16	Pass	Pass
		SB	794	544		1.09	0.75	Pass	Pass
43	SE Duthie Hill Rd, 266th Ave SE – Trossachs Blvd SE ⁴	EB	278	787	906	0.91	0.87	Pass	Pass
		WB	733	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.

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.

³ 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.

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

⁶ 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), 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, corridors and segments 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.

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4 **BEFORE THE CENTRAL PUGET SOUND**
5 **GROWTH MANAGEMENT HEARINGS BOARD**
6 **STATE OF WASHINGTON**

7 DON GEREND, an individual

8 Petitioner,

9 vs.

10 CITY OF SAMMAMISH, a Washington
11 municipal corporation,

12 Respondent.

NO.

DECLARATION OF SERVICE

13 I, Evanna L. Charlot, am a citizen of the United States, resident of the State of
14 Washington, and declare under the penalty of perjury under the laws of the State of
15 Washington, that on this date, I directed ABC Legal Services to affect service via Process
16 Service a true and correct copy of: PETITION FOR REVIEW, upon Respondent The City of
17 Sammamish, to the attention of the City Clerk, as given below:

18
19 CITY OF SAMMAMISH
20 City Clerk: Melonie Anderson
21 Or Authorized Agent
22 801 228th Ave SE
23 Sammamish WA 98075

24 Dated this ____ day of _____, 2019, in Bellevue, Washington.

25 *s/ Evanna L. Charlot*
EVANNA L. CHARLOT

01-1918-1 Declaration of Service 07-24-19

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4 **BEFORE THE CENTRAL PUGET SOUND**
5 **GROWTH MANAGEMENT HEARINGS BOARD**
6 **STATE OF WASHINGTON**
7

8 DON GEREND, an individual

9 Petitioner,

10 vs.

11 CITY OF SAMMAMISH, a Washington
12 municipal corporation,

13 Respondent.

NO.

PETITION FOR REVIEW

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

Don Gerend
22730 SE 23rd Place
Sammamish, WA 98075

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?

- 1 2. Whether Ordinance 02019-484 violates Chapter 43.21C (including but not limited to
2 section 43.21C.030) and Chapter WAC 197-11 (including but not limited to sections
3 197-11-070; 197-11-310; 197-11-600) because it was adopted without adequate and
4 legally required threshold determination and due consideration of the potential
5 environmental impacts of the new level-of-service standards and regulations
6 contained in the Ordinance?
- 7 3. Whether, in adopting Ordinance O2019-484, the City failed to adequately consider
8 and adopt findings relating to the goals contained in RCW 36.70A.020?
- 9 4. Whether, in adopting Ordinance O2019-484, the City failed to be guided by the goals
10 contained in RCW 36.70A.020, including but not limited to (1) Urban Growth; (2)
11 Reduce Sprawl; (4) Housing; (5) Economic Development; (6) Property Rights; (7)
12 Permits; (11) Citizen Participation and Coordination; (12) Public Facilities and
13 Services?
- 14 5. Whether Ordinance O2019-484 procedurally and substantively violates RCW
15 36.70A.040, RCW 36.70A.070, RCW 36.7A.120, WAC 365-196-800, and/or 365-
16 196-810, because it imposes new level-of-service standards through a development
17 regulation rather than as an amendment to the Transportation Element of the City's
18 Comprehensive Plan?
- 19 6. Whether Ordinance O2019-484 violates RCW 36.70A.040 and RCW 36.70A.070,
20 RCW 36.7A.120, WAC 365-196-800, and/or 365-196-810 by being inconsistent with
21 the Comprehensive Plan, including but not limited to the Land Use and
22 Transportation Elements, and the Town Center Plan?
- 23
- 24
- 25

- 1 7. Whether Ordinance O2019-484 violates RCW 36.70A.040, RCW 36.70A.070(6),
2 WAC 365-196-430 and/or WAC 365-196-840 by imposing new level of service
3 standards based on an erroneous methodology for determining roadway capacities?
4
5 8. Does Ordinance No. O2019-484 violate RCW 36.70A.110(1), (2), (3) and (4) by
6 precluding urban densities, failing to provide areas and densities sufficient to permit
7 projected growth, locating growth in areas that have adequate public facilities or are
8 characterized by urban growth, and failing to provide urban governmental services?
9
10 9. Does Ordinance No. O2019-484 violate RCW 36.70A.115 by failing to provide
11 sufficient land capacity for development
12
13 10. Whether Ordinance No. O2019-484 violates RCW 36.70A.390 by imposing a *de*
14 *facto* moratorium on development without complying with the requirements of RCW
15 36.70A.390, including but not limited to failing to adopt findings of fact justifying the
16 moratorium?

15 IV. STANDING

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

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

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

5 **V. ESTIMATED LENGTH OF HEARING**

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

7 **VI. RELIEF SOUGHT**

8 Petitioner requests that the Board find that Ordinance No. O2019-484 fails to comply
9 with the Growth Management Act and establish a mandatory compliance schedule.
10 Petitioner requests the Board to find Ordinance No. O2019-484 substantially interferes with
11 the goals of the GMA and determine that Ordinance No. O2019-484 is invalid under RCW
12 36.70A.302.

13 **VIII. CERTIFICATION**

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

16
17 DATED this 24th day of July, 2019.

18
19 JOHNS MONROE MITSUNAGA
KOLOUŠKOVÁ, PLLC

20
21 By  

22 Duana T. Koloušková, WSBA #27532
23 Dean Williams, WSBA #52901
Attorneys for Petitioner Gerend

24 01-1918-1 Petition for Review 07-23-19.doc
25

**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

Melanie Anderson

Melanie Anderson, City Clerk

Approved as to Form:

Michael R. Kenyon

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

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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 of development 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).

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(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

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- (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 Modified Methodology

Segment*		AM Volume	PM Volume	Capacities	AM V/C	PM V/C	AM	PM	
				2016 HCM Mod	2016 HCM Mod	2016 HCM Mod	Corridor <1.1 Segment <1.4		
East Lake Sammamish Parkway North Corridor		NB			1.52	0.78	Fail	Pass	
		SB			0.44	1.55	Pass	Fail	
1	E Lk Sammamish Pkwy, City limits - 195th Ave NE (Weber Pl) ⁴	NB	1,145	586	705	1.62	0.83	Fail	Pass
		SB	365	1,238		0.52	1.76	Pass	Fail
2	E Lk Sammamish Pkwy, 195th Ave NE - NE 26th Pl	NB	1,198	614	705	1.70	0.87	Fail	Pass
		SB	909	1,167		0.44	1.65	Pass	Fail
3	E Lk Sammamish Pkwy, NE 26th Pl - NE Inglewood Hill Rd	NB	1,202	623	969	1.24	0.64	Pass	Pass
		SB	858	1,209		0.97	1.25	Pass	Pass
East Lake Sammamish Parkway Central Corridor		NB				0.61	0.65	Pass	Pass
		SB				0.47	0.77	Pass	Pass
4	E Lk Sammamish Pkwy, Inglewood Hill Rd – Louis Thompson Rd	NB	649	529	925	0.70	0.57	Pass	Pass
		SB	363	759		0.89	0.82	Pass	Pass
5	E Lk Sammamish Pkwy, Louis Thompson Rd NE – SE 8th St	NB	885	454	705	0.53	0.64	Pass	Pass
		SB	935	546		0.48	0.77	Pass	Pass
6	E Lk Sammamish Pkwy, SE 8th St – SE 24th Way	NB	845	523	705	0.49	0.74	Pass	Pass
		SB	378	494		0.54	0.70	Pass	Pass

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East Lake Sammamish Parkway South Corridor				NB			0.53	1.02	Pass	Pass
				SB			0.87	0.80	Pass	Pass
7	E Lk Sammamish Pkwy, SE 24th Way - 212th Ave SE	NB	591	545	705		0.47	0.77	Pass	Pass
		SB	450	545			0.64	0.77	Pass	Pass
8	E Lk Sammamish Pkwy, 212th Ave SE - South City Limit	NB	429	881	749		0.57	1.18	Pass	Pass
		SB	750	620			1.00	0.83	Pass	Pass
Sahalee Way-228th Avenue North Corridor				NB			1.12	0.67	Fail	Pass
				SB			0.56	1.08	Pass	Pass
9	Sahalee Way/228th Ave NE, City Limit - NE 37th Way	NB	1,256	573	951		1.32	0.60	Pass	Pass
		SB	471	1,102			0.50	1.16	Pass	Pass
10	Sahalee Way/228th Ave NE, NE 37th Way - NE 36th St	NB	1,043	547	906		1.15	0.60	Pass	Pass
		SB	474	989			0.52	1.09	Pass	Pass
11	Sahalee Way/228th Ave NE, NE 36th St - 223rd Ave NE	NB	1,023	531	906		1.13	0.59	Pass	Pass
		SB	457	947			0.50	1.04	Pass	Pass
12	Sahalee Way/228th Ave NE, 223rd Ave NE - NE 25th Way	NB	950	545	906		1.05	0.60	Pass	Pass
		SB	450	840			0.50	0.93	Pass	Pass
13	228th Ave, NE 25th Way - NE 12th Pl	NB	711	790	906		0.78	0.87	Pass	Pass
		SB	660	796			0.73	0.88	Pass	Pass
228th Avenue Central Corridor				NB			0.58	0.68	Pass	Pass
				SB			0.58	0.66	Pass	Pass
14	228th Ave, NE 12th Pl - NE 8th St/Inglewood Hill Rd	NB	727	894	969		0.75	0.92	Pass	Pass
		SB	807	870			0.83	0.90	Pass	Pass
15	228th Ave, NE 8th St/Inglewood Hill Rd - Main St	NB	808	1,058	1,861		0.43	0.57	Pass	Pass
		SB	1,024	1,052			0.55	0.57	Pass	Pass
16	228th Ave, Main St - SE 8th St	NB	923	1,085	1,861		0.50	0.58	Pass	Pass
		SB	820	1,148			0.44	0.62	Pass	Pass
17	228th Ave, SE 8th St - SE 10th St	NB	854	1,209	1,861		0.46	0.65	Pass	Pass
		SB	954	1,078			0.51	0.58	Pass	Pass
18	228th Ave, SE 10th St - SE 20th St	NB	1,086	1,303	1,861		0.58	0.70	Pass	Pass
		SB	1,087	1,233			0.58	0.66	Pass	Pass
228th Avenue South Corridor				NB			0.55	0.83	Pass	Pass
				SB			0.70	0.66	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	Pass
		SB	1,186	1,341			0.58	0.69	Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE - SE 43rd Way	NB	454	953	969		0.47	0.98	Pass	Pass
		SB	827	565			0.85	0.58	Pass	Pass
244th Avenue North Corridor				NB			0.39	0.40	Pass	Pass
				SB			0.48	0.42	Pass	Pass
21	244th Ave NE, NE 30th Pl - NE 20th St	NB	295	293	705		0.42	0.42	Pass	Pass
		SB	313	320			0.44	0.45	Pass	Pass
22	244th Ave NE, NE 20th St - NE 8th St	NB	320	334	705		0.45	0.47	Pass	Pass
		SB	467	350			0.66	0.50	Pass	Pass
23	244th Ave NE, NE 8th St - E Main St	NB	369	306	925		0.40	0.33	Pass	Pass
		SB	295	375			0.32	0.41	Pass	Pass
24	244th Ave NE/SE, E Main St - SE 8th St	NB	189	342	881		0.21	0.39	Pass	Pass
		SB	371	291			0.42	0.33	Pass	Pass
NE Inglewood Hill Road Corridor				EB			0.31	0.79	Pass	Pass
				WB			0.77	0.39	Pass	Pass
25	NE Inglewood Hill Rd, E Lk Sammamish Pkwy - 216th Ave	EB	180	678	705		0.25	0.96	Pass	Pass
		WB	681	288			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	Pass
		WB	480	364			0.50	0.38	Pass	Pass
NE 8th Street Corridor				EB			0.35	0.52	Pass	Pass
				WB			0.46	0.34	Pass	Pass
27	NE 8th St, 228th Ave NE - 235th Ave NE	EB	385	554	969		0.40	0.57	Pass	Pass
		WB	461	344			0.48	0.36	Pass	Pass
28	NE 8th St, 235th Ave NE - 244th Ave NE	EB	228	393	881		0.26	0.45	Pass	Pass
		WB	584	288			0.44	0.33	Pass	Pass
SE 8th Street Corridor				EB			0.28	0.40	Pass	Pass
				WB			0.63	0.32	Pass	Pass
29	SE 8th St, 228th Ave SE - 244th Ave SE	EB	257	372	925		0.28	0.40	Pass	Pass
		WB	585	292			0.63	0.32	Pass	Pass
Issaquah-Pine Lake Road Corridor				EB/SB			0.97	0.83	Pass	Pass
				WB/NB			0.54	1.06	Pass	Pass
30	Issaquah-Pine Lk Rd, 228th Ave SE - SE 32nd Way	EB	467	802	969		0.48	0.83	Pass	Pass
		WB	589	613			0.61	0.63	Pass	Pass
31	Issaquah-Pine Lk Rd, SE 32nd Way - SE Klahanie Blvd	NB	505	747	881		0.57	0.85	Pass	Pass
		SB	610	754			0.69	0.86	Pass	Pass
32	Issaquah-Pine Lk Rd, SE Klahanie Blvd - SE 46th St	NB	391	990	881		0.44	1.12	Pass	Pass
		SB	979	742			1.11	0.84	Pass	Pass
33	Issaquah-Pine Lk Rd, SE 46th St - SE 48th St	NB	444	1,207	881		0.50	1.37	Pass	Pass
		SB	1,078	717			1.22	0.81	Pass	Pass

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SE 92nd Way/Street - Issaquah-Beaver Lake Road Corridor				EB				0.25	0.56	Pass	Pass
				WB				0.46	0.41	Pass	Pass
94	SE 32 nd Way, Issaquah-Pine Lk Rd - 235 th Place SE		705	EB	178	475		0.25	0.67	Pass	Pass
				WB	390	329		0.55	0.47	Pass	Pass
95	SE 32 nd Way, 235 th Place SE - 244 th Ave SE		705	EB	173	381		0.25	0.54	Pass	Pass
				WB	285	264		0.40	0.37	Pass	Pass
96	SE 32 nd Way, 244 th Ave SE - E Beaver Lake Dr SE		705	EB	216	439		0.31	0.62	Pass	Pass
				WB	364	333		0.52	0.47	Pass	Pass
97	Issaquah-Beaver Lk Rd, E Beaver Lk Dr - SE Duthie Hill Rd		881	EB	171	282		0.19	0.32	Pass	Pass
				WB	257	285		0.29	0.32	Pass	Pass
Issaquah-Fall City Road Corridor				NB/EB				0.26	0.31	Pass	Pass
				SB/WB				0.94	0.54	Pass	Pass
98	SE Issaquah-Fall City Rd, Issaquah-Pine Lk Rd - 245 th Pl SE ^a		1,772	EB	592	1,271		0.30	0.72	Pass	Pass
				WB	1,186	744		0.67	0.42	Pass	Pass
99	SE Issaquah-Fall City Rd, 245th Ave SE - Kiahnia Dr SE		881	EB	149	1,160		0.17	1.32	Pass	Pass
				WB	1,263	669		1.43	0.76	Fail	Pass
40	SE Issaquah-Fall City Rd, Kiahnia Dr SE - SE Duthie Hill Rd		881	EB	237	745		0.27	0.85	Pass	Pass
				WB	653	488		0.74	0.55	Pass	Pass
41	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - SE Issaquah-Fall City Rd ^b		881	NB	203	521		0.23	0.59	Pass	Pass
				SB	599	264		0.68	0.30	Pass	Pass
Duthie Hill Road Corridor				NB/EB				0.32	0.33	Pass	Pass
				SB/WB				0.90	0.63	Pass	Pass
42	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - 266th Ave SE		725	NB	254	769		0.35	1.06	Pass	Pass
				SB	745	520		1.03	0.72	Pass	Pass
43	SE Duthie Hill Rd, 266th Ave SE - Trossachs Blvd SE ^a		906	EB	262	713		0.29	0.79	Pass	Pass

Notes

Corridor V/C ratios are volume weighted.

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

^b A portion of this segment is 30 MPH.

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

^a A portion of this segment is 35 MPH.

^a 2016 count was not available, 2017 count used.

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

^c Segment is partially outside of Sammamish City Limits.

2024 HCM Modified Methodology

	Segment ^a		AM Volume	PM Volume	Capacities 2024 HCM Mod	AM V/C	PM V/C	AM	PM	
						2024 HCM Mod	2024 HCM Mod	Corridor <1.1 Segment <1.4	Corridor <1.1 Segment <1.4	
1	East Lake Sammamish Parkway North Corridor	NB				1.52	0.82	Fail	Pass	
		SB				0.50	1.01	Pass	Fail	
		NB	1,144	611	705	1.62	0.87	Fail	Pass	
		SB	442	1,285		0.63	1.02	Pass	Fail	
2	E Lk Sammamish Pkwy, City Limits - 196th Ave NE (Weber Pl) ^d	NB	1,198	642	705	1.70	0.91	Fail	Pass	
		SB	385	1,215		0.55	1.72	Pass	Fail	
3	E Lk Sammamish Pkwy, 196th Ave NE - NE 26th Pl	NB	1,198	642	705	1.70	0.91	Fail	Pass	
		SB	385	1,215		0.55	1.72	Pass	Fail	
3	E Lk Sammamish Pkwy, NE 26th Pl - NE Ingewood Hill Rd	NB	1,201	653	969	1.24	0.67	Pass	Pass	
		SB	433	1,258		0.45	1.30	Pass	Pass	
		East Lake Sammamish Parkway Central Corridor					0.63	0.67	Pass	Pass
							0.50	0.78	Pass	Pass
4	E Lk Sammamish Pkwy, Ingewood Hill Rd - Louis Thompson Rd	NB	678	541	949	0.72	0.57	Pass	Pass	
		SB	383	762		0.41	0.81	Pass	Pass	
5	E Lk Sammamish Pkwy, Louis Thompson Rd NE - SE 8th St	NB	415	475	705	0.59	0.67	Pass	Pass	
		SB	361	557		0.51	0.79	Pass	Pass	
6	E Lk Sammamish Pkwy, SE 8th St - SE 24th Way	NB	374	541	705	0.53	0.77	Pass	Pass	
		SB	404	501		0.57	0.71	Pass	Pass	
7	East Lake Sammamish Parkway South Corridor	NB				0.52	0.99	Pass	Pass	
		SB				0.85	0.72	Pass	Pass	
		NB	362	567	881	0.41	0.64	Pass	Pass	
		SB	487	546		0.55	0.62	Pass	Pass	
8	E Lk Sammamish Pkwy, SE 24th Way - 212th Ave SE	NB	451	904	749	0.60	1.21	Pass	Pass	
		SB	781	610		1.04	0.81	Pass	Pass	
9	Sahalee Way-228th Avenue North Corridor	NB				1.16	0.66	Fail	Pass	
		SB				0.55	1.05	Pass	Pass	
		NB	1,382	582	1,015	1.36	0.57	Pass	Pass	
		SB	485	1,178		0.48	1.16	Pass	Pass	
10	Sahalee Way/228th Ave NE, City Limit - NE 37th Way	NB	1,164	571	969	1.20	0.59	Pass	Pass	
		SB	495	1,071		0.51	1.11	Pass	Pass	
11	Sahalee Way/228th Ave NE, NE 37th Way - NE 96th St ^d	NB	1,139	561	969	1.18	0.58	Pass	Pass	
		SB	474	1,033		0.49	1.07	Pass	Pass	
12	Sahalee Way/228th Ave NE, NE 96th St - 223rd Ave NE ^d	NB	1,047	585	969	1.08	0.60	Pass	Pass	
		SB	470	911		0.49	0.94	Pass	Pass	
13	Sahalee Way/228th Ave NE, 223rd Ave NE - NE 25th Way	NB	810	836	969	0.84	0.86	Pass	Pass	
		SB	683	872		0.71	0.90	Pass	Pass	
13	228th Ave, NE 25th Way - NE 12th Pl ^d	NB	810	836	969	0.84	0.86	Pass	Pass	
		SB	683	872		0.71	0.90	Pass	Pass	

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228th Avenue Central Corridor				NB			0.58	0.71	Pass	Pass
				SB			0.59	0.70	Pass	Pass
14	228th Ave, NE 12th Pl - NE 8th St/Inglewood Hill Rd	NB	825	937	987		0.84	0.95	Pass	Pass
		SB	858	924			0.87	0.94	Pass	Pass
15	228th Ave, NE 8th St/Inglewood Hill Rd - Main St	NB	884	1,099	1,896		0.47	0.58	Pass	Pass
		SB	973	1,124			0.51	0.59	Pass	Pass
16	228th Ave, Main St - SE 8th St	NB	984	1,159	1,896		0.52	0.61	Pass	Pass
		SB	788	1,237			0.42	0.65	Pass	Pass
17	228th Ave, SE 8th St - SE 10th St	NB	948	1,344	1,896		0.50	0.71	Pass	Pass
		SB	1,082	1,249			0.54	0.66	Pass	Pass
18	228th Ave, SE 10th St - SE 20th St	NB	1,127	1,408	1,896		0.59	0.74	Pass	Pass
		SB	1,130	1,350			0.60	0.71	Pass	Pass
228th Avenue South Corridor				NB			0.59	0.67	Pass	Pass
				SB			0.78	0.70	Pass	Pass
19	228th Ave, SE 20th St - Issaquah Pine Lake Rd SE ⁴	NB	1,190	1,504	1,949		0.61	0.77	Pass	Pass
		SB	1,203	1,424			0.62	0.73	Pass	Pass
20	228th Ave, Issaquah Pine Lake Rd SE - SE 43rd Way	NB	526	997	969		0.54	1.03	Pass	Pass
		SB	861	608			0.89	0.68	Pass	Pass
244th Avenue North Corridor				NB			0.65	0.93	Pass	Pass
				SB			0.43	0.40	Pass	Pass
21	244th Ave NE, NE 30th Pl - NE 20th St	NB	903	932	881		0.54	0.58	Pass	Pass
		SB	318	851			0.36	0.40	Pass	Pass
22	244th Ave NE, NE 20th St - NE 8th St	NB	390	974	881		0.37	0.42	Pass	Pass
		SB	474	382			0.54	0.43	Pass	Pass
23	244th Ave NE, NE 8th St - E Main St	NB	870	820	925		0.40	0.35	Pass	Pass
		SB	298	375			0.32	0.41	Pass	Pass
24	244th Ave NE/SE, E Main St - SE 8th St	NB	395	368	881		0.22	0.42	Pass	Pass
		SB	391	299			0.44	0.34	Pass	Pass
NE Inglewood Hill Road Corridor				EB			0.28	0.83	Pass	Pass
				WB			0.74	0.99	Pass	Pass
25	NE Inglewood Hill Rd, E Lk Sammamish Pkwy - 216th Ave	EB	256	734	705		0.33	1.04	Pass	Pass
		WB	654	920			0.93	0.45	Pass	Pass
26	NE Inglewood Hill Rd, 216th Ave NE - 228th Ave NE	EB	227	554	1,019		0.22	0.55	Pass	Pass
		WB	479	335			0.47	0.33	Pass	Pass
NE 8th Street Corridor				EB			0.32	0.52	Pass	Pass
				WB			0.44	0.36	Pass	Pass
27	NE 8th St, 228th Ave NE - 235th Ave NE	EB	975	585	1,013		0.57	0.58	Pass	Pass
		WB	470	978			0.46	0.37	Pass	Pass
28	NE 8th St, 235th Ave NE - 244th Ave NE	EB	230	415	925		0.25	0.45	Pass	Pass
		WB	385	316			0.42	0.34	Pass	Pass
SE 8th Street Corridor				EB			0.28	0.43	Pass	Pass
				WB			0.65	0.39	Pass	Pass
29	SE 8th St, 228th Ave SE - 244th Ave SE	EB	256	396	925		0.28	0.43	Pass	Pass
		WB	600	304			0.65	0.33	Pass	Pass
Issaquah-Pine Lake Road Corridor				EB/SB			0.94	0.80	Pass	Pass
				WB/NB			0.50	1.02	Pass	Pass
30	Issaquah-Pine Lk Rd, 228th Ave SE - SE 32nd Way ⁷	EB	422	845	987		0.43	0.85	Pass	Pass
		WB	509	629			0.52	0.64	Pass	Pass
31	Issaquah-Pine Lk Rd, SE 32nd Way - SE Klahanie Blvd	NB	540	778	987		0.55	0.79	Pass	Pass
		SB	682	782			0.69	0.79	Pass	Pass
32	Issaquah-Pine Lk Rd, SE Klahanie Blvd - SE 46th St	NB	408	1,020	943		0.43	1.08	Pass	Pass
		SB	1,015	751			1.08	0.80	Pass	Pass
33	Issaquah-Pine Lk Rd, SE 46th St - SE 48th St	NB	456	1,236	943		0.48	1.31	Pass	Pass
		SB	1,107	723			1.17	0.77	Pass	Pass
SE 32nd Way/Street - Issaquah-Beaver Lake Road Corridor				EB			0.34	0.62	Pass	Pass
				WB			0.51	0.44	Pass	Pass
34	SE 32nd Way, Issaquah-Pine Lk Rd - 235th Place SE	EB	255	524	749		0.34	0.70	Pass	Pass
		WB	458	363			0.61	0.49	Pass	Pass
35	SE 32nd Way, 235th Place SE - 244th Ave SE	EB	228	449	705		0.32	0.64	Pass	Pass
		WB	326	281			0.46	0.40	Pass	Pass
36	SE 32nd Way, 244th Ave SE - E Beaver Lake Dr SE	EB	286	479	705		0.41	0.68	Pass	Pass
		WB	401	365			0.57	0.52	Pass	Pass
37	Issaquah-Beaver Lk Rd, E Beaver Lk Dr - SE Duthie Hill Rd	EB	242	298	881		0.27	0.84	Pass	Pass
		WB	274	295			0.31	0.34	Pass	Pass
Issaquah-Fall City Road Corridor				NB/EB			0.25	0.83	Pass	Pass
				SB/WB			0.79	0.44	Pass	Pass
38	SE Issaquah-Fall City Rd, Issaquah-Pine Lk Rd - 245th Pl SE ³	EB	532	1,494	1,772		0.30	0.84	Pass	Pass
		WB	1,353	787			0.76	0.44	Pass	Pass
39	SE Issaquah-Fall City Rd, 245th Ave SE - Klahanie Dr SE	EB	147	1,385	1,861		0.08	0.74	Pass	Pass
		WB	1,430	721			0.77	0.39	Pass	Pass
40	SE Issaquah-Fall City Rd, Klahanie Dr SE - SE Duthie Hill Rd	EB	237	951	925		0.26	1.03	Pass	Pass
		WB	795	528			0.86	0.57	Pass	Pass
41	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd - SE Issaquah-Fall City Rd ⁴	NB	211	585	881		0.24	0.66	Pass	Pass
		SB	693	287			0.79	0.33	Pass	Pass

ATTACHMENT A

Duthie Hill Road Corridor				NB/EB		0.94		1.02	Pass	Pass
				SB/WB		0.96		0.66	Pass	Pass
42	SE Duthie Hill Rd, SE Issaquah-Beaver Lk Rd – 266th Ave SE			NB	271	839	725	0.37	1.16	Pass
				SB	794	544		1.09	0.75	Pass
43	SE Duthie Hill Rd, 266th Ave SE – Trossachs Blvd SE ³			EB	278	787	906	0.91	0.87	Pass
				WB	733	520		0.81	0.57	Pass

Notes

Corridor V/C ratios are volume weighted.

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

² A portion of this segment is 30 MPH.

³ PM Peak Hour in Sammamish is 4:45-5:45 PM. 15 minute segment count not available, 5-6PM used.

⁴ A portion of this segment is 35 MPH.

⁵ 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.

⁶ This segment transitions from a wider cross-section to two lanes, the narrower section was used.

⁷ 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), ~~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, corridors and segments 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.